



**Board of Commissioners  
Agenda Packet**

**April 16, 2018**

**Work Session**

4:30 PM Unified Government Information Session-John Morrison

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance-Pastor Glenn McCranie, US Navy Chaplain, Retired
- 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) **NCDOT Annual Report**
- B) **Currituck County Cooperative Extension Report to the People-Cameron Lowe**
- C) **Farmland Preservation Plan Update-Ed Emory and Stan Dixon**
- D) **Currituck ABC Board Update and Student Education and Awareness Initiative**

**Public Hearings**

- A) **Public Hearing and Action: PB 18-07 Corolla Wild Horse Fund:** Request for a use permit for an outdoor tour operation on .04 acre located at 520B Old Stoney Road, Ocean Club Centre, Currituck Club, Tax Map 127F, Parcel 1, Poplar Branch Beach Township.
- B) **Public Hearing and Action: PB 18-06 Bayview Sand Mine:** Request for a use permit to operate a 5.04 acre mine located off South Bayview Road, Tax Map 122, Parcel 39, Poplar Branch Township.

**New Business****A) Board Appointments**

- 1. Carova Beach Road Service District Committee
- 2. Ocean Sands Water and Sewer Advisory Board-Marty Regan
- 3. Recreation Advisory Board
- 4. Land Transfer Tax Appeals Board
- 5. Moyock Watershed Service District Advisory Board

**B) Consent Agenda**

- 1. Approval Of Minutes for April 2, 2018
- 2. Budget Amendments

3. Resolution for the Merger of Hertford County Health Department with Albemarle Regional Health Services which includes the Counties of Pasquotank, Perquimans, Camden, Chowan, Currituck, Bertie, and Gates
4. Carova Beach Volunteer Fire & Rescue-Purchase Requests

**C) Commissioner's Report**

**D) County Manager's Report**

**Adjourn**

**Special Meeting-Tourism Development Authority**

TDA Budget Amendments

**Adjourn Special Meeting**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2140)**

**Agenda Item Title**

4:30 PM Unified Government Information Session-John Morrison

**Brief Description of Agenda Item:**

**Board Action Requested**

Information

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2050)

**Agenda Item Title**

NCDOT Annual Report

**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 Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2135)**

**Agenda Item Title**

Currituck County Cooperative Extension Report to the People-Cameron Lowe

**Brief Description of Agenda Item:**

**Board Action Requested**

Information

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2136)

**Agenda Item Title**

Farmland Preservation Plan Update-Ed Emory and Stan Dixon

**Brief Description of Agenda Item:**

**Board Action Requested**

Information

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2149)**

**Agenda Item Title**

Currituck ABC Board Update and Student Education and Awareness Initiative

**Brief Description of Agenda Item:**

**Board Action Requested**

Information

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2139)

**Agenda Item Title**

Public Hearing and Action: PB 18-07 Corolla Wild Horse Fund:

**Brief Description of Agenda Item:**

Request for a use permit for an outdoor tour operation on .04 acre located at 520B Old Stoney Road, Ocean Club Centre, Currituck Club, Tax Map 127F, Parcel 1, Poplar Branch Beach Township.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Cheri Elliott, Assistant

**Presenter of Agenda Item**

Laurie LoCicero



**STAFF REPORT**  
**PB 18-07 COROLLA WILD HORSE FUND**  
**BOARD OF COMMISSIONERS**  
**APRIL 16, 2018**

### APPLICATION SUMMARY

<b>Property Owner:</b> 520 Old Stoney LLC 138 Oyster Bean Ln Kitty Hawk, NC 27949	<b>Applicant:</b> Corolla Wild Horse Fund PO Box 361 Corolla, NC 27927
<b>Case Number:</b> PB18-07	<b>Application Type:</b> Use Permit
<b>Parcel Identification Number:</b> 127F-000-0001-0000	<b>Existing Use:</b> Shopping Center
<b>Land Use Plan Classification:</b> Full Service in Corolla Subarea	<b>Parcel Size (Acres):</b> Total Shopping Center Area: 8.082 Lot Area: 1.37 Condo Unit B: .04
<b>Request:</b> Use Permit for Outdoor Tour Operator (Horse Tours)	<b>Zoning:</b> SFO with PUD Overlay and GB Allocation

### SURROUNDING PARCELS

	Land Use	Zoning
North	Vacant and Single Family Homes	SFO with PUD Overlay
South	Vacant	SFO with PUD Overlay and GB Allocation
East	Open Space and Single Family Homes	SFO
West	Wastewater Treatment Facility and Single Family Homes	SFO with PUD Overlay

### STAFF ANALYSIS

The Corolla Wild Horse Fund (CWHF) has requested a use permit for outdoor tour operations (horse tours) from their new office and museum location at the Ocean Club Centre. The Ocean Club Centre is an existing approved shopping center located at the southern end of The Currituck Club PUD.

CWHF previously operated outdoor tours from property located in the Historic Corolla Village. They have vacated that location and this application is for a use permit to resume outdoor tour operations from their new location at 520B Old Stoney Road in the existing Ocean Club Centre Shoppes. This use permit application is for the operation of two outdoor tour vehicles with a maximum tour capacity of 20 patrons. This request is the same as the CWHF's previous outdoor tour operator use permit and license operation. Adequate parking is available on-site.

Outdoor tour operators are required to obtain a use permit per the Unified Development Ordinance. Additionally, outdoor tour operators are regulated by the Currituck County Code of Ordinances, Chapter 8, Article IV which requires a license to engage in business as an outdoor tour operator or to operate an outdoor tour vehicle in the off-road area. If the use permit is approved, the county manager or manager's designee may receive, investigate and act on the license application.

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

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

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. An outdoor tour operator license is required per Chapter 8, Article IV of the Currituck County Code of Ordinances.
  - b. Outdoor tour operations shall comply with all standards of Chapter 8, Article IV of the Currituck County Code of Ordinances.
  - c. A maximum of two vehicles may be operated for outdoor tours at any given time.
  - d. Total tour capacity shall not exceed 20 patrons at any given time.
  - e. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name in accordance with the license requirements of Chapter 8, Article IV of the Currituck County Code of Ordinances.

## 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 parcel is located in a well-established commercial area that includes retail shops, restaurants and offices, and has adequate on-site parking.
2. All vehicles to be used will conform to all applicable regulations.
3. The previous Special Use Permit held by the Corolla Wild Horse Fund had an excellent safety record.

**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 value of adjoining or abutting lands or businesses.
2. The proposed use is in harmony with the Ocean Club Centre occupants in a General Business zoning district.
3. All vehicles to be used under this use permit are kept clean and clearly identified.

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

Preliminary Staff Findings:

1. The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The proposed use is in keeping with the policies of the plan, some of which are:
  - a. Policy ED1: New and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
  - b. Policy OB2: So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.
  - c. Policy HP3: Development of the Tourism and Educational Potential of the area's architectural, historic and cultural resources shall be encouraged.

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

Preliminary Staff Findings:

1. The proposed use will have no impact on schools.
2. Currituck County has adequate public facilities to serve this use in the existing Ocean Club Centre.

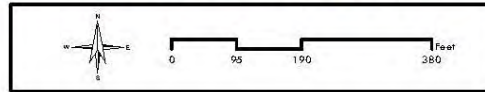
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE

Board of Commissioners: <http://co.currituck.nc.us/board-of-commissioners/>

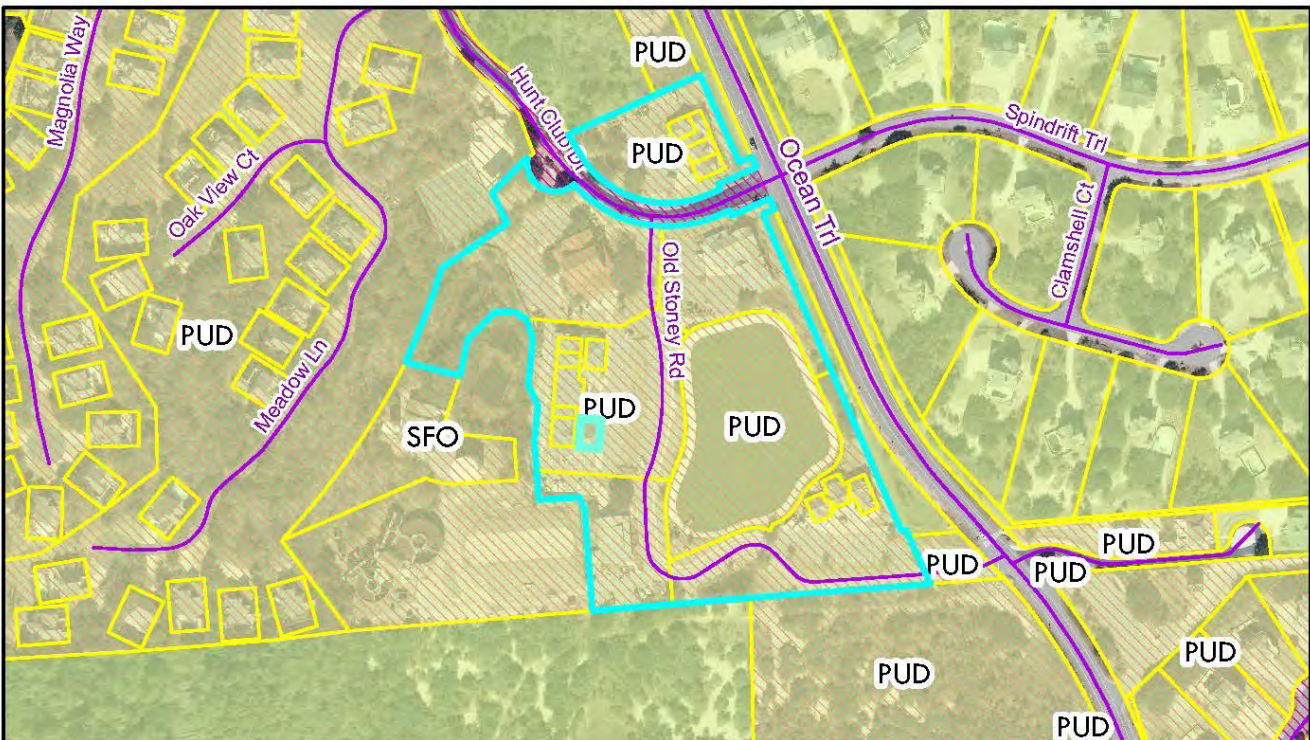




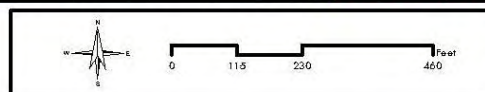
PB 18-07  
Corolla Wild Horse Fund  
Aerial



Currituck County  
Planning and Community  
Development



PB 18-07  
Corolla Wild Horse Fund  
Official Zoning Map



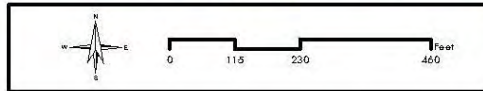
Currituck County  
Planning and Community  
Development

PB 18-07 Corolla Wild Horse Fund  
Outdoor Tour Operator - Use Permit  
Page 4 of 5





PB 18-07  
Corolla Wild Horse Fund  
LUP Classification



Currituck County  
Planning and Community  
Development



## Use Permit Application

### OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: Corolla Wild Horse Fund  
 Address: P O Box 361  
520B Old Stoney Road  
 Telephone: 252-453-8002  
 E-Mail Address: jo@corollawildhorses.com

#### PROPERTY OWNER:

Name: 520 Old Stoney LLC  
 Address: 138 Oyster Bean Ln  
Kitty Hawk, NC 27949  
 Telephone: 252-455-0205  
 E-Mail Address: james@justforthebeach.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Tenant

### Property Information

Physical Street Address: 520B Old Stoney Road  
 Location: Ocean Club Centre, Currituck Club  
 Parcel Identification Number(s): 127F00000010000  
 Total Parcel(s) Acreage: 1.37 total parcel, .04 acres - unit B  
 Existing Land Use of Property: Shopping Center

### Request

Project Name: Corolla Wild Horse Fund  
 Proposed Use of the Property: Outdoor Tour Operator  
 Deed Book/Page Number and/or Plat Cabinet/Slide Number: 1429/810 CONDO 1/Slide 193  
 Total square footage of land disturbance activity: n/a  
 Total lot coverage: existing Total vehicular use area: existing  
 Existing gross floor area: 1695 sq ft Proposed gross floor area: n/a

### Community Meeting

Date Meeting Held: February 16, 2018 at 10:00am Meeting Location: Corolla Office-Currituck County



Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): \_\_\_\_\_  
 The Corolla Wild Horse Fund seeks a Special Use Permit for Outdoor Tour Operator. The applicant previously operated from 1129 Corolla Village Road under Special Use Permit PB12-23 and wishes to have same operating from their new location at 520B Old Stoney Road.

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 use will not endanger the public health or safety and the previous SUP had an excellent safety record.

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

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


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

The use will be in conformity with all adopted plans.

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

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\*

2.21.2018  
 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.

Use Permit Application  
 Page 6 of 8

Attachment: 2 Use Permit Application (PB 18-07 Corolla Wild Horse Fund)



Ocean Club Centre Parking  
Total Parking Available: 201  
spaces  
Total Parking Required for  
Shopping Center and  
Proposed Outdoor Tour  
Operator Use:  
195 spaces

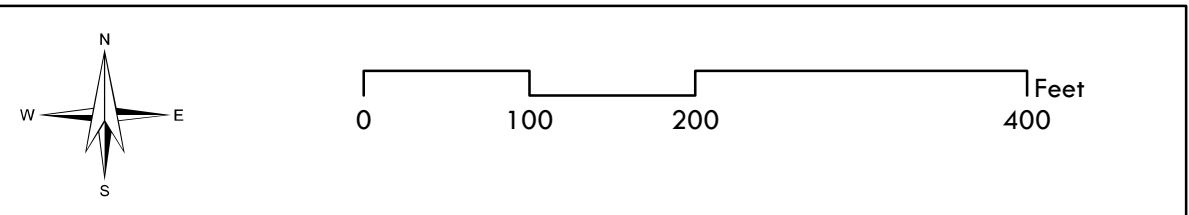
Attachment: 3 Ocean Club Center Site Plan with Parking (PB 18-07 Corolla Wild Horse F

Existing Shopping Center  
No proposed improvements

520B Old  
Stoney Road

Corolla Wild Horse  
Fund - Use Permit  
Application

Ocean Club Centre  
520 Old Stoney LLC  
138 Oyster Bean Ln  
Kitty Hawk, NC 27949  
252-455-0205  
520B Old Stoney Road







## Currituck County

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

### MEMORANDUM

**To:** Jo Langone, Corolla Wild Horse Fund

**From:** Jennie Turner, Planner II

**Date:** March 15, 2018

**Re:** Corolla Wild Horse Fund – Outdoor Tour Operator – Use Permit  
 520B Old Stoney Road – Ocean Club Center

The following comments have been received for the March 21, 2018 meeting. TRC comments are valid for six months from the date of the TRC meeting.

#### **Planning, Jennie Turner 252-232-6031**

1. Please expound on your responses to the required findings of fact on the use permit application:
  - a. The use will not endanger the public health or safety.
  - b. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
  - c. The use will be in conformity with the Land Use Plan or other officially adopted plans.
2. Please confirm that the use permit request is for a maximum of two tour vehicles and a maximum tour capacity of 20 patrons.
3. Provide the number of outdoor tour operator employees on the largest shift.
4. Provide a copy of the Ocean Club Center Site Plan.
5. Per the UDO, the base operation and extended business operations of outdoor tour operators shall comply with all applicable standards in the county Code of Ordinances and the following standards:
  - a. When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics
  - b. Tour vehicles shall be labeled with decals or paint markings that clearly display the company name.

#### **Currituck County Engineer, Eric Weatherly 252-232-6035**

No Comment

#### **Currituck Soil and Water, Will Creef 252-232-3360**

Reviewed

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

Attachment: 4 CWHF (TRC) 3.21.2018 - Use Permit (PB 18-07 Corolla Wild Horse Fund)

No Comments received

**Currituck County GIS, Harry Lee, 252-232-2034**

No Comment

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

No Comment

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

No Comment

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

No Comment

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

No Comment

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

No Comments

**Office of State Archaeology, Nathan Henry 910-251-7327**

No Comments

**Southern Outer Banks Water, Benjie Carawan 252-453-2620**

No Comment



# COROLLA WILD HORSE FUND

520B Old Stoney Road \* P.O. Box 361\* Corolla, NC 27927  
Phone (252) 453-8002  
[www.corollawildhorses.org](http://www.corollawildhorses.org) \* [info@corollawildhorses.com](mailto:info@corollawildhorses.com)

Corolla Wild Horse Fund – Outdoor Tour Operator – Use Permit  
520B Old Stoney Road – Ocean Club Centre

March 21, 2018

1.

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

*The parcel is located in a well-establish commercial area that includes retail shops, restaurants and offices, and has adequate on-site parking. All vehicles to be used under this special use permit, whether as primary or reserve, conform to all applicable regulations as required.*

*The previous SUP held by the Corolla Wild Horse Fund had an excellent safety record.*

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 land use will not injure the value of adjoining or abutting lands or businesses. The proposed use is in harmony with the Ocean Club Centre occupants in a General Business zoning district. All vehicles to be used under this SUP are kept clean and clearly identified.*

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

*The 2006 Land Use Plan classifies this site as Full Service in the Corolla Subarea and the proposed use is in keeping with the policies of the plan.*

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 use will not exceed the county's ability to provide adequate public facilities, as the Use Permit is a relocation within the same County service areas and facilities, not a request for increase of the Use Permit.*

2. This use permit request is for a maximum of two tour vehicles with a maximum tour capacity of 20 patrons.

3. During any shift while conducting outdoor operator tours, there will not be more than (2) driver guides and (1) reservationist.

4. Copy of the Ocean Club Centre Site Plan.

5. Per the UDO, Corolla Wild Horse Fund shall comply with all applicable standards in the County Code of Ordinances and the following standards:

- a. All tour vehicles will be parked in spaces that are the closest to our base of operation and will not impede any traffic flow nor damage roadside aesthetics. Please note that the Ocean Club Centre does not assign parking spaces to any of its occupants and that there are no spaces toward the rear of the principle structure. All parking is within the confines of the shopping center.
- b. All tour vehicles are clearly identified with the Corolla Wild Horse Fund name and logo.

*The Corolla Wild Horse Fund is a non-profit 501©3 organization.  
All donations are tax deductible as allowed by IRS regulations.*

Attachment: 5 TRC Response (PB 18-07 Corolla Wild Horse Fund)





**COROLLA WILD HORSE FUND**  
INCORPORATED

520B Old Stoney Road \* P.O. Box 361\* Corolla, NC 27927  
Phone (252) 453-8002

[www.corollawildhorses.org](http://www.corollawildhorses.org) \* [info@corollawildhorses.com](mailto:info@corollawildhorses.com)

February 16, 2018

**Written Summary of Community Meeting on February 16, 2018 at 10:00 am  
Corolla Office Conference Room of Currituck County**

**For application of a Special Use Permit to act as an outdoor tour operator offering educational experiences to members of the Corolla Wild Horse Fund from 520 Old Stoney Road, Corolla**

**Attendees:**

Nick Aisthorpe, Development Technician, Planning & Community Dev, Currituck County  
Dorothy Fuller, TLG-Greenwater Investments LLC  
Sara Kristof, Rental Mgmt, Village Realty  
Sandra Larue, Corolla Beach Realty  
Richard Larue, Corolla Beach Realty  
Dan Larue, Corolla Beach Realty  
Jo Langone, Corolla Wild Horse Fund  
Meg Puckett, Corolla Wild Horse Fund

The meeting started approximately 10:05 am with introductions made around the table. Discussions ensued regarding the following: HOA covenants of Ocean Club Centre, what activities by the Fund would be operated from the location and parking availability. There was detail discussion of the type of service the Fund offers when taking members to see the wild horses. There was also a review of the occupants of the other spaces and the new mix of more hospitality-driven business in the complex. Conversation included what the permit review process is and the purpose of the community meeting. Jo Langone and Meg Puckett presented an overview of the constructive talks that have taken place between the Fund and the proprietors of Cosmo's, Metropolis and Village Realty to explore scheduling shared events. Mr. Larue asked what was required of the adjacent owners for the Fund to move forward with this process and submitted his verbal assent as did the others in attendance.

*The Corolla Wild Horse Fund is a non-profit 501©3 organization.  
All donations are tax deductible as allowed by IRS regulations.*



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2138)

**Agenda Item Title**

Public Hearing and Action: PB 18-06 Bayview Sand Mine:

**Brief Description of Agenda Item:**

Request for a use permit to operate a 5.04 acre mine located off South Bayview Road, Tax Map 122, Parcel 39, Poplar Branch Township.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Cheri Elliott, Assistant

**Presenter of Agenda Item**

Laurie LoCicero



**STAFF REPORT**  
**PB 18-06 BAYVIEW SAND MINE**  
**BOARD OF COMMISSIONERS**  
**APRIL 16, 2018**

### APPLICATION SUMMARY

<b>Property Owner:</b> Atlantic OBX, Inc. PO Box 2560 Kitty Hawk, NC 27949	<b>Applicant:</b> HOM Development, LLC PO Box 2405 1002 Driftwood Dr. Manteo, NC 27954
<b>Case Number:</b> PB 18-06	<b>Application Type:</b> Use Permit
<b>Parcel Identification Number:</b> 012200000390000	<b>Existing Use:</b> Farmland and Land Application of Septage
<b>Land Use Plan Classification:</b> Limited Service (Point Harbor Subarea)	<b>Parcel Size (Acres):</b> 27.2 acres
<b>Request:</b> Use Permit – Extractive Use (topsoil/sand mine)	<b>Zoning:</b> Agriculture (AG)

### SURROUNDING PARCELS

	Land Use	Zoning
North	Undeveloped	AG
South	Farmland	AG
East	Undeveloped	AG
West	Farmland/Land Application of Septage	AG

### STAFF ANALYSIS

HOM Development, LLC is requesting a use permit to excavate 5.04 acres of sand and topsoil on the 27.2 acre parcel currently owned by Atlantic OBX, Inc. The entrance to the proposed extractive use is located off South Bayview Road (NCSR 1118) and approximately 440' north of Cellular Lane on the east side of South Bayview Road. The proposed affected area is 16.62 acres and includes the 5.04 acre excavation area, 0.50 acre sediment pond, 3.6 acres of berms and stockpile area, 1.04 acre access road (off-site), 4.79 acres for processing, and 1.65 acres of unexcavated buffers. The residual acreage will remain undisturbed. The proposed mine will have an average depth of 25 feet (below seasonal high groundwater level) and a maximum depth of 35 feet (BSHGL). Dewatering operations are proposed, and the dewatering discharge area is surrounded by Atlantic OBX, Inc. property. The access to the excavation area is an existing gated 25' gravel and dirt road located on an adjacent parcel owned by Atlantic OBX, Inc. and currently used for the land application of septage and farming. Following reclamation of the site the pond will be utilized for environmental habitat and recreational use by the landowner.

The applicant is requesting a 50% reduction in the 100' property line setback (excavation activities, vehicular access, and detention ponds). The adjoining properties are owned by Atlantic OBX, Inc. and are undeveloped or contain active agricultural operations with land application of septage. An abandoned, deteriorated dwelling is located on the adjacent property also owned by Atlantic OBX, Inc. but the structure is not habitable.

The state Mining Permit No 27-54 March 19, 2018 to HOM Development, LLC for the operation of a sand mine.

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

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

1. The application complies with all applicable review standards of the UDO.
2. 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. Prior to land disturbing activities associated with the extractive use, a performance guarantee in the form of a cash deposit shall be established in the amount of \$6000 (\$3000 per in use well) to assure the operator has funds available should the in use wells need replacing.
  - b. The site is accessed by an existing unpaved road that is also used by Atlantic OBX (land application of septage). With the continued and increased use of the unpaved access road, the applicant/owner shall install aggregate surface material of sufficient depth for a distance of 200 feet in length and 20 feet in width from the edge of pavement that will reduce access road deterioration, reduce the dust, and maintain sediment from exiting the site.

## 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 sand mine area will only be accessible through a private, gated access road.
2. The mine will be screened from public view by distance and existing natural foliage.
3. "No Trespassing" signs will be installed every 250 feet around the active area.
4. The site and primary entrance is located 2150' from the closest public road, South Bayview Road (NCSR 1118).
5. South Bayview Road is a two-lane public road and is considered lightly travelled. The 2015 NCDOT traffic count showed an annual daily traffic count of 500 vehicles per day; an average of 21 vehicles per hour.

6. The mine operator estimates there will be an average maximum of 12 vehicles per day leaving the mine site; an increase of 1-2 vehicles per hour over the current traffic volume. Maximum trips per hour are anticipated to average 2-3 during peak operation at the mine.
7. The closest residence to the proposed use area is 1450 feet from the location of the mine activity and the dewatering pump. A comparison of noise levels was taken from a similar sand mine operation utilizing a dewatering pump located at Green Acres Land Development Sand Mine in Jarvisburg. Noise levels were found to be 33-38 dB at 1450 feet from the dewatering pump operation and other mine activity below the maximum 60 dB allowed by the Currituck County Code of Ordinances.
8. The proposed use will have adequate sediment and erosion control measures in place around all active areas of the site, including erosion control berms, groundcover to control erosion, silt fence to prevent sedimentation of waterways, and construction entrances on access roads to prevent sedimentation from leaving the site. All stormwater drainage will be internal to the mine excavation. There will be no impervious surfaces inside the permit area.
9. The mine dewatering discharge of clear water will be routed away from neighboring residences and will exit the landowner's private property directly into the Currituck Sound on the east side of the permit area.
10. The mine dewatering wastewater discharge from the sedimentation pond will be tested quarterly by a state-certified laboratory for turbidity, settleable solids, total suspended solids, and pH. The results from the analyses will be reported quarterly to Currituck County Planning and Community Development.
11. In lieu of a hydrogeological report, the operator will establish a monetary guarantee of \$6000 with the county to replace two groundwater wells located within 1500 feet of the proposed excavation area, if they are damaged or contaminated by mine dewatering.
12. A 2.0 acre tract of land inside the Bayview Mine parcel (outside the proposed use permit area) is utilized by Atlantic OBX, Inc. as a septage land application site field. The land within the tract is a permanent, established grass with at least 95% cover. The state required setback from the SLAS field is 200 feet and the county required setback is 100 feet. The nearby SLAS field will cause no problems with groundwater contamination due to operation of the Bayview Sand Mine.

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 landowner (lessor) owns all parcels adjacent to the mine activity, and is requesting is project. The closest inhabited parcel owned by others is 1150 feet from the mine site. Mining activities in the Bayview Mine parcel will occur behind a natural full growth foliage screen minimum 80 feet wide which will limit the impact of noise and will screen the activity from adjoining properties.
2. The proposed site is substantially large enough to accommodate an excavation of this size.
3. The current property use is agricultural, and sand mining is a traditional use in the county.
4. The proposed use will comply with setbacks and include all required UDO landscape buffers.
5. The proposed use is intended to serve the growing residential and commercial area of lower Currituck County.
6. The three parcels adjacent to the Bayview Mine parcel, as well as a 2.0 acre tract of land inside the Bayview Mine parcel are utilized by Atlantic OBX, Inc. as septage land application site fields and are permitted and regulated by the NC Department of Environmental Quality, Division of Waste Management and are designated by the State of North Carolina as a certified agricultural activity. Mining is a permitted use on a parcel zoned Agriculture with an approved Use Permit.

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

Preliminary Staff Findings:

1. The 2006 Land Use Plan classifies this site as Limited Service within the Point Harbor subarea. The proposed use is in keeping with the specific policy of the plan:
  - a. POLICY ID8: MINING ACTIVITIES, or secondary impacts of mining activities not subject to permit approval by the State of North Carolina, may be subject to review and management by Currituck County. Activities to be addressed may include, but not be limited to, the adequacy of roads serving the mine site, visual impacts during operation and after closing of the mine site, noise and dust considerations, etc.

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

Preliminary Staff Findings:

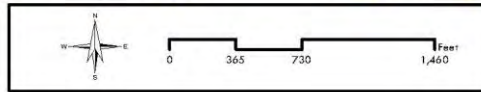
1. The use will not produce any additional burden on schools, fire and rescue, law enforcement or other public facility due to the nature of the proposed permit.
2. The site will not have any constructed structures, no electrical, phone or public water requirements.
3. The applicant states, "The remaining pond will be available as a water source to EMS as needed".

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
Board of Commissioners: <http://co.currituck.nc.us/board-of-commissioners/>

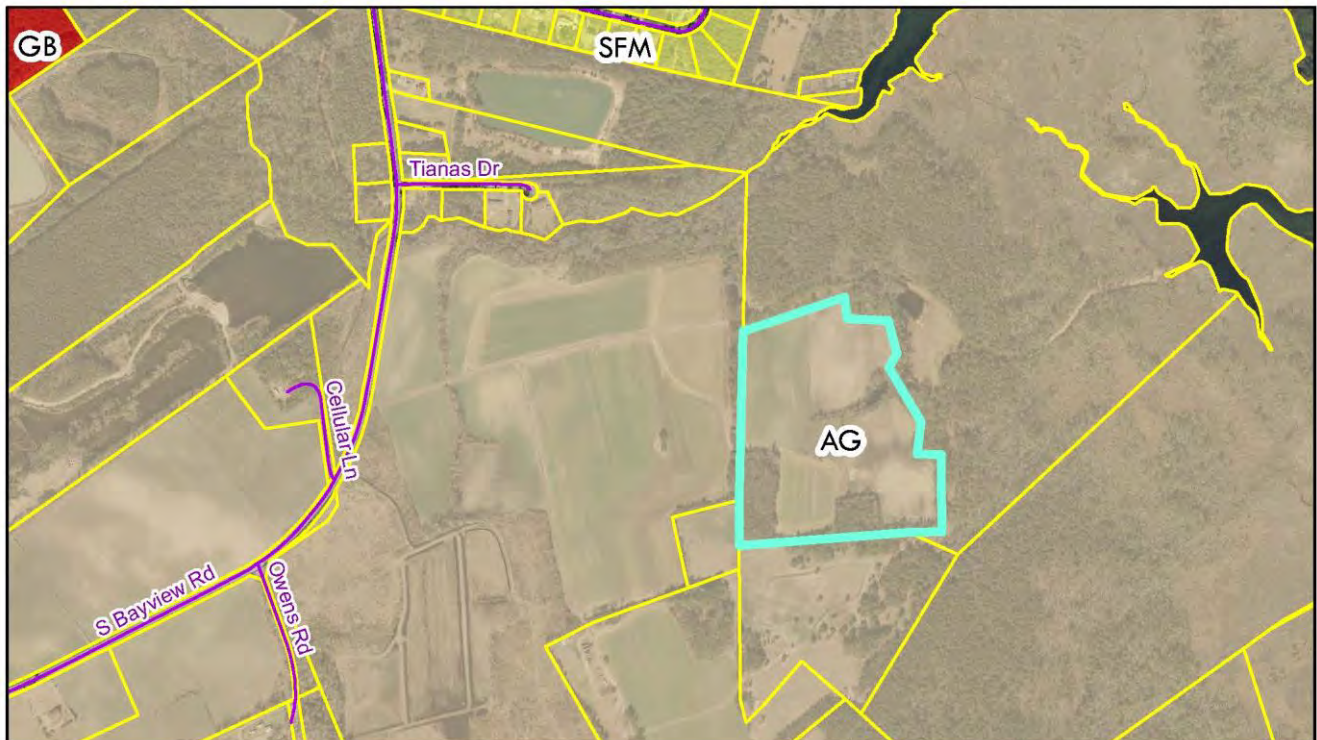




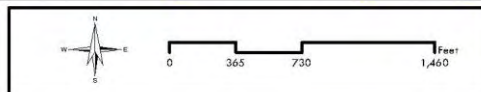
PB 18-06  
Bayview Sand Mine  
Aerial



Currituck County  
Planning and Community  
Development



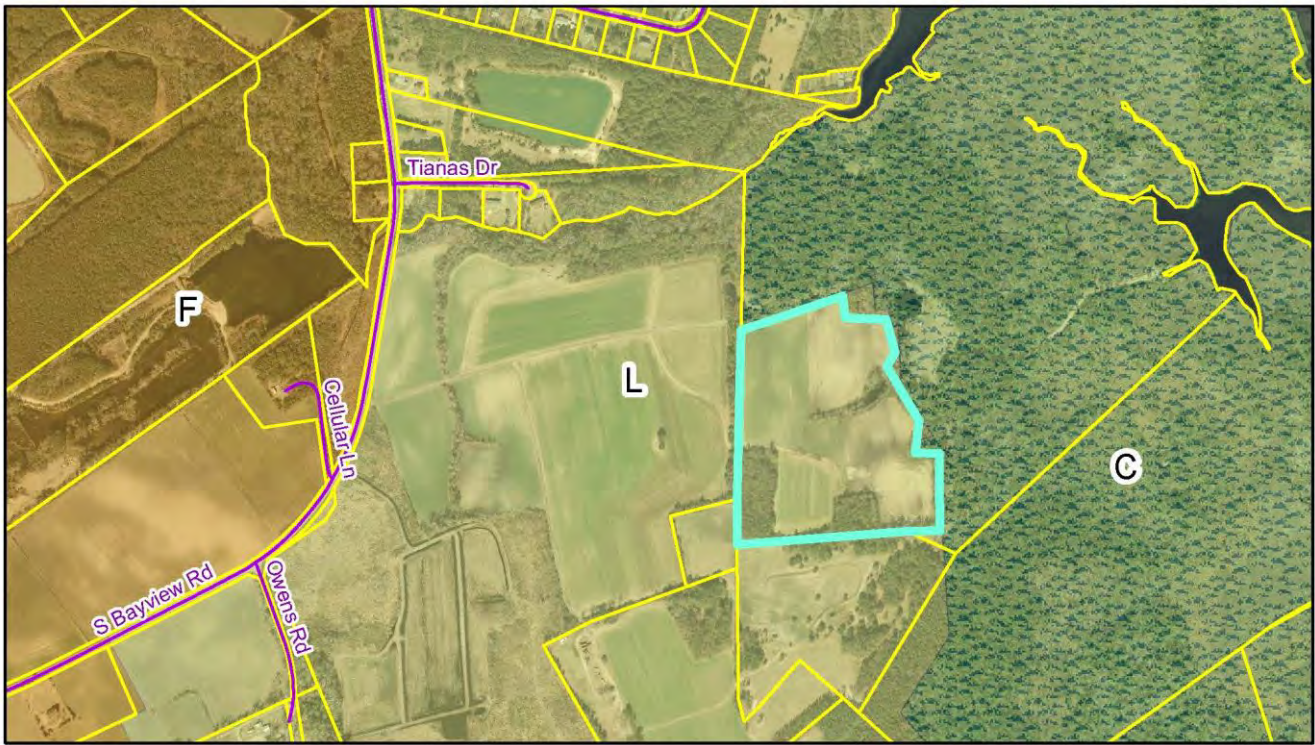
PB 18-06  
Bayview Sand Mine  
Zoning



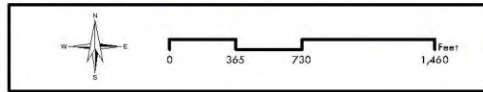
Currituck County  
Planning and Community  
Development

Attachment: 18-06 Bayview Sandmine UP BOC 4.16.2018 (PB 18-06 Bayview Sand Mine)





PB 18-06  
Bayview Sand Mine  
Land Use Classifications



Currituck County  
Planning and Community  
Development





## Currituck County

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

### MEMORANDUM

**To:** HOM Development LLC  
 J. Bryan Smith, Atlantic OBX, Inc.  
 Ken Elliott

**From:** Donna Voliva, Assistant Planning Director

**Date:** March 15, 2018

**Re:** PB 18-08 Bayview Sand Mine TRC Comments

The application for a use permit is determined complete. The following comments were received for the March 21, 2018 Technical Review Committee meeting. TRC comments are valid for six months from the date of the TRC meeting.

#### **Planning, (Donna Voliva 252-232-6032)**

Reviewed

1. The UDO allows for a 50% reduction in setbacks when a complete 6' visual screen and a 20' intermittent screen is between the mining activity and the adjoining use. The BOC may reduce non-modified setbacks by 50% when the mining activity adjoins a vacant parcel or farmland.
2. What is the anticipated number of trips per hour?
3. Provide easement information for access.
4. Provide the flood zone boundary line on the map.

#### **Currituck County Building Inspections (Bill News, 252-232-6023)**

Reviewed

1. If providing temporary construction trailer must meet all building codes including accessibility. Anything on site for more than 180 days is not temporary and is consider permanent.

#### **Currituck County Soil and Stormwater (Will Creef, 252-232-3360)**

Reviewed

#### **Currituck County Fire and Emergency Management (James Mims, 252-232-6641)**

Reviewed

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

No comment

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

No comment

Attachment: 2 Bayview Sand Mine TRC Comments 3212018 (PB 18-06 Bayview Sand Mine)

**Currituck County SOBWS (Benjie Carawan, 252-453-2620)**

No comment

**Currituck County Code Enforcement (Stacey Smith, 252-232-6027)**

No comment

**Albemarle Regional Health Services (Joe Hobbs, 252-232-1913)**

Reviewed

1. Any Proposed Mining Pit/Pond waters edge must maintain a minimum 50 feet setback from any private well or septic tank system/septic tank system repair area.
2. Since proposed Mining Pit/Pond will be located near existing Septage Land Application Fields; the Health Department (ARHS/CURRITUCK) recommends the Consultant or Developer consult with Mr. Chester R. Cobb, Soil Scientist with the NC Division of Waste Management (919-707-8200) to inform him and his agency about proposed future development of this property.

**NC State Archeology (Nathan Henry, 910-251-7327)**

No comment

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

No comment

**Currituck County Engineer (Eric Weatherly, 252-232-6034)**

Under review and awaiting comment

**The following items are necessary for resubmittal:**

- 3 - full size copies of revised plans.
- 1 - 8.5"x11" copy of all revised plans.
- 1 - PDF digital copy of all revised or new documents and plans.



# MINE MAP EAST BAYVIEW SAND MINE

S. BAYVIEW ROAD  
POWELLS POINT, NC  
CURRITUCK COUNTY

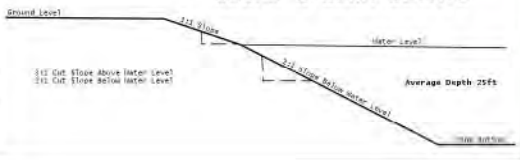
OPERATOR:  
HOM DEVELOPMENT, INC.  
MANTEO, NC

SCALE: 1IN = 150 FT

MAP BY ELLIOTT CONSULTING  
FEBRUARY 13, 2018  
REVISED MARCH 26, 2018

NORTH

## SLOPE & BERM DETAIL



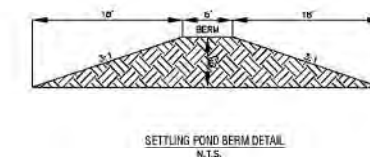
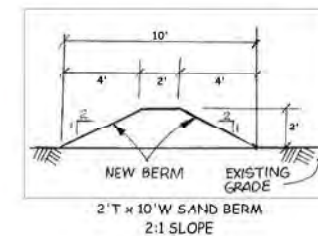
THIS SITE IS LOCATED FLOODZONE "X",  
ZONE "SHADED X", AND ZONE "AE",  
ACCORDING TO FIRM PANEL MAP  
3720983900 J, DATED DECEMBER 16, 2005.

NOTE: THIS MAP IS NOT A CERTIFIED  
SURVEY AND HAS NOT BEEN REVIEWED  
BY A LOCAL GOVERNMENT AGENCY FOR  
COMPLIANCE WITH ANY APPLICABLE  
LAND DEVELOPMENT REGULATIONS.



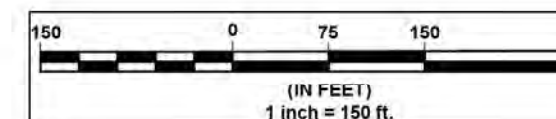
## LEGEND

- PERMIT BOUNDARY
- EXCAVATION EDGE
- BERM
- UNEXCAVATED BUFFER
- UNDISTURBED BUFFER
- PROPERTY LINE
- PROPERTY LINE BUFFER
- TREE LINE
- FULL GROWTH WOODLAND
- SLAS FIELD BOUNDARY
- FLOODZONE LINE



## ACREAGE

EXCAVATION -	5.04 A
SEDIMENT POND -	0.50 A
BERMS & STOCKPILES -	3.60 A
ACCESS ROAD -	1.04 A
UNEXCAVATED BUFFER -	1.65 A
PROCESSING AREAS -	4.79 A
TOTAL AFFECTED -	16.62 A
UNDISTURBED BUFFERS & AREAS -	6.01 A
TOTAL PERMIT AREA -	22.63 A





**MINE MAP (WEST)**  
**BAYVIEW SAND MINE**  
 OFF S. BAYVIEW ROAD  
 POWELLS POINT, NC 27966  
 CURRITUCK COUNTY

**OWNER: ATLANTIC OBX, INC.**  
 PO BOX 2560, KITTY HAWK, NC 27949

**OPERATOR: HOM DEVELOPMENT, LLC**  
 1002 DRIFTWOOD LANE  
 MANTEO, NC 27954

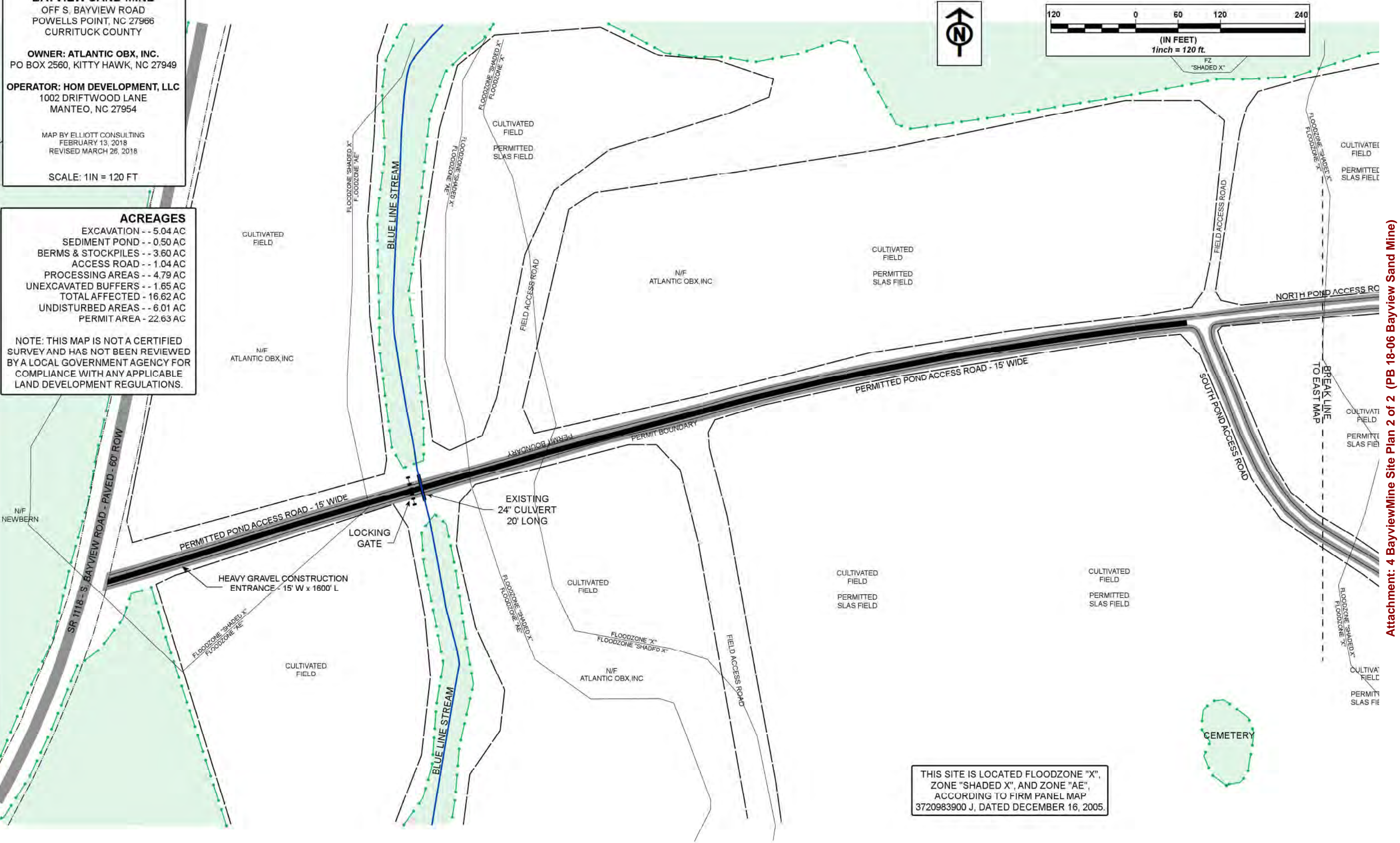
MAP BY ELLIOTT CONSULTING  
 FEBRUARY 13, 2018  
 REVISED MARCH 26, 2018

SCALE: 1IN = 120 FT

**ACREAGES**

EXCAVATION -- 5.04 AC  
 SEDIMENT POND -- 0.50 AC  
 BERMS & STOCKPILES -- 3.60 AC  
 ACCESS ROAD -- 1.04 AC  
 PROCESSING AREAS -- 4.79 AC  
 UNEXCAVATED BUFFERS -- 1.65 AC  
 TOTAL AFFECTED -- 16.62 AC  
 UNDISTURBED AREAS -- 6.01 AC  
 PERMIT AREA -- 22.63 AC

NOTE: THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



THIS SITE IS LOCATED FLOODZONE "X",  
 ZONE "SHADED X", AND ZONE "AE",  
 ACCORDING TO FIRM PANEL MAP  
 3720983900 J, DATED DECEMBER 16, 2005.



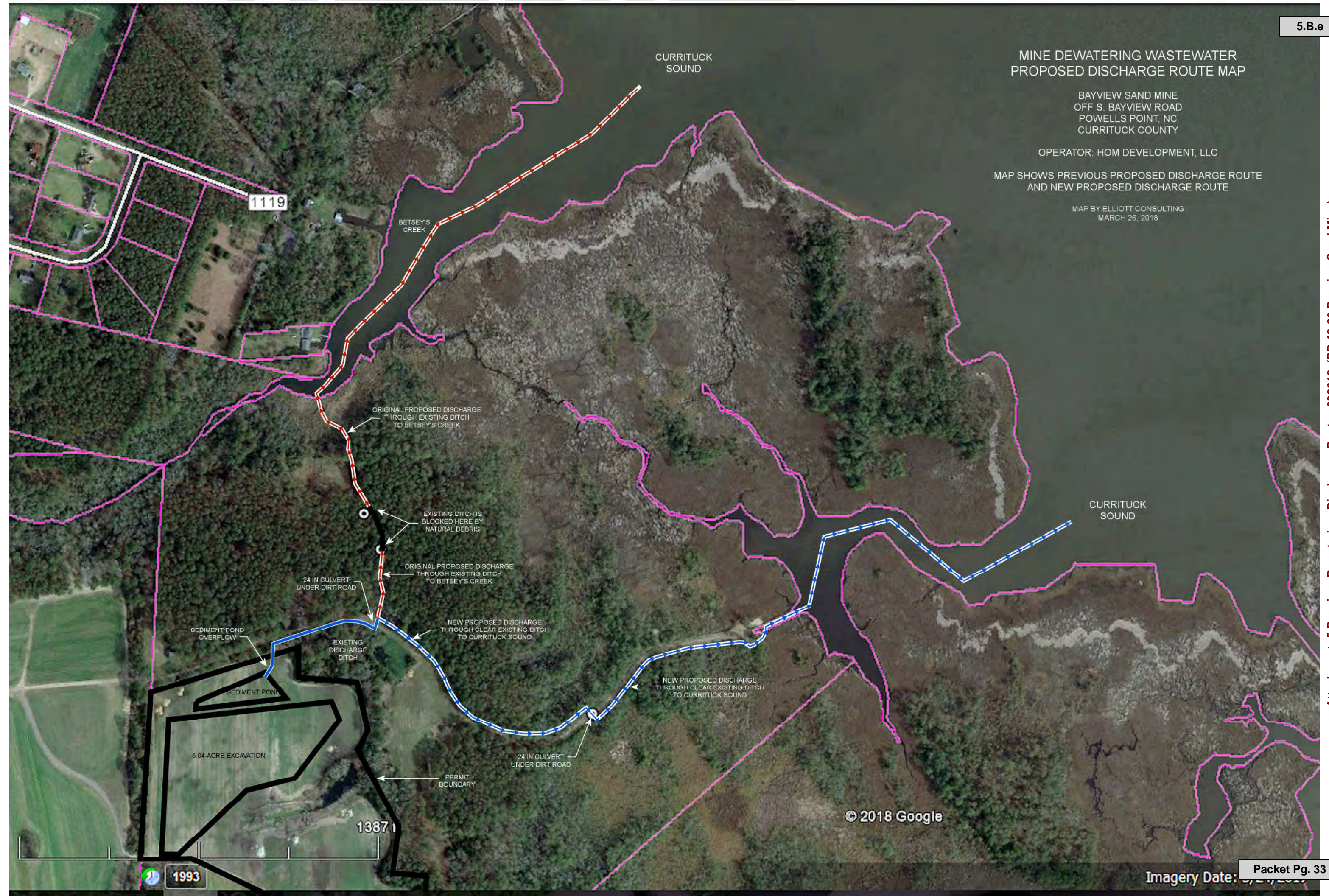
# MINE DEWATERING WASTEWATER PROPOSED DISCHARGE ROUTE MAP

BAYVIEW SAND MINE  
OFF S. BAYVIEW ROAD  
POWELLS POINT, NC  
CURRITUCK COUNTY

OPERATOR: HOM DEVELOPMENT, LLC

MAP SHOWS PREVIOUS PROPOSED DISCHARGE ROUTE  
AND NEW PROPOSED DISCHARGE ROUTE

MAP BY ELLIOTT CONSULTING  
MARCH 26, 2018



Attachment: 5 Bayview\_Dewatering\_Discharge\_Route\_032618 (PB 18-06 Bayview Sand Mine)



## RECLAMATION MAP

## BAYVIEW SAND MINE

S. BAYVIEW ROAD

POWELLS POINT, NC  
CURRITUCK COUNTY

OPERATOR

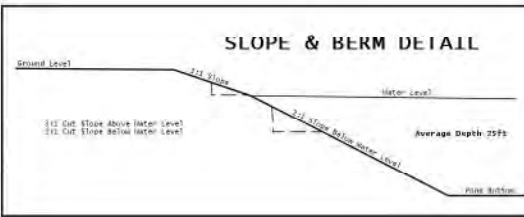
HOM DEVELOPMENT, INC

MANTEO, NC

SCALE: 1IN = 150 FT

MAP BY ELLIOTT CONSULTING  
FEBRUARY 19, 2019

FEBRUARY 13, 2018



NOTE: THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



### LEGEND

PERMIT BOUNDARY

EXCAVATION EDGE

BERM

UNEXCAVATED BUFFER  
UNDISTURBED BUFFER

UNDISTURBED BUFFER  
PROPERTY LINE

PROPERTY LINE  
PROPERTY LINE BUFFER

NE BUFFER  
TREE LINE

TREE LINE  
 FULL GROWTH WOODLAND

## SLASH FIELD BOUNDARY

**ACREAGE**

EXCAVATION - 5.04 A

SEDIMENT POND - 0.50 A

BERMS &amp; STOCKPILES - 3.60 A

ACCESS ROAD - 1.04 A  
WATER BUFFER - 1.25 A

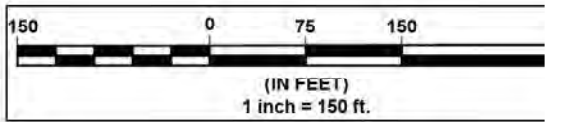
UNEXCAVATED BUFFER - 1.65 A  
PROCESSING AREAS - 4.70 A

PROCESSING AREAS - 4.79 A  
TOTAL AFFECTED - 16.63 A

BLUFFERS & AREAS - 6.01 A

TOTAL PERMIT AREA - 22.63 A

TOTAL PERMIT AREA = 22.95 A







## Use Permit Application

### OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: HOM Development, LLC  
 Address: PO Box 2405, 1002 Driftwood Dr.  
Manteo, NC 27954  
 Telephone: 252-473-6074, 252-202-4040  
 E-Mail Address: jamie@hatchellconcrete.com

#### PROPERTY OWNER:

Name: J. Bryan Smith, Atlantic OBX, Inc.  
 Address: PO Box 2560  
Kitty Hawk, NC 27949  
 Telephone: 252-255-2030  
 E-Mail Address: info@atlanticsewagecontrol.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Lessee

### Property Information

Physical Street Address: Off S. Bayview Road, Powells Point, NC 27966  
 Location: 0.75 mi east of intersection of S. Bayview Rd. & Caratoke Hwy, Powells Point  
 Parcel Identification Number(s): Parcel ID# 012200000390000, Global Pin# 9839-32-2413  
 Total Parcel(s) Acreage: 27.2 acres  
 Existing Land Use of Property: Farm cultivation (15 ac), septage land application field (2.5 ac)

### Request

Project Name: Bayview Sand Mine  
 Proposed Use of the Property: Excavate sand and topsoil  
 Deed Book/Page Number and/or Plat Cabinet/Slide Number: DB 1351, DP 1, Plat Cab O, Plat Slide 44  
 Total square footage of land disturbance activity: 723967.2 sf  
 Total lot coverage: 16.62 acres Total vehicular use area: NA  
 Existing gross floor area: NA Proposed gross floor area: NA

### Community Meeting

Date Meeting Held: December 28, 2017 Meeting Location: Powells Point Senior Ctr



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

Narrative attached.

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.

Sand mine area will only be accessible through private gated access road. Mine will be screened from public view by distance and existing natural foliage. "No Trespassing" signs will be installed every 250 feet around active area. More information in attached narrative.

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.

Landowner (lessor) owns all parcels adjacent to mine activity area, and is requesting this project. Proposed site is substantially large enough to accommodate an excavation of this size. Current property use is agricultural, sand mining is traditional use in county. More info in attached narrative.

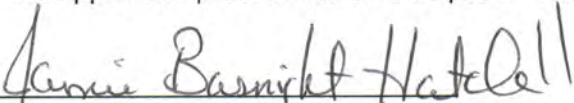
C. The use will be in conformity with the Land Use Plan or other officially adopted plan.

Permit area is classified as being in Limited Service low density residential area. Closest residences are located 1450 feet from mining activity area, well-screened by fields and natural foliage. Area is zoned agricultural with current use being agricultural activity. More information in attached narrative.

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 use will not produce any additional burden on schools, fire & rescue, law enforcement or other public facilities due to the nature of the proposed permit itself. The site will have no constructed structures, no electrical, phone or public water requirements. Remaining pond will be available as a water source to EMS as needed.

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\*

January 24, 2018

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.



March 26, 2018

**Elliott Consulting**

PO Box 112  
Aydlett, North Carolina 27916  
Phone: 252-339-9021

**County of Currituck, NC**

Planning and Community Development Dept.  
Planning and Zoning Division  
153 Courthouse Rd., Ste. 110  
Currituck, North Carolina 27929

To whom it may concern:

County of Currituck, NC - Use Permit Considerations are as follows:

1. Ms. Jamie Basnight Hatchell, manager of HOM Development, LLC, 1002 Driftwood Drive, Manteo, NC 27954, desires to construct and operate a sand and topsoil mine on one (1) parcel located off S. Bayview Road (NCSR 1118), 1.1 miles east of the Powells Point, NC Post Office. The parcel is owned by Atlantic OBX, Inc., PO Box 2560, Kitty Hawk, NC, identified in the Currituck County Tax Office as PIN# 9839-32-2413, Deed Book 1351, Deed Page 1, being approximately 27.2 acres, zoned AG, Agricultural.
2. This mine shall be titled as the Bayview Sand Mine and will allow the applicant and operator, HOM Development, LLC, to excavate sand and topsoil in a 5.04-acre excavation, operating within an approved affected area of 16.62 acres and an approved permit area of 22.63 acres. The sand mine will have an average depth of 25 feet below seasonal high groundwater level, and a maximum depth of 35 feet below seasonal high groundwater level.
3. The excavated pit, stockpiles and processing areas will be constructed and located on the 27.2-acre parcel. After deducting for 2.21 acres of existing wetlands on the parcel, the 5.04-acre excavation will encompass 20.2% of the remaining 24.99 acres, with a maximum percentage of 30% required by Currituck County Ordinance. Permitted acreage will have sufficient room for a sand mining operation.
4. Primary access to the excavation area will be via an existing 2150-ft long by 25-ft wide gravel and dirt road with an entrance onto SR 1118, S. Bayview Road (public right-of-way), located west of the excavation area, gated and locked at the entrance. There are no defined or deeded easements to the parcel in question. Vehicles owned by Atlantic OBX, Inc. are allowed onsite by right, all others by permission only.

Attachment: 8 Bayview\_UPApplication\_Considerations\_2 of 2 (PB 18-06 Bayview Sand Mine)

5. HOM Development, LLC, will complete the development strictly in accordance with the plans submitted to Currituck County Planning and Inspections Department, and the North Carolina Department of Environmental Quality, Division of Energy, Mineral and Land Resources.
6. After completion of the project the remaining pit will become a 5.04-acre pond, utilized for environmental habitat and recreational use by the landowner, and will increase the scenic and recreational value of the property.
7. The property contains one zoning designation: AG, Agricultural. All mining activities occur within the AG, Agricultural zoning district. Sand mining is a permitted use in an AG, Agricultural zoning district with an approved Use Permit.
8. The property is surrounded by the following land uses:
  - A. North: zoned AG, Agriculture District
  - B. South: zoned AG, Agriculture District
  - C. East: zoned AG, Agriculture District
  - D. West: zoned AG, Agriculture District
9. Currituck County Soil Maps indicate four types of soil on the property: Ds (Dragston fine sandy loam), CnA (Conetoe loamy sand), Pt (Portsmouth fine sandy loam), and Mu (Munden fine sandy loam).
10. Current Currituck County Flood Maps indicate the excavation portion of the mining site to be located inside Flood Zone AE, 1% annual chance flood hazard, according to FIRM panel map 3720983900J, dated December 16, 2005. The remaining portion of the main permit area outside of the excavation area is also inside Flood Zone AE except for a 0.85-acre portion of processing area which is located in Flood Zone "Shaded X", 0.2% annual chance flood hazard. Flood zone lines are illustrated on the attached mine map.

### **CURRITUCK COUNTY APPLICABLE STANDARDS AND CONSIDERATIONS**

1. The proposed use will not endanger the public health or safety.
  - a. Site of the Proposed Use is located 2150 feet from the closest public road, S. Bayview Road, SR 1118. Proposed Use access road intersects with S. Bayview Road via a gravel construction entrance at a 61° sight angle, which is within specification of county UDO Section 4.2.5.A(5)(a). S. Bayview Road is a two-lane public road and is considered lightly travelled. The last traffic counts taken in



2015 by NCDOT along S. Bayview Road, where the permit area access road is located, showed an annual daily traffic count of 500 vehicles per day, an average of 21 vehicles per hour. The mine operator estimates there will be an average maximum of 12 vehicles per day leaving the mine site and intersecting with S. Bayview Road, an increase of 1-2 vehicles per hour over the current traffic volume. Maximum trips per hour are anticipated to average 2-3 during peak operation of the mine.

- b. Closest residence to the Proposed Use area is located 1450 feet from location of mine activity and dewatering pump. A comparison of noise levels was taken from a similar sand mine operation utilizing a dewatering pump located at Green Acres Land Development Sand Mine in Jarvisburg. Noise levels were found to be 33 - 38 decibels at 1450 feet from the dewatering pump operation and other mine activity, below the maximum 60 dB allowed by Chapter 9, Article II, Section 9-33 of the Currituck County Code of Ordinances. The noise that may be generated by the Proposed Use will not be at a level that would materially endanger the public health and safety.
- c. The Proposed Use will have adequate sediment and erosion control measures in place around all active areas of the site, including erosion control berms, groundcover to control erosion, silt fence to prevent sedimentation of waterways, and construction entrances on access roads to prevent sedimentation from leaving the site. All stormwater drainage will be draining internally to the mine excavation. There will be no impervious surfaces inside the permit area.
- d. The mine dewatering discharge of clear water will be routed away from neighboring residences and will exit the landowner's private property directly into Currituck Sound on the east side of the permit area. The original northern discharge route was changed to this direct eastern route due to requests originating at the community meeting from neighbors living north of the permit area who asked that the dewatering discharge not enter Betsey's Creek, because of concerns with flooding. Route of dewatering discharge to Currituck Sound is shown on map attached to this application; photos of existing discharge ditch are also attached.
- e. The mine dewatering wastewater discharge from the sedimentation pond will be tested quarterly by a state-certified laboratory for turbidity, settleable solids, total suspended solids and pH. The purpose of this analysis is to prevent excess sedimentation from leaving the mining activity area. Results from the analyses will be reported quarterly to Currituck County Planning and Community Development.
- f. In lieu of a hydrogeological report, the operator will establish a monetary guarantee of \$6000 with the county to replace two (2) groundwater wells located within 1500 feet of the proposed excavation



area, if they are damaged or contaminated by mine dewatering, per county UDO Section 4.2.5.A(13)(b)(i)(B).

- g. A 2.0-acre tract of land inside the Bayview Mine parcel (outside the Proposed Use permit area) is utilized by Atlantic OBX, Inc. as SLAS (Septage Land Application Site) field. The land within the tract is in permanent, established grass with at least 95% cover. The closest corner of the proposed Bayview Mine excavation area will be located 200 feet from the SLAS field boundary. The State required setback from the field is 200 feet per 15A NCAC 13B .0837 (8) (d), and the county required setback is 100 feet per UDO Section 4.3.3.O.(1). The nearby SLAS field will cause no problems with groundwater contamination due to operation of the Bayview Sand Mine.

Mr. Chester Cobb, soil scientist with NC Dept. of Environmental Quality, Division of Waste Management, was consulted in June 2017, February 12, 2018, and March 19, 2018, including a site visit, about the proposed sand mine excavation and its relationship with nearby SLAS fields. He advised that there were no other requirements to be met for the operation of this project, beyond the required 200-ft setbacks between SLAS fields and waterways and ponds. The required DWM setbacks are illustrated on the submitted site map.

2. The Proposed Use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
  - a. The landowner of the proposed Bayview Mine parcel, Atlantic OBX, Inc., owns all land and parcels within 900 feet of the parcel, and the closest inhabited parcel owned by others is 1150 feet from the Bayview Mine site. Mining activities in the Bayview Mine parcel will occur behind a natural full growth foliage screen minimum 80-feet wide which will limit the impact of noise from the Proposed Use and will screen the activity from adjoining properties.
  - b. The Proposed Use will comply with the setbacks required by UDO Section 4.2.5.A(3)(a) and will include all landscape buffers that meet the requirements of UDO Section 4.2.5.A(3)(b), both of which will limit the Proposed Use's impact on adjoining property.
  - c. The Applicant has requested the services of Mr. Steven Craddock, CDA, HMS, CDEI, who is the President of AppraiseNC4U, Inc., a North Carolina Real Estate Appraisal Firm in Currituck County. Mr. Craddock will present appraiser testimony on the issue of whether the Proposed Use would substantially injure the value of adjoining property to the proposed Bayview Sand Mine.
  - d. The Proposed Use is intended to serve the growing residential and commercial area of Lower Currituck County in which the proposed Bayview Mine site will be located. Sand is a required



component in many types of residential and commercial construction, and the location of the Proposed Use will benefit the local community with reduced costs of this commodity due to lower transportation costs.

- e. Three parcels adjacent to the Bayview Mine parcel, as well as a 2.0-acre tract of land inside the Bayview Mine parcel (outside the Proposed Use permit area) are utilized by Atlantic OBX, Inc. as SLAS (Septage Land Application Site) fields. All SLAS fields owned by Atlantic OBX, Inc. are permitted and regulated by the NC Department of Environmental Quality, Division of Waste Management and are designated by the State of North Carolina as a certified agricultural activity. The Bayview Mine parcel and all SLAS fields adjacent to it are located on parcels zoned AG Agricultural. Mining is a permitted use on a parcel zoned AG Agricultural with an approved Use Permit.
3. The Proposed Use will be in conformity with the Land Use Plan or other officially adopted plan.
    - a. The Bayview Mine parcel is in the Point Harbor Land Use Plan Subarea and is designated as a Limited Use class in the Currituck County Land Use Plan. There will be no structures or residential development on the Subject Property.
    - b. The Subject Property is in the AG Agricultural zoning district. Sand mining is a permitted use in an AG Agricultural zoning district with an approved Use Permit and is therefore not an incompatible land use.
    - c. The Proposed Use is in conformity with the Currituck County Land Use Plan.
  4. The Proposed 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.
    - a. The Proposed Use will not add any additional burden on schools, fire and rescue, law enforcement or other public facilities due to the nature of the Proposed Use itself. The site will have no structures, no electrical, phone or public water requirements. The remaining pond will be available as a water source for usage by EMS if needed.

**ADDITIONAL CONDITIONS FOR OPERATION OF THE BAYVIEW SAND MINE**

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Currituck County Board of Commissioners.
2. All trucks hauling mined or quarried materials (i.e. sand, clay, topsoil) shall be covered with a tarpaulin when materials extend above the raised board of the truck.
3. All trucks hauling mined or quarried materials will utilize the primary mine access road entrance to S. Bayview Road. A locking gate provides security to the access road entrance.
4. The mine operator estimates there will be an average maximum of 12 vehicles per day leaving the mine site and intersecting with S. Bayview Road, an increase of 1-2 vehicles per hour over the current traffic volume. Maximum trips per hour are anticipated to average 2-3 during peak operation of the mine.
5. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste will be placed on the site.
6. A weekly log shall be maintained by the operator to ensure on-going maintenance of sediment and erosion control devices.
7. This Use Permit application is requested to be valid for 10 years.
8. "No Trespassing" signs will be posted around the mining permit area at a maximum distance of 250 feet apart indicating that a mining operation is being conducted on the property.
9. Copies of the following documents shall be provided Currituck Planning and Community Development prior to the start of this development:
  - a. Approved NCDEQ Division of Energy, Mineral & Land Resources mining permit.
  - b. Approved NCDEQ Stormwater Program and National Pollutant Discharge Elimination System permit for dewatering.
10. The hours of operation of the mine shall not be beyond sunrise to sunset. No mining activities will be conducted on Saturdays from Memorial Day through Labor Day, or Sundays.



11. A sign shall be placed at the entrance to the property showing the applicant's name, telephone number and basic permit information.
12. All provisions of state and federal permits shall remain valid and any conditions required within the permits shall be upheld throughout the lifetime of the mining operation.
13. If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
14. Sequence of events for the development and operation of the Bayview Sand Mine:
  - a. Operator will obtain all required mining permits from NCDEQ and Currituck County Planning.
  - b. Operator will maintain existing 15-ft wide x 2150-ft long rock & gravel access road to excavation area with ditches & rock dams in place to prevent sedimentation from leaving affected areas.
  - c. Operator will maintain existing gravel construction entrance at intersection of access road and S. Bayview Road.
  - d. Operator will install 20-ft long silt fence along north & south edge of access road at existing crossing of blue line stream, 500 feet east of S. Bayview Road. Crossing has existing 24-in culvert in place to maintain water flow through crossing.
  - e. Excavation of the Bayview Sand mine will begin by removing topsoil down to 2.5 feet below natural ground level, and stockpiling overburden for use in erosion control berms.
  - f. Operator will construct 2ft tall x 10ft wide (2:1) vegetated berm for erosion control along the perimeter of the affected areas.
  - g. Operator will maintain existing foliage visual screen along perimeter of the affected area.
  - h. Operator will construct 0.50-acre above-ground sediment pond 30 feet north of the excavation boundary. Sediment pond will be 350 feet wide by 130 feet long with 0.50-acre water surface for sedimentation. Sediment pond berm will be minimum 36 feet wide, 6 feet tall, with 18-ft wide exterior slope at 3:1 grade, and 12-ft wide interior slope at 2:1 grade. Minimum 36-in wide half-pipe flash-board riser overflow will be located at north corner of sediment pond, discharging into minimum 12-in plastic pipe leading to riprap-protected existing ditch draining to Currituck Sound.
  - i. Operator will install dewatering pump between southwest corner of sediment pond and excavation area. Dewatering pump will be 8-in Godwin Dri-Prime model running at idle speed with 400-500 gallon per minute flow into sediment pond.
  - j. Operator will begin excavation of main pond (5.04 acres) approximately 30 feet south of sediment pond by digging with excavator and removing sand & topsoil to maximum depth



- feasible without dewatering the excavation.
- k. Operator will dewater main excavation into sediment pond, discharging overflow water from sediment pond through half-pipe riser water height control through discharge pipe into an existing ditch and creek leading 3800 feet to Currituck Sound. Operator will dewater main excavation down approximately 25 feet below normal groundwater level.
  - l. 3:1 cut slopes will be constructed around excavation edge down to normal groundwater level. As water is removed from excavation, 2:1 cut slopes will be constructed below normal groundwater level around excavation edge.
  - m. Pond will be excavated to average 25 feet and maximum 35 feet below seasonal high groundwater level while dewatering is maintained. Excavated material (sand) will be stockpiled in three 1.0-acre stockpile areas south of excavation. Sand will be loaded into trucks and removed from area via either north or south access roads leading to SR 1118 S. Bayview Road, thence 0.75-mile to US 158 Caratoke Highway.
  - n. When final excavation of pond is complete, dewatering will be discontinued, and pump shut down and removed. Groundwater will refill the excavation to normal seasonal high groundwater level.
  - o. After all excavation is complete, operator will establish groundcover on 3:1 above-water slopes of excavation, and will construct 8ft wide 4:1 berm around excavation edge to prevent erosion of pond slopes, with outside edge of berm graded down to natural ground level.
  - p. Aboveground sediment pond will be fully drained into excavated pond. Operator will dismantle and remove sediment pond berms; half-pipe riser and discharge pipe will be removed. Sediment pond area will be graded, leveled and sown with groundcover. Area will be allowed to return to previous field state.
  - q. Former stockpile / berm areas and processing areas outside of main excavations will be graded, leveled and seeded with groundcover. Areas will be allowed to return to previous non-erosive field state.
  - r. Internal roadways and haul roads will be graded, leveled, seeded with groundcover and allowed to return to natural field state. A field path will remain around the perimeter of the excavated pond.
  - s. Operator will grade and level access road to S. Bayview Road back to original non-erosive state.
  - t. Remaining affected areas inside main permit area will be fertilized and returned to natural field state.
  - u. Remaining ponds will be utilized by landowner for scenic & recreational purposes, and as wildlife habitat.



15. Reclamation of the sides of the excavated pond and the general permit area will be conducted simultaneously with mining operations according to NCDEQ specifications. Annual Reclamation Reports will be submitted to Currituck County Planning Division and to NCDEQ in June of each year.
16. HOM Development, LLC will maintain a State-required minimum 25-ft wide bonded unexcavated buffer (no excavation in buffer, but roadways, berms and erosion & sedimentation control measures may be installed within it) between mining activity and the undisturbed buffer, per NCDEQ mining permit requirements.
17. HOM Development, LLC will maintain a minimum 50-ft wide undisturbed buffer between any land disturbing activities within the mining permit boundaries and any adjacent wetlands.
18. HOM Development, LLC will maintain an undisturbed minimum 50-ft property line setback, required by Currituck County ordinance, on all sides of the permit area between affected area and adjacent property lines. 3482 feet of the mine permit area perimeter of 4425 feet (79%) has a complete visual screen at least 6 feet in height and an intermittent visual screen of at least 20 feet in height of existing woodland growth. The remaining 943 feet of permit area perimeter (parcel line) has limited screening. However, all parcels adjacent to the parcel in question are uninhabited, vacant swamp, woodland or farmland, owned by Atlantic OBX, Inc. Currituck County ordinance allows 50% reduction of property line setbacks next to vacant parcels or with visual screening. HOM Land Development, LLC is hereby requesting the Board of Commissioners to allow a 50% reduction of the County UDO required 100-ft property line setback along all surrounding property lines due to adjoining vacant parcels.
19. HOM Development, LLC will maintain a reclamation bond of \$27,800 with NCDEQ to guarantee correct reclamation of the property once excavation has been completed.
20. HOM Development, LLC will maintain a performance guarantee of \$6000 with Currituck County Planning and Community Development Department for two (2) in-use water wells located at 208 Newbern Road (1436 feet from the excavation area) and at 126 Tiana's Drive (1425 feet from the excavation area), in order to assure the availability of funds should the need arise replace any of the in-use wells.
21. All provisions of State and local permits shall be met.
22. If at any time the NCDEQ permits for this mining project are revoked or suspended, the revocation or suspension will cause the Currituck County Use Permit to become void.



23. Any modifications to the State permit will be filed within 10 days to Currituck County Planning and Community Development Department.
24. Surrounding areas use (agriculture) will not be affected by location of sand mine. Sand mine will enhance storm water drainage of adjacent fields and can supply water for irrigation efforts. Excavated pond can also serve as water source for the local volunteer fire department and EMS service if needed.
25. On a yearly basis, the operator anticipates an average of no more than 4-5 people will be present for excavation purposes on site at any given time. Vehicular traffic will be minimal, operator anticipates a maximum daily average of 12 trucks transporting sand. Noise from loaders and excavators will be mitigated by presence of sand berms and foliage along perimeter of sand mine. Dewatering pump will be located at furthest point away from residences in corner of excavation surrounded by berms or below ground level, running at idle speed.
26. No fume generation or land clearing burning will be necessary to prepare area for excavation.
27. Dust from access road will be controlled by 10-mph maximum speed limit for haul trucks on the premises, and application of water to roads will help minimize dust. Topsoil stockpile areas and berms will be stabilized with groundcover to reduce wind and water erosion.
28. The mine access road entering from S. Bayview Road will be properly graded and drained to minimize potholes and standing water. Roadside drainage ditches will have rock dams installed to mitigate sedimentation leaving the site.
29. Limited ingress/egress to site will insure safe traffic movement. Upon exiting the primary access haul road, trucks will travel 0.75 mile southwest on S. Bayview Road to US 158 Caratoke Highway. Proposed maximum removal is up to 12 truckloads per day.
30. No explosives will be used during excavation of the Bayview Sand Mine.
31. No fuel tanks, solvents or other chemical reagents will be stored onsite during excavation of the Bayview Sand Mine.
32. HOM Development, LLC will maintain a locked gate at the mine access road entrance to help prevent inadvertent public entry.
33. Drainage patterns of the area will not be altered to cause flooding off-site while the permit is valid and after reclamation.

34. An NCDEQ Division of Energy, Mineral & Land Resources Mining Permit for the Bayview Sand Mine was issued on March 19, 2018 as Permit #27-54, and an NCDEQ DEMLR NCG02 Notice of Intent General Permit Application for dewatering has been submitted and is being reviewed. When received, copies of all approved State permits will be submitted to Currituck County Planning and Community Development Department. A copy of the issued NCDEQ mining permit is included with this application.
35. An NCDEQ DEMLR Stormwater permit application will be submitted if required by NCDEQ. A stormwater permit has not been required thus far due to minimal impervious surface impact in the affected area.
36. No sewage will be generated during the mining operation or after reclamation.
37. No temporary construction trailers or permanent construction will be established on this project site or permit area.
38. No single-family homes or dwellings will be constructed on this property during the permit period.
39. Sole drinking water supply in this area is well water. No drinking water wells are planned to be in this project area. Closest private well or septic system is located 1417 feet from proposed excavation edge.
40. The proposed mining operation should not negatively affect or impact the ability of Currituck County to provide public services. The remaining sand pit will be available as a water source to the local Volunteer Fire Department and EMS.

The applicant shall complete the development strictly in accordance with the plan submitted to and approved by the Currituck County Board of Commissioners, in addition to those additional requirements contained herein. The applicant acknowledges that if any of the conditions affixed hereto or any part thereof shall be held invalid or void then this permit shall be void and of no effect.



Ken Elliott

Elliott Consulting

For Jamie Basnight Hatchell, manager

HOM Development, LLC

March 26, 2018



### Summary of Community Meeting Regarding Bayview Sand Mine Use Permit Application

Held December 28, 2017 at 7:00pm at Powell's Point Senior Center, Caratoke Highway, Powell's Point, NC.

Meeting organized by Ken Elliott, Elliott Consulting, for HOM Development, LLC. Voice recording made during meeting, written notes taken during meeting by Debra Elliott, Elliott Consulting.

#### Meeting Attendees:

- Nick Aisthorpe, Currituck County Planning & Community Development
- Jessica P. Heyder, PO Box 347, Powells Point, NC 27966
- Carrie Christine Burton, 148 Snow Lane, Powells Point, NC 27966
- Mark & Deborah West, PO Box 38, 126 Tiana's Drive, Powells Point, NC 27966

Narrative of application details of Bayview Sand Mine read to attendees, copy attached.

#### Concerns brought up by attendees:

- Carrie Burton – No concerns, showed her location of proposed sand mine in relation to her property on Tiana's Lane, 1640 feet to edge of her unoccupied property.
- Mark & Deborah West – Main concern was dropping of groundwater levels from dewatering. HOM response: historical hydrogeological surveys in the area indicate that groundwater levels may drop approximately 1 foot below normal, measured 500 feet or less from dewatering operations. The West' home and groundwater pump at 126 Tiana's Drive are 1425 feet from sand mine excavation. It was also noted that HOM Development will be establishing a \$3000 bond to repair their groundwater pump is proven damaged by dewatering the excavation.
- Jessica Heyder – Had several concerns, including:
  - Will excavated pond cause rainwater overflow? HOM response – excavated pond will not overflow from rainwater. Only overflow will be intentional overflow through sediment pond from dewatering the excavation. Overflow will be monitored regularly by testing, registered and regulated by the State.
  - Will septage from nearby septage land application fields enter pond, and will the operator be dumping septage into the pond? HOM – no septage will be dumped into the pond and septage will not enter pond from nearby fields. Septage land application fields are required by State law to be a minimum 100 feet from any open water. Closest land application field is 110 feet from closest edge of excavation. Normal ground filtration will prevent septage from entering excavation.
  - How will overflow be monitored? HOM – during dewatering operations overflow water from sediment pond will be tested quarterly for pH on premises and suspended solids and turbidity at a State certified laboratory. Any discrepancies from State standards will be addressed immediately by HOM.
  - Will there be fencing around the excavation area? HOM – no fencing is required by law, permit area will be marked by "No Trespassing" signs, with locked & gated access road, 2150 feet from S. Bay View Rd behind visual screen of full growth trees.
  - How much water will be overflowing? HOM – overflow will be during dewatering operations only, not 24/7, and Mrs. Heyder was told 250,000 gallons per day overflow.



(This number was given incorrectly at the meeting, correct figure as registered with the State is 24,000 gallons per day.)

- How long will it take to dig the pond? HOM – it is estimated to take 5 years.
- Will the finished pond be used by boats from Betsy's Creek? HOM – No, the pond is isolated in the middle of the field with no boat-accessible connection to Betsy's Creek.
- Will wildlife in Betsy's Creek be harmed by the overflow water from the dewatering operation? HOM – No, the overflow water from the sediment pond will be clear, fresh water tested quarterly for quality, flowing into a freshwater sound. Water will be tested quarterly for chlorides and salt content the same specifications in Currituck Sound.
- Will overflow water from the mine dewatering operation cause Betsy's Creek to flood? HOM – No, Betsy's Creek contains approximately 12,000,000 gallons of water and is open-ended to Currituck Sound, dewatering overflow will cause no appreciable water level rise.

Other statements made during meeting:

- Currituck County mining operations are very heavily regulated and monitored by the Currituck Planning and Community Development Department and the NC Department of Environmental Quality Division of Energy, Mineral and Land Resources.
- HOM Development, LLC is a legitimate local company that has been in operation for many years. My history of working with them in past years is that they operate honestly and correctly, and respond to any concerns from neighbors immediately.

Mrs. West and Mrs. Heyder requested a copy of the Community Meeting opening narrative to be emailed to them. The request was fulfilled that same evening at 9:36 pm.

The above summary is true and correct to the best of my knowledge.

Ken Elliott  
Consulting for HOM Development, LLC  
Community Meeting Organizer  
December 29, 2017



Energy, Mineral &  
Land Resources  
ENVIRONMENTAL QUALITY

ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

WILLIAM E. (TOBY) VINSON, JR.  
*Interim Director*

March 19, 2018

Ms. Jamie Basnight Hatchell  
HOM Development LLC  
PO Box 2405  
Manteo, North Carolina 27954

Re: Bayview Sand Mine  
Currituck County  
Pasquotank River Basin

Dear Ms. Hatchell:

The application for a mining permit for the above referenced mine site has been found to meet the requirements of G.S. 74-51 of The Mining Act of 1971. As we have received the required security to cover this application, I am enclosing the mining permit.

The conditions of Mining Permit No. 27-54 were based primarily upon information supplied in the application with conditions added as necessary to insure compliance with The Mining Act of 1971. G.S. 74-65 states that the issuance of a mining permit does not supersede or otherwise affect or prevent the enforcement of any zoning regulation or ordinance duly adopted by an incorporated city or county or by any agency or department of the State of North Carolina.

As a reminder, your permitted acreage at this site is 22.63 acres and the amount of land you are approved to disturb is 16.62 acres.

Please review the permit and contact Judy Wehner, Assistant State Mining Specialist, at (919) 707-9220 of any objection or questions concerning the terms of the permit.

Sincerely,

David Miller, PE  
State Mining Engineer

DM/jw

Enclosures

cc: Mr. Samir Dumpor, PE  
Mr. William Gerringer-DOL, Mine and Quarry Bureau, w/o enclosures

Nothing Compares





**DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF ENERGY, MINERAL AND LAND RESOURCES**

**P E R M I T**

for the operation of a mining activity

In accordance with the provisions of G.S. 74-46 through 68, "The Mining Act of 1971," Mining Permit Rule 15A NCAC 5 B, and other applicable laws, rules and regulations

Permission is hereby granted to:

HOM Development, LLC

Bayview Sand Mine

Currituck County - Permit No. 27-54

for the operation of a

Sand Mine

which shall provide that the usefulness, productivity and scenic values of all lands and waters affected by this mining operation will receive the greatest practical degree of protection and restoration.

In accordance with the application for this mining permit, which is hereby approved by the Department of Environmental Quality, hereinafter referred to as the Department, and in conformity with the approved Reclamation Plan attached to and incorporated as part of this permit, provisions must be made for the protection of the surrounding environment and for reclamation of the land and water affected by the permitted mining operation. This permit is expressly conditioned upon compliance with all the requirements of the approved Reclamation Plan. However, completed performance of the approved Reclamation Plan is a separable obligation, secured by the bond or other security on file with the Department, and may survive the revocation or suspension of this permit.

This permit is not transferable by the permittee with the following exception: If another operator succeeds to the interest of the permittee in the permitted mining operation, by virtue of a sale, lease, assignment or otherwise, the Department may release the permittee from the duties imposed upon him by the conditions of his permit and by the Mining Act with reference to the permitted operation, and transfer the permit to the successor operator, provided that both operators have complied with the requirements of the Mining Act and that the successor operator agrees to assume the duties of the permittee with reference to reclamation of the affected land and posts a suitable bond or other security.

In the event that the Department determines that the permittee or permittee's successor is not complying with the Reclamation Plan or other terms and conditions of this permit, or is failing to achieve the purposes and requirements of the Mining Act, the Department may give the operator written notice of its intent to modify, revoke or suspend the permit, or its intent to modify the Reclamation Plan as incorporated in the permit. The operator shall have right to a hearing at a designated time and place on any proposed modification, revocation or suspension by the Department. Alternatively and in addition to the above, the Department may institute other enforcement procedures authorized by law.

### Definitions

Wherever used or referred to in this permit, unless the context clearly indicates otherwise, terms shall have the same meaning as supplied by the Mining Act, N.C.G.S. 74-49.

This permit is valid for the life of the site or life of lease, if applicable, as defined by Session Law 2017-209 and has no expiration date. However, all provisions of GS 74-51 and GS 74-52 still apply for new, transferred and modified mining permits.

### Conditions

This permit shall be subject to the provisions of the Mining Act, N.C.G.S. 74-46, et. seq., and to the following conditions and limitations:

### OPERATING CONDITIONS:

1. A. Any wastewater processing or mine dewatering shall be in accordance with the permitting requirements and rules promulgated by the N.C. Environmental Management Commission.

- B. Any stormwater runoff from the affected areas at the site shall be in accordance with any applicable permit requirements and regulations promulgated by the Environmental Protection Agency and enforced by the N.C. Environmental Management Commission. It shall be the permittee's responsibility to contact the Stormwater Program to secure any necessary stormwater permits or other approval documents.
2.
  - A. Any mining process producing air contamination emissions shall be subject to the permitting requirements and rules promulgated by the N.C. Environmental Management Commission and enforced by the Division of Air Quality.
  - B. During mining operations, water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the permitted area.
3.
  - A. Sufficient buffer (minimum 50 foot undisturbed) shall be maintained between any affected land and any adjoining waterway or wetland to prevent sedimentation of that waterway or wetland from erosion of the affected land and to preserve the integrity of the natural watercourse or wetland.
  - B. Any mining activity affecting waters of the State, waters of the U. S., or wetlands shall be in accordance with the requirements and regulations promulgated and enforced by the N. C. Environmental Management Commission.
4.
  - A. Adequate mechanical barriers including but not limited to diversions, earthen dikes, sediment check dams, sediment retarding structures, rip rap pits, or ditches shall be provided in the initial stages of any land disturbance and maintained to prevent sediment from discharging onto adjacent surface areas or into any lake, wetland or natural watercourse in proximity to the affected land.
  - B. All drainage from the affected areas around the mine excavation shall be diverted internal to said excavation.
  - C. Mining activities shall occur as indicated on the Mine Map dated November 24, 2017 and the supplemental information received on December 2, 2017 and February 5, 2018.
5. All affected area boundaries (16.62 acres) shall be permanently marked at the site on 100-foot intervals unless the line of sight allows for larger spacing intervals.
6. The angle for graded slopes and fills shall be no greater than the angle, which can be retained by vegetative cover or other adequate erosion control measure, structure, or device. In any event, exposed slopes or any excavated channels, the erosion of which may cause off-site damage because of sedimentation, shall be planted or otherwise provided with ground cover, devices or structures sufficient to restrain such erosion.



7. The affected land shall be graded so as to prevent collection of pools of water that are, or likely to become, noxious or foul. Necessary structures such as drainage ditches or conduits shall be constructed or installed when required to prevent such conditions.
8. Existing vegetation or vegetated earthen berms shall be maintained between the mine and public thoroughfares whenever practical to screen the operation from the public.
9.
  - A. Sufficient buffer (minimum 25 foot unexcavated foot undisturbed) shall be maintained between any excavation and any mining permit boundary to protect adjacent property.
  - B. Buffers shall be maintained as indicated on the Mine Map dated November 24, 2018.
10.
  - A. No on-site disposal of refuse or other solid waste that is generated outside of the mining permit area shall be allowed within the boundaries of the mining permit area unless authorization to conduct said disposal has first been obtained from both the Division of Waste Management and the Division of Energy, Mineral and Land Resources, Department of Environmental Quality. The method of disposal shall be consistent with the approved reclamation plan.
  - B. Mining refuse as defined by G.S. 74-49 (14) of The Mining Act of 1971 generated on-site and directly associated with the mining activity may be disposed of in a designated refuse area. All other waste products must be disposed of in a disposal facility approved by the Division of Waste Management. No petroleum products, acids, solvents or their storage containers or any other material that may be considered hazardous shall be disposed of within the permitted area.
  - C. For the purposes of this permit, the Division of Energy, Mineral and Land Resources considers the following materials to be "mining refuse" (in addition to those specifically listed under G.S. 74-49 (14) of the N.C. Mining Act of 1971):
    1. on-site generated land clearing debris
    2. conveyor belts
    3. wire cables
    4. v-belts
    5. steel reinforced air hoses
    6. drill steel
  - D. If mining refuse is to be permanently disposed within the mining permit boundary, the following information must be provided to and approved by the Division of Energy, Mineral and Land Resources prior to commencement of such disposal:
    1. the approximate boundaries and size of the refuse disposal area;
    2. a list of refuse items to be disposed;

3. verification that a minimum of 4 feet of cover will be provided over the refuse;
  4. verification that the refuse will be disposed at least 4 feet above the seasonally high water table; and,
  5. verification that a permanent vegetative groundcover will be established.
11. An Annual Reclamation Report and Annual Operating Fee of \$400.00 shall be submitted to the Department by July 1 of each year until reclamation is completed and approved for release by the Department.
  12. The operator shall notify the Department in writing of the desire to delete, modify or otherwise change any part of the mining, reclamation, or erosion/sediment control plan contained in the approved application for a mining permit or any approved revision to it. Approval to implement such changes must be obtained from the Department prior to on-site implementation of the revisions.
  13. The security, which was posted pursuant to N.C.G.S. 74-54 in the form of a \$27,800.00 surety bond, is sufficient to cover the operation as indicated in the approved application. This security must remain in force for this permit to be valid. The total affected land shall not exceed the bonded acreage.
  14.
    - A. Authorized representatives of the Division of Archives and History shall be granted access to the site to determine the presence of significant archaeological resources.
    - B. Pursuant to N. C. G. S. 70 Article 3, "The Unmarked Human Burial and Human Skeletal Remains Protection Act," should the operator or any person in his employ encounter human skeletal remains, immediate notification shall be provided to the county medical examiner and the chief archaeologist, North Carolina Division of Archives and History.



## APPROVED RECLAMATION PLAN

The Mining Permit incorporates this Reclamation Plan, the performance of which is a condition on the continuing validity of that Mining Permit. Additionally, the Reclamation Plan is a separable obligation of the permittee, which continues beyond the terms of the Mining Permit.

The approved plan provides:

### Minimum Standards As Provided By G.S. 74-53

1. The final slopes in all excavations in soil, sand, gravel and other unconsolidated materials shall be at such an angle as to minimize the possibility of slides and be consistent with the future use of the land.
2. Provisions for safety to persons and to adjoining property must be provided in all excavations in rock.
3. All overburden and spoil shall be left in a configuration which is in accordance with accepted conservation practices and which is suitable for the proposed subsequent use of the land.
4. No small pools of water shall be allowed to collect or remain on the mined area that are, or are likely to become noxious, odious or foul.
5. The revegetation plan shall conform to accepted and recommended agronomic and reforestation practices as established by the North Carolina Agricultural Experiment Station and the North Carolina Forest Service.
6. Permittee shall conduct reclamation activities pursuant to the Reclamation Plan herein incorporated. These activities shall be conducted according to the time schedule included in the plan, which shall to the extent feasible provide reclamation simultaneous with mining operations and in any event, provide reclamation at the earliest practicable time after completion or termination of mining on any segment of the permit area and shall be completed within two years after completion or termination of mining.

### RECLAMATION CONDITIONS:

1. Provided further, and subject to the Reclamation schedule, the planned reclamation shall be to restore the mine excavation to a lake area and to grade and revegetate the adjacent disturbed areas.
2. The specifications for surface gradient restoration to a surface suitable for the planned future use are as follows:
  - A. The lake area shall be excavated to maintain a minimum water depth of four feet measured from the low water table elevation.

- B. The side slopes to the lake excavation shall be graded to a 3 horizontal to 1 vertical or flatter to the water line and 2 horizontal to 1 vertical or flatter below the water line.
- C. Any areas used for wastepiles, screening, stockpiling or other processing shall be leveled and smoothed.
- D. No contaminants shall be permanently disposed of at the mine site. On-site disposal of waste shall be in accordance with Operating Condition Nos. 10A through D.
- E. The affected land shall be graded to prevent the collection of noxious or foul water.

3. Revegetation Plan:

After site preparation, all disturbed land areas shall be revegetated as per the Revegetation Plan approved by Alton E. Ward, Jr. of the North Carolina Cooperative Extension Service on October 28, 2015.

Whenever possible, disturbed areas should be vegetated with native warm season grasses such as switch grass, Indian grass, bluestem and gamma grass.

In addition, the permittee shall consult with a professional wildlife biologist with the N.C. Wildlife Resources Commission to enhance post-project wildlife habitat at the site.

4. Reclamation Plan:

Reclamation shall be conducted simultaneously with mining to the extent feasible. In any event, reclamation shall be initiated as soon as feasible after completion or termination of mining of any mine segment under permit. Final reclamation, including revegetation, shall be completed within two years of completion or termination of mining.

Permit, issued this 19th day of March, 2018.

By: *David A. Miller* For

William E. Vinson, Jr, Interim Director  
Division of Energy, Mineral, and Land Resources  
By Authority of the Secretary  
Of the Department of Environmental Quality



**NOTICE OF ISSUANCE OF  
MINING PERMIT**

You have previously expressed an interest and/or are listed as an adjoining landowner in the application for a mining permit filed by HOM Development LLC to conduct mining activities off SR 1118 (Bayview Road) in Currituck County. The mining permit (no. 27-54) was issued on March 19, 2018.

North Carolina law allows persons aggrieved by the issuance of a mining permit to contest the decision by filing a petition for a contested case in the Office of Administrative Hearings pursuant to N.C.G.S. 150B-23 of the Administrative Procedure Act (APA).

If you believe that you are an aggrieved party within the meaning of the APA, a petition for a contested case must be filed in the Office of Administrative Hearings within sixty (60) days of the mailing of this notice to you.

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. General Statutes 150B-23. File the original petition and one copy with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714.

Any questions about filing a petition may be directed to the Clerk of the Office of Administrative Hearings by telephoning (919) 431-3000.

You must serve the **Department of Environmental Quality** by mailing a copy of the petition to Mr. Bill Lane, Registered Agent and General Counsel, Department of Environment and Natural Resources, 1601 Mail Service Center, Raleigh, NC 27699-1601.



William E. Vinson, Jr.  
Interim Director  
Division of Energy, Mineral, and Land Resources  
North Carolina Department of Environmental Quality

This notice was mailed on 3-19-18.



Brenda Harris  
Mining Program Secretary

Attachment: 10 Bayview Mine State Permit Issued 032218 (PB 18-06 Bayview Sand Mine)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2141)

**Agenda Item Title**

Carova Beach Road Service District Committee

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



## Carova Beach Road Service District Advisory Board Residents or Property Owners of Carova

**Member: Carova Resident****Kimberlee Hoey****Appt: 2-19-2018****1<sup>st</sup> Term****Exp: 8-18-2019**

2245 Sandfiddler Road

Corolla, NC 27927

252-457-0925 (H)

[kkimbrulea@embarqmail.com](mailto:kkimbrulea@embarqmail.com)**Member: Carova Resident****Chuck Maguire (Chairman) Term Expires: 8-18-2017**

822 Grebe Pt.

Corolla, NC 27927

252-453-2696

[dmaguire@embarqmail.com](mailto:dmaguire@embarqmail.com)**Member: Carova Resident****Woody Dreher****Appt: 1-16-18****1<sup>st</sup> Term****Exp: 8-18-2019**

2272 E. Swordfish Crescent

Corolla, NC 27927

757-667-1357

[WoodyOBX@Yahoo.com](mailto:WoodyOBX@Yahoo.com)**Member: Absentee Owner, Carova Beach****Len Alphin Term Expires: 8-18-2017**

43 East Windsor Blvd 2320 Sandfiddler Road

Windsor, Va 23487 Corolla, NC 27927

453-3195 cell 757-544-1437

[lenalphin@gmail.com](mailto:lenalphin@gmail.com)**Member: Carova Beach VFD****Appt: 2-19-2018****1<sup>st</sup> Term****Exp: 8-18-2019****Jay Laughmiller, Chief**

2169 Ocean Pearl Road

Corolla, NC 27927

252-267-1949 (c)

[jay.laughmiller@currituckcountync.gov](mailto:jay.laughmiller@currituckcountync.gov)**Member: Currituck County EMS****Chief Ralph "Chip" Melton**

Currituck County Fire &amp; EMS

2793 Caratoke Highway

Currituck, NC 27929

252-232-7746 ext. 4029

Cell: 757-350-9321

[Ralph.Melton@CurrituckCountyNC.gov](mailto:Ralph.Melton@CurrituckCountyNC.gov)**Member: Currituck Sheriff's Department****Lieutenant Jason Banks**

407 Maple Road

Maple, NC 27956

252-453-8204 ext. 4100

[Jason.Banks@CurrituckCountyNC.gov](mailto:Jason.Banks@CurrituckCountyNC.gov)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2142)

**Agenda Item Title**

Ocean Sands Water and Sewer Advisory Board-Marty Regan

**Brief Description of Agenda Item:**

**Planning Board Recommendation:**

The Property Owners Association for Ocean Sands has recommended Marty Regan to replace Carlos Gomez, who resigned from the Board. The Ocean Sands Water and Sewer Advisory Board is a Board resulting from a settlement agreement with the county and Mr. Regan will serve on behalf of the Ocean Sands POA.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



**From:** [Marty Regan](#)  
**To:** [Eric Weatherly](#)  
**Cc:** [Leeann Walton](#); [Marty Regan](#)  
**Subject:** RE: OSWSD Advisory Committee  
**Date:** Friday, April 06, 2018 4:37:35 PM  
**Attachments:** [image003.png](#)  
[image004.gif](#)  
[image005.png](#)  
[advisory-board-application-18jan02.pdf](#)

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Eric,

Attached is my completed CURRITUCK COUNTY STATEMENT OF INTEREST FOR ADVISORY BOARDS & COMMITTEES form.

Please let me know if you need anything else from me. I look forward to participating.

Thanks

Marty

Martin Regan  
 Signature Touch Property Management  
 2600 N Croatan Highway 2nd Floor, Kill Devil Hills NC 27948  
 252-441-8857 Office  
 252-596-0008 Direct



[www.signaturetouchobx.com](http://www.signaturetouchobx.com)

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**From:** Eric Weatherly <Eric.Weatherly@CurrituckCountyNC.gov>  
**Sent:** Thursday, April 5, 2018 2:57 PM  
**To:** Marty Regan <marty.regan@signaturetouchobx.com>  
**Cc:** Coastland Corporation <info@coastlandcorp.com>; Leeann Walton <Leeann.Walton@CurrituckCountyNC.gov>  
**Subject:** RE: OSWSD Advisory Committee

Hello Marty, thank you for your volunteering for the Ocean Sands Water and Sewer District Advisory Board. If you would, please fill out the attached application and return to myself and Leeann Walton, Clerk to the Board of Commissioners. I have copied Leeann on this email. We will put you on the Board of Commissioners meeting agenda for approval.

**Eric T. Weatherly, P.E.**

Attachment: RE\_OSWSD Advisory Committee (Board Appts-Ocean Sands Water and Sewer Advisory)

*County Engineer*

County of Currituck | Public Works Department  
153 Courthouse Road, Suite 302 | Currituck, NC 27929  
P: 252-232-6035 | F: 252-232-3298  
[Eric.Weatherly@CurrituckCountyNC.gov](mailto:Eric.Weatherly@CurrituckCountyNC.gov)

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**From:** [info@coastlandcorp.com](mailto:info@coastlandcorp.com) [<mailto:info@coastlandcorp.com>]  
**Sent:** Thursday, April 05, 2018 11:39 AM  
**To:** Eric Weatherly  
**Cc:** 'Marty Regan'; [info@coastlandcorp.com](mailto:info@coastlandcorp.com)  
**Subject:** OSWSD Advisory Committee

Eric:

The Ocean Sands Property Owner's Association recommends Marty Regan to be appointed to the advisory committee to replace Carlos Gomez.

Please see that this gets on the Board of Commissioners agenda.

Thank you.

Jeanne Marcinko  
OSPOA  
P.O. Box 1717  
Virginia Beach, VA 23451  
757-422-9111

Attachment: RE\_OSWSAD Advisory\_Committee (Board Appts-Ocean Sands Water and Sewer Advisory)



## OCEAN SANDS WATER SEWER DISTRICT ADVISORY BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Braxton Hill			Coastland Corporation		
Carlos Gomez			Ocean Sands POA		
Barbara Marzetti			BOC	9/4/12	
Pat Riley			BOC	9/4/12	
Terry Anderson			BOC	11/5/12	

Replacements needed due to member resignations-Coastland Corp Appointees



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2143)**

**Agenda Item Title**

Recreation Advisory Board

**Brief Description of Agenda Item:**

**Planning Board Recommendation:**

The following Recreation Advisory members are eligible for reappointment:

- Ryan Hodges-Reappointment      Bob White
- Robin Kane-Reappointment      Mike Payment
- Peter Aitken-Reappointment      Marion Gilbert
- Kevin McCord-Reappointment      Mike Hall

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

RECREATION ADVISORY BOARD  
2 Year Terms

Incumbent	District Served	New Appointee	Nominated by	Date of Appointment	End of Term
Ryan Hodges	District 1		Bob White	1/4/2016	1st Term January 2018
Liz Turner	District 2		Bobby Hanig	6/19/2017	1st Term January 2019
Robin Kane	District 3		Mike Payment	1/4/2016	1st Term January 2018
Rick Vasko	District 4	No longer able to serve	Paul Beaumont	4/3/2017	1st Term January 2019
Peter Aitken	District 5		Marion Gilbert	2/15/2016	1st Term January 2018
Kevin McCord	At-Large		Mike Hall	1/19/2016	1st Term January 2018
Ellen Owens	At-Large		Kitty Etheridge	1/2017 1st term exp	2nd Term
				1/3/2017	January 2019

Can Reappoint  
Must be replaced

Commissioner Beaumont Serves on this Board





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2150)

**Agenda Item Title**

Land Transfer Tax Appeals Board

**Brief Description of Agenda Item:**

Commissioner Payment wishes to reappoint Manly West to the Land Transfer Tax Appeals Board. Appointments are four-year terms. Mr. West's term will expire in June, 2020.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

LAND TRANSFER TAX APPEALS BOARD  
4 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Richard Williams	District 1		Bob White	8/2014	1st Term 6/2018
Ronnie Cooper	District 2		Bobby Hanig	5/8/2012	6/2016
Manly West	District 3		Mike Payment	5/8/2012	6/2016
Wade Morgan	District 4		Paul Beaumont	5/8/1212	6/2016
Gerry Forbes	District 5		Marion Gilbert	8/2014	1st Term 6/2018
John Messina	At-Large		Mike Hall	8/2014	1st Term 6/2018
John Whitehurst, Jr.	At-Large		Kitty Etheridge	5/8/2012	6/2016



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2144)

**Agenda Item Title**

Moyock Watershed Service District Advisory Board

**Brief Description of Agenda Item:**

**Planning Board Recommendation:**

The following members are eligible for reappointment:

W. Charles Eley (All of these are Consensus appointments)

Davis Plageman

Wendy Shannon

Ryan Hudgins

Peggy Lusk

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



MOYOCK WATERSHED ADVISORY BOARD  
2-YEAR TERMS

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
W. Charles Eley	Consensus			October 19, 2015	Initial October 19, 2016
Cindy Arthur	Consensus	Resigned		October 19, 2015	Initial October 19, 2016
David M. Plageman	Consensus			October 19, 2015	Initial October 19, 2017
Wende Shannon	Consensus			October 19, 2015	Initial October 19, 2017
Ryan Hudgins	Consensus	Vice-chair		October 19, 2015	Initial October 19, 2017
Peggy Lusk	Consensus	Chair		November 2, 2015	Initial October 19, 2016
Steven Vick, Sr.	Consensus	Moved Out of District		April 18, 2016	Initial October 19, 2017

*All members eligible for two, two-year terms at initial expiration.*

**Must be replaced**

**May be Reappointed**



**CURRITUCK COUNTY  
NORTH CAROLINA**

April 2, 2018

Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

**1. 5:00 PM Local Wind Energy Economics-John Droz**

The Currituck County Board of Commissioners met at 5 PM in the Board Meeting Room of the Historic Courthouse to hear a presentation from Mr. John Droz, Physicist, on the local economics of wind energy. Mr. Droz used a powerpoint to present information on some of the negative effects and losses to local economies related to wind energy development. Mr. Droz stressed the importance of using independent experts to perform net financial and liability analyses and reviewed study results and projections related to existing or proposed wind energy developments in North Carolina.

Mr. Droz responded to Board questions, clarified some of the information presented, and reviewed his resources available if needed, such as a list of experts and samples of solar and wind ordinances. County Attorney, Ike McRee, discussed methods the Board could use for consideration of applications that differ from the current quasi-judicial process. The work session concluded at 5:43 PM.

**6:00 PM CALL TO ORDER**

The Currituck County Board of Commissioners held a regular meeting at 6:00 PM in the Board Meeting Room of the Historic Courthouse, 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 Ronnie Culley, Christian Home Baptist**

Reverend Ronnie Culley attended to offer the Invocation and lead the Pledge of Allegiance.

Communication: Minutes for April 2, 2018 (Approval Of Minutes for April 2, 2018)

**B) Approval of Agenda**

Commissioner Gilbert amended the agenda to add an additional topic pursuant to GS 143.318.11(a)(6) to discuss a personnel matter to closed session, and moved for approval. The motion was seconded by Commissioner White and passed unanimously.

Approved agenda:

**Work Session**

5:00 PM Local Wind Energy Economics-John Droz

**6:00 PM Call to Order**

A) Invocation & Pledge of Allegiance-Reverend Ronnie Culley, Christian Home Baptist

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) YMCA of South Hampton Roads-Annual Report

**Public Hearings**

A) **Public Hearing & Action: PB 17-06 Miller Homes & Building LLC:** Request for conditional rezoning from AG (Agricultural) to C-GB (Conditional- General Business) on property located at 155 Survey Road for a bakery/light sandwich restaurant, Tax Map 15, Lot 47B, Moyock Township.

**Old Business**

A) **Consideration and Action: PB 18-03 Fun in the Sun Dune Buggy Rentals:** Request for a use permit for light vehicle rentals. The property is 2.32 acres and is located at 8754 Caratoke Highway, Harbinger, Tax Map 131, Parcels 109, 110 and 111, Poplar Branch Township.

**New Business**

A) **Consideration of Amendments to the Wild Horse Management Agreement**

B) **Consent Agenda**

1. Approval Of Minutes for March 19, 2018

Communication: Minutes for April 2, 2018 (Approval Of Minutes for April 2, 2018)



2. Budget Amendments
3. Lease Agreement with Robert Natole for Location of Currituck County Rural Center Sign

**C) Commissioner's Report**

**D) County Manager's Report**

**Special Meeting of the Tourism Development Authority**

TDA Budget Amendments

**Closed Session**

Closed Session Pursuant to G.S. 143-318.11(a)(3) to Consult with the County Attorney and to preserve the Attorney-Client Privilege in Matters Entitled: Ayers v. Currituck County; and Currituck County v. Currituck County Board of Adjustment and Davis Street Holdings, LLC

***Amended to include:***

***and pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.***

**Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Bob White, Commissioner
<b>AYES:</b>	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.***

Adam Forrer, Southeastern Wind Energy Coalition, commented on the earlier wind energy work session presentation and countered some of the items raised by Mr. Droz. Specifically, he discussed bat kills, tourism and military concerns.

Bill Collins, Corolla, spoke on behalf of the Corolla Civic Association to address funding for the Corolla Fire Department through occupancy tax. He said occupancy tax can only be used for Tourism related expenditures and fire is not included as a use in the statute. He urged the board not to approve the budget amendment being considered later at the special meeting of the Tourism Development Authority to provide funding for Corolla fire services. He also addressed the use of occupancy tax for the Currituck County Rural Center and Historic Jarvisburg Colored School, and said those facilities do not attract a significant amount of tourists. He said the county has yet to respond to the Corolla Civic Association attorney's records request regarding occupancy tax.

Ben Wilson, a Currituck resident, spoke about the new Beach Parking Permit. He said he has a problem with a piece of the ordinance that gives special privileges to full-time residents of the off-road beach. He said every resident should be allowed to have two free guest passes and asked Board to consider amending section F of the ordinance.

## ADMINISTRATIVE REPORTS

### A. YMCA of South Hampton Roads-Annual Report

Billy George, President and CEO of YMCA of South Hampton Roads, along with Dean Mattix, District Vice-President, presented the annual report for the YMCA facility in Currituck County. Mr. George reported on the strong state of the facility, now approaching its seventh year. He reported over 4,000 members with 45% of those utilizing financial assistance programs offered by the YMCA. A fact sheet distributed to the Board was reviewed and highlighted positive impacts the YMCA has on the community. Mr. Mattix discussed the YMCA's partnership with the county Parks and Recreation and Senior Center and highlighted programs including the Togetherhood Project and children's swim programs.

## PUBLIC HEARINGS

### A. Public Hearing & Action: PB 17-06 Miller Homes & Building LLC:

<b>Property Owner:</b> Miller Homes & Building LLC 111 Currituck Commercial Drive, Suite B Moyock NC 27958	<b>Applicant:</b> Miller Homes & Building LLC 111 Currituck Commercial Drive, Suite B Moyock NC 27958
<b>Case Number:</b> PB 17-06	<b>Application Type:</b> Conditional Rezoning
<b>Parcel Identification Number:</b> 0015-000-047B-0000	<b>Existing Use:</b> Single-Family Dwelling and Outbuilding
<b>Land Use Plan Classification:</b> Full Service	<b>Parcel Size (Acres):</b> 1.05
<b>Moyock SAP Classification:</b> Full Service	
<b>Zoning History:</b> A-40 (1974); AG (1989)	<b>Plan Request:</b> Bakery, Light Sandwich Restaurant
<b>Current Zoning:</b> AG	<b>Proposed Zoning:</b> C-GB

SURROUNDING PARCELS		
	LAND USE	ZONING
NORTH	CULTIVATED FARMLAND AND SINGLE-FAMILY DWELLING	AG
SOUTH	GOLF COURSE	AG
EAST	CULTIVATED FARMLAND	GB
WEST	RESIDENTIAL SUBDIVISION (LAKEVIEW)	SFM w/ PUD OVERLAY

The applicant is requesting a conditional rezoning from AG (Agricultural) to C-GB (Conditional-General Business). The immediate proposed use is a bakery/light sandwich restaurant; however, the applicant wishes to also allow all of the following uses in the future:

1. Eating Establishments
2. Offices
3. Recreation/Entertainment (indoor and outdoor)
4. Retail Sales and Services limited to:
  - Drug store or pharmacy
  - Financial institution
  - Repair establishment
  - Retail sales establishment

This conditional rezoning request for C-GB is reasonable because a specialty eating establishment (bakery) and sandwich shop will provide a new type of business to serve the neighborhood and will promote economic growth.

According to the Land Use Plan, Moyock is the fastest growing area of the county and the heightened residential development interest has brought with it pressure for more retail services that follow such development. This conditional rezoning request could also be considered as an expansion of the GB zoning district adjoining the property, approximately 23 acres.

#### REVIEW STANDARDS

IN DETERMINING WHETHER TO ADOPT OR DENY A PROPOSED CONDITIONAL REZONING, THE BOARD OF COMMISSIONERS MAY WEIGH THE RELEVANCE OF AND CONSIDER WHETHER AND TO THE EXTENT TO WHICH THE PROPOSED AMENDMENT:

1. IS CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE LAND USE PLAN, OTHER APPLICABLE COUNTY-ADOPTED PLANS, AND THE PURPOSES OF THE UDO:
  - IT IS CONSISTENT WITH THE 2006 LUP INCLUDING THE FOLLOWING POLICIES:
    - POLICY HN3: CURRITUCK COUNTY SHALL ESPECIALLY ENCOURAGE TWO FORMS OF RESIDENTIAL DEVELOPMENT, EACH WITH THE OBJECTIVE OF AVOIDING TRADITIONAL SPRAWL: 2) 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. THESE TYPES OF DEVELOPMENT ARE CONTEMPLATED FOR THE FULL SERVICE AREA.
    - POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS SHOULD BE ENCOURAGED TO LOCATE WHERE A COLLECTOR OR SECONDARY STREET INTERSECTS WITH A STREET OF EQUAL OR GREATER SIZE. APPROPRIATELY DESIGNED, SMALL-SCALE BUSINESSES MAY ALSO BE NEAR OTHER NEIGHBORHOOD SERVING FACILITIES SUCH AS SCHOOLS AND PARKS.
  - IT IS CONSISTENT WITH THE FOLLOWING POLICIES IN THE MOYOCK SMALL AREA PLAN:
    - POLICY IS1: THE COSTS OF INFRASTRUCTURE, FACILITIES, AND SERVICES RELATED TO NEW GROWTH AND DEVELOPMENT SHOULD BE BORNE PRIMARILY BY THOSE CREATING THE DEMAND.
    - POLICY ST1: PROMOTE THE ESTABLISHMENT OF AN AREA DEDICATED TO COMMUNITY SERVING BUSINESSES THAT FOSTER A SMALL TOWN, MAIN STREET FEEL.
  - THE REQUEST IS CONSISTENT WITH THE PURPOSE OF THE UDO AS IT ADHERES TO THE POLICIES AND OBJECTIVES OF COUNTY ADOPTED PLANS REGARDING GROWTH AND DEVELOPMENT.
2. IS IN CONFLICT WITH ANY PROVISION OF THIS ORDINANCE, OR THE COUNTY CODE OF ORDINANCES;
  - STAFF IS NOT AWARE OF ANY CONFLICTS WITH THE ORDINANCE OR THE CODE OF ORDINANCES.
3. IS REQUIRED BY CHANGED CONDITIONS;
  - STAFF IS NOT AWARE OF CHANGED CONDITIONS THAT WARRANT THE REZONING.
4. ADDRESSES A DEMONSTRATED COMMUNITY NEED;
  - OVER 48% OF RESPONDENTS TO A RECENT IMAGINE CURRITUCK SURVEY PRIORITIZED ENCOURAGING SMALL COMMERCIAL BUSINESSES SUCH AS RESTAURANTS OR LOCAL RETAIL SHOPS AS THE NUMBER ONE EFFORT THE COUNTY SHOULD TAKE TO ENCOURAGE NONRESIDENTIAL DEVELOPMENT.
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;
  - THE REQUEST FOR A NEIGHBORHOOD SERVING COMMERCIAL USE, WHICH IS ALSO AN EXTENSION OF AN ADJOINING GB ZONING DISTRICT, IS AN APPROPRIATE ZONING DISTRICT.
6. ADVERSELY IMPACT NEARBY LANDS;
  - SINCE THIS IS A COMPATIBLE USE AND AN EXPANSION OF AN ADJOINING GB ZONING DISTRICT, STAFF IS NOT AWARE OF ANY IMPACTS THAT WOULD ADVERSELY IMPACT NEARBY LANDS.
7. WOULD RESULT IN A LOGICAL AND ORDERLY DEVELOPMENT PATTERN;
  - THIS NEIGHBORHOOD SERVING COMMERCIAL USE IS COMPATIBLE WITH PLANNED AND EXISTING NEIGHBORHOOD SERVING COMMERCIAL USES SUCH AS A SCHOOL.
  - IT IS LOGICAL AND ORDERLY TO EXPECT COMMERCIAL USES TO FOLLOW THE INCREASED RESIDENTIAL DEVELOPMENT IN THE AREA.
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;
  - STAFF IS NOT AWARE OF ANY ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT BECAUSE OF THE PROPOSED REZONING. THE BUILDING IS ALREADY ON THE PROPERTY
9. WOULD RESULT IN DEVELOPMENT THAT IS ADEQUATELY SERVED BY PUBLIC FACILITIES;
  - THERE ARE ADEQUATE PUBLIC FACILITIES TO SERVE THIS DEVELOPMENT.
10. WOULD NOT RESULT IN SIGNIFICANTLY ADVERSE IMPACTS ON THE LAND VALUES IN THE SURROUND AREA; AND,
  - IT IS STAFF'S OPINION THAT A NEIGHBORHOOD SERVING COMMERCIAL USE AND THE EXPANSION OF THE ADJOINING GB ZONING DISTRICT WILL NOT RESULT IN SIGNIFICANTLY ADVERSE IMPACTS ON THE LAND VALUES IN THE SURROUNDING AREA.



11. WOULD NOT CONFLICT WITH THE PUBLIC INTEREST AND IS IN HARMONY WITH THE PURPOSES AND INTENT OF THIS ORDINANCE.

- IT IS STAFF'S OPINION THAT A NEIGHBORHOOD SERVING COMMERCIAL USE AND THE EXPANSION OF AN ADJOINING GB ZONING DISTRICT WILL NOT BE IN CONFLICT WITH THE PUBLIC INTEREST AND IS IN HARMONY WITH THE PURPOSE AND INTENT OF THIS ORDINANCE.

#### RECOMMENDATIONS

##### STAFF

Staff recommends approval of this request subject to the applicant's imposed condition:

- Immediate use: Bakery and specialty sandwich shop (specialty eating establishment)
- Potential future uses:
  1. Eating Establishments
  2. Offices
  3. Recreation/Entertainment (indoor and outdoor)
  4. Retail Sales and Services limited to:
    - Drug store or pharmacy
    - Financial institution
    - Repair establishment
    - Retail sales establishment

THE REQUEST IS CONSISTENT WITH ALL COUNTY-ADOPTED PLANS THAT ARE APPLICABLE BECAUSE IT:

1. IS CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE LAND USE PLAN, OTHER APPLICABLE COUNTY-ADOPTED PLANS, AND THE PURPOSES OF THE UDO;
2. IS CONSISTENT WITH THE 2006 LUP AND THE MOYOCK SMALL AREA PLAN;
3. IS NOT IN CONFLICT WITH ANY PROVISION OF THIS ORDINANCE, OR THE COUNTY CODE OF ORDINANCES;
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;
6. DOES NOT ADVERSELY IMPACTS NEARBY LANDS;
7. WILL RESULT IN A LOGICAL AND ORDERLY DEVELOPMENT PATTERN;
8. WOULD 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;
9. WOULD RESULT IN DEVELOPMENT THAT IS ADEQUATELY SERVED BY PUBLIC FACILITIES;
10. WOULD NOT RESULT IN SIGNIFICANTLY ADVERSE IMPACTS ON THE LAND VALUES IN THE SURROUND AREA; AND,
11. WOULD NOT CONFLICT WITH THE PUBLIC INTEREST AND IS IN HARMONY WITH THE PURPOSES AND INTENT OF THIS ORDINANCE.

THE REQUEST IS REASONABLE BECAUSE THE USE IS SIMILAR TO THE EXISTING AND PROPOSED USES SURROUNDING THE LAND SUBJECT TO THE APPLICATION. THIS IS THE APPROPRIATE ZONING DISTRICT AND USE FOR THE LAND BECAUSE NEIGHBORHOOD SERVING COMMERCIAL USES ARE ALLOWED IN THE C-GB ZONING DISTRICT. THIS PARCEL FITS THAT DESCRIPTION SINCE IT IS OFF THE HIGHWAY AND WITHIN WALKING DISTANCE OF A SCHOOL AND SEVERAL NEIGHBORHOODS.

#### RECOMMENDATIONS

##### PLANNING BOARD

Planning Board recommends approval of this request subject to the applicant's imposed condition and the consistency and reasonableness statements above:

- Immediate use: Bakery and specialty sandwich shop (specialty eating establishment)
- Potential future uses:
  1. Eating Establishments
  2. Offices
  3. Recreation/Entertainment (indoor and outdoor)
  4. Retail Sales and Services limited to:
    - Drug store or pharmacy
    - Financial institution
    - Repair establishment
    - Retail sales establishment

THE REQUEST IS CONSISTENT WITH ALL COUNTY-ADOPTED PLANS THAT ARE APPLICABLE BECAUSE IT:

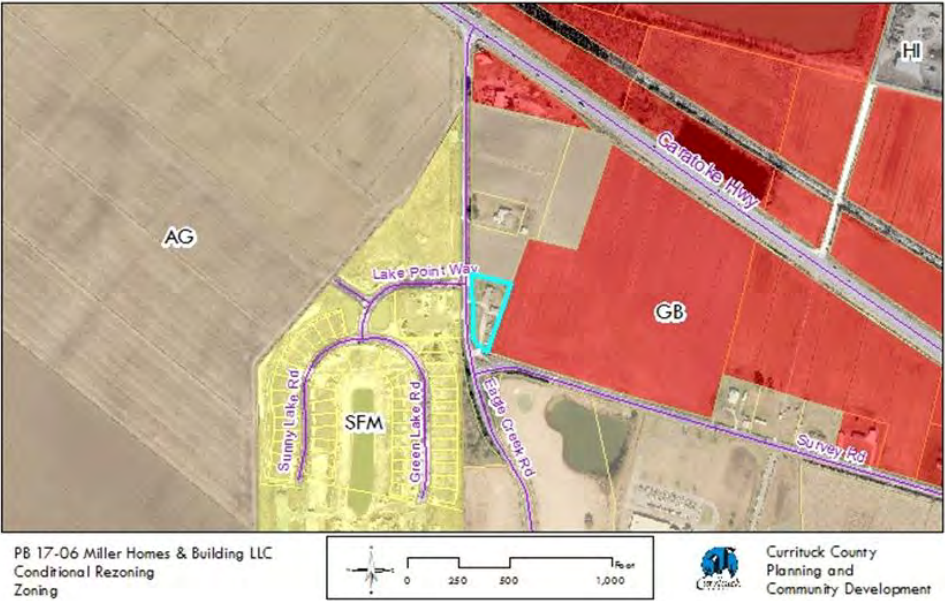
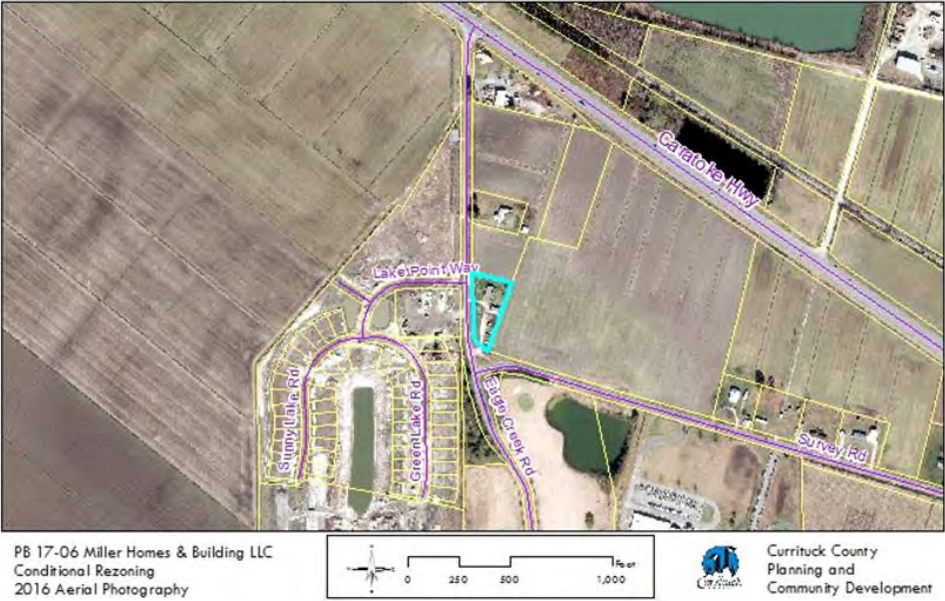
12. IS CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE LAND USE PLAN, OTHER APPLICABLE COUNTY-ADOPTED PLANS, AND THE PURPOSES OF THE UDO;
13. IS CONSISTENT WITH THE 2006 LUP AND THE MOYOCK SMALL AREA PLAN;
14. IS NOT IN CONFLICT WITH ANY PROVISION OF THIS ORDINANCE, OR THE COUNTY CODE OF ORDINANCES;
15. ADDRESSES A DEMONSTRATED COMMUNITY NEED;
16. 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;
17. DOES NOT ADVERSELY IMPACTS NEARBY LANDS;
18. WILL RESULT IN A LOGICAL AND ORDERLY DEVELOPMENT PATTERN;
19. WOULD 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;
20. WOULD RESULT IN DEVELOPMENT THAT IS ADEQUATELY SERVED BY PUBLIC FACILITIES;
21. WOULD NOT RESULT IN SIGNIFICANTLY ADVERSE IMPACTS ON THE LAND VALUES IN THE SURROUND AREA; AND,
22. WOULD NOT CONFLICT WITH THE PUBLIC INTEREST AND IS IN HARMONY WITH THE PURPOSES AND INTENT OF THIS ORDINANCE.

THE REQUEST IS REASONABLE BECAUSE THE USE IS SIMILAR TO THE EXISTING AND PROPOSED USES SURROUNDING THE LAND SUBJECT TO THE APPLICATION. THIS IS THE APPROPRIATE ZONING DISTRICT AND USE FOR THE LAND BECAUSE NEIGHBORHOOD SERVING COMMERCIAL USES ARE ALLOWED IN THE C-GB ZONING DISTRICT. THIS PARCEL FITS THAT DESCRIPTION SINCE IT IS OFF THE HIGHWAY AND WITHIN WALKING DISTANCE OF A SCHOOL AND SEVERAL NEIGHBORHOODS.

#### **RECOMMENDATIONS PLANNING BOARD**

Planning Board recommends approval of this request subject to the applicant's imposed condition and the consistency and reasonableness statements above:

- Immediate use: Bakery and specialty sandwich shop (specialty eating establishment)
- Potential future uses:
  5. Eating Establishments
  6. Offices
  7. Recreation/Entertainment (indoor and outdoor)
  8. Retail Sales and Services limited to:
    - Drug store or pharmacy
    - Financial institution
    - Repair establishment
    - Retail sales establishment

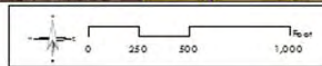


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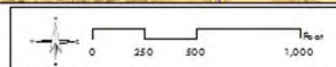
PB 17-06 Miller Homes & Building LLC  
Conditional Rezoning  
LUP Classification



Currituck County  
Planning and  
Community Development



PB 17-06 Miller Homes & Building LLC  
Conditional Rezoning  
Moyock SAP Classification



Currituck County  
Planning and  
Community Development



Planning and Community Development Director, Laurie LoCicero, reviewed the rezoning application with the Board of Commissioners and said both staff and the Planning Board recommended approval with conditions included in the staff report. Ms. LoCicero responded to Board questions to clarify portions of the application related to the proposed conditions which include a list of future uses of the property. She reviewed the next steps necessary for the applicant to move the project forward, which would include a Technical Review Committee (TRC) site plan review. The General Business zoning on the adjacent parcel and future development on the applicant parcel were discussed.

Applicant, Sam Miller, addressed the Board and provided information related to the intended use and the possible future uses of the property as established by conditions. He said the plan is to open a bakery/cafe but he wanted some flexibility if something were to happen, economically or otherwise. Mr. Miller showed a conceptual drawing of a building elevation that depicted a farmhouse design with a front porch. He described the interior layout and said the cafe would be open for breakfast and lunch, Monday through Saturday.

Commissioner Gilbert said the conditions are a bit broader than she is comfortable with. Commissioner Etheridge expressed concern with allowing a repair establishment as a future use condition. Discussion concluded and Chairman Hanig opened the Public Hearing.

Susan Powers, an Eagle Creek resident, originally wanted to express concerns with the repair establishment condition in the application. Her concerns were allayed after hearing Mr. Miller's explanation of his intent, and she was okay with the application. Ms. LoCicero named the allowable repair businesses established in the Unified Development Ordinance (UDO) and noted that repairs would be required to be performed inside the facility.

No others were signed up nor wished to speak and Chairman Hanig closed the Public Hearing.

Commissioner Payment moved to approve PB 17-06 because it is consistent with the Moyock Small Area Plan in that it establishes an area dedicated to community serving businesses that foster a main street feel with the conditions of the existing use, immediate proposed use and potential future uses listed in the staff report; the request is reasonable and in the public interest because the request is for a neighborhood serving commercial use, compatible with planned and existing neighborhood serving commercial uses such as a school in an orderly and logical development pattern.

Commissar Gilbert seconded the motion. The motion passed unanimously.



**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Mike H. Payment, Vice Chairman  
**SECONDER:** Marion Gilbert, 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

## OLD BUSINESS

- A. Consideration and Action: PB 18-03 Fun in the Sun Dune Buggy Rentals: Request for a use permit for light vehicle rentals. The property is 2.32 acres and is located at 8754 Caratoke Highway, Harbinger, Tax Map 131, Parcels 109, 110 and 111, Poplar Branch Township.**

APPLICATION SUMMARY	
<b>Property Owner:</b> Oddessey Partners	<b>Applicant:</b> Scott McDowell
<b>Case Number:</b> PB 18-03	<b>Application Type:</b> Use Permit
<b>Parcel Identification Number:</b> 013100011B0000 01310001100000, 013100001090000	<b>Existing Use:</b> Commercial Building (Multi-Unit)
<b>Land Use Plan Classification:</b> Limited Service	<b>Parcel Size (Acres):</b> Total Use Area 2.92 Acres
<b>Request:</b> Use Permit: Dune Buggy Rentals	<b>Zoning:</b> General Business (GB)

SURROUNDING PARCELS		
	Land Use	Zoning
North	Vacant	General Business
South	Carolina Designs (Realty)	General Business
East	Add Water Marine	General Business
West	Holly Ridge Golf Course	SFM

The applicant is requesting a use permit to allow rental of dune buggies in the General Business Zoning District. The request includes rental of four vehicles with plans to expand to a maximum of six vehicles. A display pad for two vehicles is proposed near the highway which will include a Type A landscaping buffer. When vehicles are not rented they will be stored inside the rear accessory building. Any outdoor storage of vehicles, other than those on the display pad, will require site plan approval and fully opaque screening in accordance with the UDO.

INFRASTRUCTURE	
Water	Public
Sewer	Septic
Transportation/Access	Access from Caratoke Highway
Stormwater/Drainage	Existing, No New Requirements
Lighting	Required Full Cut-Off Fixtures
Landscaping	Type A Buffer Required in Front of Display Pad

RECOMMENDATIONS
TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends **adoption** of the use permit subject to the following conditions of approval: 1. The application complies with all applicable review standards of the UDO provided the following outstanding items are addressed:

- a. A (Type A) landscaping buffer is required in front of the display pad.
- b. The site shall be improved according to the proposed site plan.

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2. 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. ***Vehicle storage shall occur within an enclosed building or be fully screened from sight in accordance with the Unified Development Ordinance and a revised site plan.***
  - b. ***No more than six (6) vehicles shall be available for rent at any given time.***
  - c. ***On-site repair and service shall be limited to washing buggies, airing up tires, checking: tire pressure, condition of seatbelts, mirrors, and other safety features. Engine, alignment, tire work or any other major repairs shall be performed in a building approved for such use. There are currently no on-site buildings approved for this type of use.***
  - d. ***There shall be no more than two vehicles on the display pad at any given time.***

<b>USE PERMIT REVIEW STANDARDS</b>
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<b>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.</b>
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The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. The business will be located in an existing building that has no history of health or safety issues.

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 business will be operated next to existing businesses (Carolina Design Operations and a roofing company) that have similar traffic and use patterns.

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

Preliminary Staff Findings:

1. The 2006 Land Use Plan classifies this site as Limited Service within the Point Harbor subarea. The proposed use is in keeping with the policies of the plan, some of which are:
  - a. Policy ED1: new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
  - b. Policy 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.

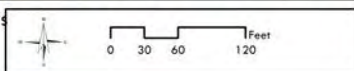
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

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



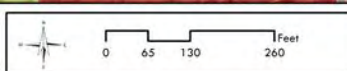
PB 18-03 Fun in the Sun Buggy Rentals  
Use Permit  
Aerial



Currituck County  
Planning and  
Community Development

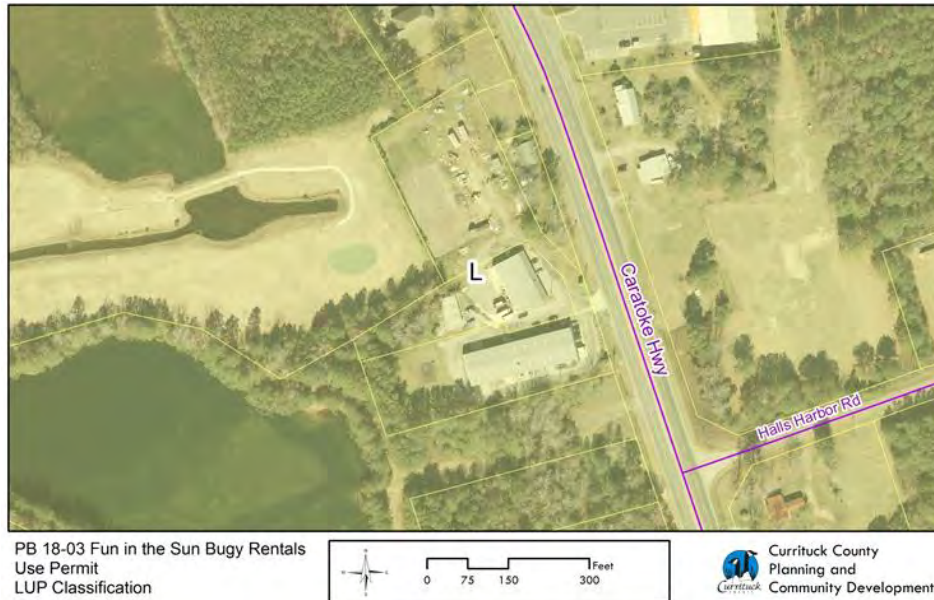


PB 18-03 Fun in the Sun Buggy Rentals  
Use Permit  
Zoning



Currituck County  
Planning and  
Community Development





Laurie LoCicero, Planning and Community Development Director, provided a brief overview of the application and site plan. The evidentiary phase with public hearing took place during the regular meeting of March 19, 2018, and the Board voted to continue the item for further consideration.

Commissioner White moved to approve PB 18-03 Odyssey Partners Use Permit with staff recommendations as presented for a term of one year, after which the item would be brought back to the Board for review and possible modification to address any related issues noted on the four-wheel drive area. The motion was seconded by Commissioner Etheridge.

Concerns were raised by Board members related to the one-year term included in the original motion, and after some Board discussion and consultation with the county attorney, Commissioner White and Commissioner Etheridge withdrew their original motion and second.

Commissioner White moved to approve PB 18-03, Oddessey Partners use permit, with staff recommendations: A type a landscaping buffer is required in front of the display pad; the site shall be improved according to the proposed site plan; vehicle storage shall occur within an enclosed building or be fully screened from site in accordance with the Unified Development Ordinance (UDO) and a revised site plan; no more than six (6) vehicles shall be available for rent at any given time; on-site repair and service shall be limited to washing, airing tires, checking tire pressure, condition of seatbelts, mirrors and safety features. Engine alignment, tire work or any other major repairs shall be performed in a building approved for such use; there shall be no more than two vehicles on the display pad at any given time; because the applicant has demonstrated the proposed use meets the use permit review standards in the UDO.

The use will not endanger the public health or safety because: the business is located in an existing building that has no history of health or safety issues; the use will not injure the value of adjoining or abutting lands and will be in harmony with the area in

which it is located. The use is in conformity with the following policies of the 2006 Land Use Plans: Policy ED 1-New and expanding industries and businesses should be especially encouraged to diversify the local economy, train and utilize a more highly skilled labor force, and are compatible with the environmental quality and natural amenity-based economy of Currituck County; Policy ED 4-In addition to the recruitment and expansion of major new industries, the considerable value of small business startups, expansions and spinoffs shall also be recognized.

The use will not exceed the county's ability to provide adequate public facilities: the proposed use will have no impact on schools and Currituck County has adequate public facilities to serve this use.

The motion was seconded by Commissioner Etheridge and the motion passed unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	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. Consideration of Amendments to the Wild Horse Management Agreement

County Manager, Dan Scanlon, reviewed the Wild Horse Management Agreement amendment to include a narrative of the state's position and that of the United States Fish and Wildlife related to the increased herd size, agreed upon earlier, reflecting their goal of accomplishing a habitat study as a priority.

Mr. Scanlon responded to Board questions to clarify other aspects of the management plan. Commissioner Beaumont asked that a bullet be inserted into the timeline section of the document to note a letter that was sent to Congressman Walter Jones in which the County withdrew its support for Federal legislation. Mr. Scanlon said because all of the points in the federal legislation were now addressed in the management agreement Federal legislation was no longer necessary and a notation can be added to the document.

Commissioner Beaumont moved for approval. The motion was seconded by Commissioner Hall and passed unanimously.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Paul M. Beaumont, Commissioner  
**SECONDER:** Bob White, 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

## B) Consent Agenda

Mr. Scanlon said an updated Master Fee Schedule was inserted into the March 19, 2018, meeting minutes. The fee schedule was revised to correct text for the beach parking pass, which was listed as a "driving" pass instead of a "parking" pass.

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

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Bob White, Commissioner  
**SECONDER:** Marion Gilbert, 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 March 19, 2018

#### 1. Minutes for March 19, 2018

#### 2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10512-590000	Capital Outlay	\$ 14,400	
10512-506000	Insurance Expense		\$ 14,400
		\$ 14,400	\$ 14,400
<b>Explanation:</b>	Animal Services and Control (10512) - Transfer budgeted funds for updating the public pet room and adoption room in the front of the shelter and to purchase 4 additional dog kennels.		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		



		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10750-502000	Salaries		\$ 12,500
10750-545000	Contracted Services	\$ 12,500	
		\$ 12,500	\$ 12,500

**Explanation:** SOCIAL SERVICES ADMIN (750) - Move funds to cover the cost of hiring temporary staffing in the Adult Services unit of the agency to cover position vacancies.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10415-514000	Travel	\$ 500	
10415-514500	Training & Education	\$ 500	
10415-505000	FICA		\$ 1,000
		\$ 1,000	\$ 1,000

**Explanation:** Legal (10415) - Transfer for additional travel and training in the legal department.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
61818-533200	Lab Tests	\$ 1,000	
61818-506000	Insurance Expense		\$ 1,000
		\$ 1,000	\$ 1,000

**Explanation:** Mainland Water (61818) - Transfer budgeted funds for required lab testing for the remainder of this fiscal year.

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

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		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
67878-516000	Repairs & Maintenance	\$ 2,000	
67878-531000	Gas	\$ 3,100	
67878-553000	Dues & Subscriptions	\$ 6,300	
67878-506000	Health Insurance Expense		\$ 6,400
67878-502000	Salaries		\$ 5,000
		\$ 11,400	\$ 11,400
<b>Explanation:</b> Mainland Sewer System (67878) - Transfer budgeted funds for operations for the remainder of this fiscal year.			
<b>Net Budget Effect:</b> Mainland Sewer Fund (67) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10796-532001	Educational Supplies	\$ 700	
10796-514500	Training and Education		\$ 700
		\$ 700	\$ 700
<b>Explanation:</b> Currituck County Rural Center (10796) - Transfer budgeted funds for a Horse Bowl Buzzer set.			
<b>Net Budget Effect:</b> Operating Fund (10) - No change.			

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10750-545000	Contracted Services	\$ 2,000	
10490-532000	Supplies - Other	\$ 450	
10490-532003	Supplies - Courts	\$ 850	
10790-590000	Capital Outlay	\$ 8,000	
10460-502000	Salaries		\$ 11,300
		\$ 11,300	\$ 11,300
<b>Explanation:</b>	Public Works (10460); Court Facilities (10490); Social Services Administration (10750); Library (10790) - Transfer budgeted funds from lapsed salaries to other departments to pressure wash DSS building, operating supplies for the Judicial building and replace carpet in the Moyock library.		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		

### 3. Lease Agreement with Robert Natole for Location of Currituck County Rural Center Sign

#### C) Commissioner's Report

Commissioner Hall reported on many events held by the county's volunteer fire departments and took the opportunity to thank the volunteers for everything they do to help others.

Commissioner White reported on Corolla Volunteer Fire Department's improved fire rating after inspection, going from a 6 to a 5, and commended all of the volunteers. He said he and Commissioner Hall met recently with Pine Island representatives to discuss the Corolla greenway and hope the discussion will move the path forward in that area. He welcomed a new business in Coinjock, JX Motorsports, who offer street legal, low speed vehicles for sale.

Commissioner Beaumont relayed what a great experience it was to deliver meals and participate in the March for Meals program. He thanked all those who volunteer.

Commissioner Etheridge commended Currituck County Emergency Medical Technicians, witnessing them in action first hand. She thanked them for a job well done and noted the compassionate and professional care provided. She thanked all first responders for their service and commitment.

Commissioner Gilbert reported her attendance at the Emergency Medical Services and Fire promotion ceremony at Eagle Creek and thanked them for their service. She announced the household hazardous waste collection event on Saturday, April 7, from 9 AM till 3 PM at the Judicial Center, and 9 AM till Noon at Southern Outer Banks water



plant in Corolla. She announced an open house in Moyock on April 17, 2018, where the public could discuss various topics with county staff. She acknowledged the phenomenal work of Currituck Kids and said 250 children participated in their Easter Egg Hunt last Saturday. Commissioner Hall and Commissioner Payment, a Currituck Kids board member, also attended.

Commissioner Payment reiterated the sentiments of Commissioner Gilbert related to Currituck Kids. He said he was pleased to see business growth in Currituck and recognized Economic Development Director, Larry Lombardi, and his support for business in the county.

Chairman Hanig commented on the work and commitment put in by Commissioners that the public doesn't see and thanked the other Board members for their commitment.

#### **D) County Manager's Report**

County Manager, Dan Scanlon, reported on the upcoming hazardous waste collection on April 7th and reminded citizens that water based paint is not a hazardous waste and will not be collected. He said the April 17, 2018, open house will be held at Moyock Elementary from 5:30 PM till 7:30 PM, with staff on hand to discuss Currituck Station, stormwater and other topics.

Mr. Scanlon reported the credit rating agency Standard and Poors increased the County's rating from AA to AA+. He said the change will allow the County to get more competitive interest rates and noted the rating was about as high as a small county government rate can be.

#### **RECESS**

Chairman Hanig recessed the regular meeting in order to convene a Special Meeting of the Board of Commissioners.

#### **SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY**

The Currituck County Board of Commissioners held a Special Meeting in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, sitting as the Tourism Development Authority (TDA). The meeting was called to order by Chairman Hanig at 7:25 PM. Tameron Kugler, Travel & Tourism Director, was seated with the Board.

#### **E. TDA Budget Amendments**

Dan Scanlon, County Manager, reviewed the Budget Amendment for Corolla paid fire which was slated to begin on May 1, 2018. He said the budget amendment is needed to provide funding for up front costs, such as turnout gear and other supplies, and to cover a portion of personnel costs.

Mr. Scanlon explained the tax rate to fund a Corolla Fire Service District can only take effect on July 1 and the district will not have the ability to generate revenue until then. In response to earlier public comment, Mr. Scanlon said he believes the cost is a qualifying expense for occupancy tax under the general statutes, but the district can pay for the service with a loan from the county to cover the gap services and establish an

appropriate rate to include repayment if they choose to do so.

Commissioner Hall noted an error in the budget amendment and asked that the date be corrected to reflect 2018.

Commissioners discussed whether a loan from the County was the position of the community, as only two people have suggested it.

The Board took the opportunity to address additional budget amendments under consideration and answer other statements made during public comment. Ms. Kugler said the Currituck County Rural Center has become quite a destination, is always booked for equestrian events, and she considers the sign a promotional item, similar to a billboard. She noted visitation has increased at the Historic Jarvisburg Colored School, with 200 school children scheduled to visit soon. She said it will take time, but it is growing.

After discussion, the Board revisited the Corolla fire service funding and chose not to pull the budget amendment from consideration. Mr. Scanlon reviewed the rest of the budget amendments for the Board and Commissioner Gilbert made a motion for approval. The motion was seconded by Commissioner White and carried unanimously.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15442-587010	T F - Occupancy Tax	\$ 9,428	
15320-415000	Occupancy Tax		\$ 9,428
		<u>\$ 9,428</u>	<u>\$ 9,428</u>
<b>Explanation:</b>	Occupancy Tax -Promotion (15442) - Increase appropriations for advertising billboard for the CCRC.		
<b>Net Budget Effect:</b>	Occupancy Tax Fund (15) - Increased by \$9,428.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-587010	T T - Operating Fund	\$ 485,863	
15390-499900	Appropriated Fund Balance		\$ 485,863
		<u>\$ 485,863</u>	<u>\$ 485,863</u>
<b>Explanation:</b>	Occupancy Tax -Tourism Related (15447) - Increase appropriations for start-up costs and salaries for paid fire services in Corolla from April 15 through June 30,		
<b>Net Budget Effect:</b>	Occupancy Tax Fund (15) - Increased by \$485,863.		

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-516000	Repairs & Maintenance		\$ 2,200
15447-545006	Historic Jarvisburg Colored School	\$ 2,200	
		\$ 2,200	\$ 2,200
<b>Explanation:</b> Occupancy Tax -Tourism Related (15447) - Transfer funds for grading of parking lot at the Historic Jarvisburg Colored School.			
<b>Net Budget Effect:</b> Occupancy Tax Fund (15) - No change.			
Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-532795	Supplies	\$ 1,400	
15447-545795	Contract Services - Carova		\$ 1,400
		\$ 1,400	\$ 1,400
<b>Explanation:</b> Occupancy Tax -Tourism Related (15447) - Transfer funds for sand delivery to the Carova Beach park. Labor will be provided by Parks & Recreation staff.			
<b>Net Budget Effect:</b> Occupancy Tax Fund (15) - No change.			
Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-513000	Utilities	\$ 1,750	
15447-545001	Beach Services	\$ 2,122	
15447-590000	Capital Outlay	\$ 1,530	
15447-531000	Fuel		\$ 700
15380-481000	Investment Earnings		\$ 4,702
15448-561000	Professional Services	\$ 500	
15448-506000	Health Insurance		\$ 500
		\$ 5,902	\$ 5,902
<b>Explanation:</b> Occupancy Tax -Tourism Related (15447); Whalehead Operations (15448) - Transfer budgeted funds for operations and increase appropriations for increases in utilities costs.			
<b>Net Budget Effect:</b> Occupancy Tax Fund (15) - Increased by \$4,702.			



<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Bob White, Commissioner
<b>AYES:</b>	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

### ADJOURN SPECIAL MEETING OF THE TDA

With there being no further business, Commissioner Payment moved to adjourn the Special Meeting of the Tourism Development Authority. The motion was seconded by Commissioner Beaumont and passed unanimously. The meeting adjourned at 7:42 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	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

### CLOSED SESSION

#### **F. Closed Session Pursuant to G.S. 143-318.11(a)(3) to Consult with the County Attorney and to preserve the Attorney-Client Privilege in Matters Entitled: Ayers v. Currituck County; and Currituck County v. Currituck County Board of Adjustment and Davis Street Holdings, LLC**

Chairman Hanig reconvened the regular meeting and Commissioner Gilbert moved to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney and to preserve the attorney-client privilege in matters entitled: Ayers v. Currituck County; and Currituck County v. Currituck County Board of Adjustment and Davis Street Holdings, LLC, and pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

The motion was seconded by Commissioner White, carried unanimously, and the Board of Commissioners entered closed session.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Bob White, Commissioner
<b>AYES:</b>	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

### ADJOURN

The Board returned from Closed Session and Mr. McRee provided a brief review of last week's arbitration in Raleigh, attended by himself, the County Manager and Engineering and Southern Outer Banks Water department staff, to argue claims made against the county by Coastland

Corporation, which included breach of a settlement agreement and issues related to water treatment within the Ocean Sands Water and Sewer District.

Commissioner Beaumont reported on a Fire Advisory Board discussion and an apparatus purchase requested made by Crawford Volunteer Fire Department for a new truck. He also said volunteer fire departments were pleased to receive the new contracts early for review. Although he noted some minor tweaks were suggested, all in all departmental feedback was not bad.

### **Motion to Adjourn Meeting**

With no further business, Commissioner Payment moved to adjourn. The motion was seconded by Commissioner Hall and passed unanimously. The meeting adjourned at 8:31 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<b>SECONDER:</b>	Mike D. Hall, Commissioner
<b>AYES:</b>	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



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2145)**

**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 20180090

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
10660-561000	Professional Services	\$ 58,850	
10310-400017	Ad Valorem Taxes - 2017 Levy		\$ 58,850
		<u>\$ 58,850</u>	<u>\$ 58,850</u>

**Explanation:** Community Development (10660) - Increase appropriations to expand scope of services for the Kimley-Horn contract.

**Net Budget Effect:** Operating Fund (10) - Increased by \$58,850

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

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)

Number 20180091

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
12541-545000	Contracted Services	\$ 12,350	
12390-499900	Fund Balance Appropriated		\$ 12,350
		<u>\$ 12,350</u>	<u>\$ 12,350</u>

**Explanation:** Fire Services (12541) - Increase appropriations for fire hydrant maintenance.

**Net Budget Effect:** Fire Services Fund (12) - Increased by \$12,350.

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)

Number

20180092

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
10510-516200	Vehicle Repairs & Maintenance	\$ 13,536	
10380-484001	Insurance Recovery		\$ 13,536
		<u>\$ 13,536</u>	<u>\$ 13,536</u>

**Explanation:** Sheriff (10510) - Increase appropriations for vehicle repairs that will be paid for through insurance claims.

**Net Budget Effect:** Operating Fund (10) - Increased by \$13,536.

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)



Number 20180093

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
10640-532006	Day Camp Supplies	\$ 2,000	
10350-469000	4H Day Camp Revenue		\$ 2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

**Explanation:** Cooperative Extension (10640) - Increase appropriations for increases in Day Camp revenues.

**Net Budget Effect:** Operating Fund (10) - Increased by \$2,000.

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)

Number

20180094

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
10415-532000	Supplies	\$ 1,100	
10415-511000	Postage	\$ 2,500	
10310-400017	Ad Valorem Taxes - 2017		\$ 3,600
		<u>\$ 3,600</u>	<u>\$ 3,600</u>

**Explanation:** Legal (10415) - Increase appropriations for public notice of intent to create the Corolla Fire Service District.

**Net Budget Effect:** Operating Fund (10) - Increased by \$3,600.

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)

Number

20180095

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
63838-590000	Capital Outlay	\$ 6,800	
63838-545600	Site Work/Landscaping	\$ 2,000	
63838-516000	Repairs & Maintenance		\$ 2,000
63838-532000	Supplies		\$ 1,000
63838-545000	Contracted Services		\$ 5,800
		<u>\$ 8,800</u>	<u>\$ 8,800</u>

**Explanation:** Solid Waste (63838) - Transfer budgeted funds for additional grading at the Convenience Centers and repairs to the exhaust fans and siding at the Transfer Station.

**Net Budget Effect:** Solid Waste Fund (63) - No change.

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)



Number

20180096

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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	\$ 25,000	
10490-590003	Courts - Capital Outlay	\$ 17,700	
10460-502000	Salaries		\$ 38,700
10460-506000	Insurance Expense		\$ 4,000
		<u>\$ 42,700</u>	<u>\$ 42,700</u>

**Explanation:** Public Works (10460); Court Facilities (10490) - Transfer budgeted funds from lapsed Salaries and Insurance to Public Works to paint the Historic Courthouse hallways, upgrade handicap accessible push button doors at the Health Department and Cooperative Extension, repair Parks & Recreation gym light fixtures, repair Historic Courthouse parking lot lights, replace window screens at the Historic Courthouse, repair wallpaper at Cooperative Extension, and to Court Facilities to repair/replace additional HVAC units.

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

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)

Number

20180097

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
61818-590000	Capital outlay		\$ 15,000
61818-532000	Supplies	\$ 15,000	
61818-514500	Training & Education	\$ 300	
61818-514000	Travel		\$ 300
		<u>\$ 15,300</u>	<u>\$ 15,300</u>

**Explanation:** Mainland Water (61818) - Transfer budgeted funds for system supplies and employee certification training. The generator budgeted for this year will be delayed until a future year. Current generator is meeting needs.

**Net Budget Effect:** Mainland Water System (61818) - No change.

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)

Number

20180098

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
10794-545000	PASS	\$ 4,272	
10794-545002	Restitution		\$ 1,472
10794-545005	JCPC Council		\$ 2,800
		<u>\$ 4,272</u>	<u>\$ 4,272</u>

**Explanation:** Juvenile Crime Prevention Council (10794) - To record transfers approved at the April 9, 2018 JCPC meeting. Residual funding in the Restitution and JCPC Council will be transferred to the PASS program to offset costs of summer camp programming.

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

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)



Number

20180099

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
210541-532541	Fire Supplies	\$ 9,392	
210541-590000	Capital Outlay		\$ 9,392
		<u>\$ 9,392</u>	<u>\$ 9,392</u>

**Explanation:** Corolla Fire District (210541) - Transfer budgeted funds to reclassify supply purchases.

**Net Budget Effect:** Corolla Fire District Fund (210) - No change.

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

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)

Number

20180100

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
12547-590007	Capital Outlay	\$ 18,274	
12547-545000	Contract Services		\$ 18,274
		<u>\$ 18,274</u>	<u>\$ 18,274</u>

**Explanation:** Carova Beach Volunteer Fire Department (12547) - Transfer budgeted contract funds from operations to capital to upgrade the security system and purchase a remote equipment mount at the request of the Fire Advisory Board. This will be funded through the annual contract.

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

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

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)

Number 20180101

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 16th day of April 2018, 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>
10430-590000	Capital Outlay	\$ 8,500	
10310-400017	Ad Valorem Taxes - 2017 Levy		\$ 8,500
		<u>\$ 8,500</u>	<u>\$ 8,500</u>

**Explanation:** Elections (10430) - Increase appropriations for price increase in election equipment quoted in January 2017 that will be tested at the May primary and replaced after testing.

**Net Budget Effect:** Operating Fund (10) - Increased by \$8,500.

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

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

Attachment: BA-Apr 16\_Regular (Budget Amendments)





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2146)

**Agenda Item Title**

Resolution for the Merger of Hertford County Health Department with Albemarle Regional Health Services which includes the Counties of Pasquotank, Perquimans, Camden, Chowan, Currituck, Bertie, and Gates

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

**RESOLUTION FOR THE MERGER OF HERTFORD COUNTY  
HEALTH DEPARTMENT WITH ALBEMARLE REGIONAL HEALTH SERVICES  
WHICH INCLUDES THE COUNTIES OF PASQUOTANK, PERQUIMANS,  
CAMDEN, CHOWAN, CURRITUCK, BERTIE, AND GATES**

**WHEREAS,** the Pasquotank County Health Department was established in 1942; and

**WHEREAS,** Pasquotank, Perquimans and Camden County Health Departments joined together in 1942 to form a District Health Department; and

**WHEREAS,** in 1949 Chowan County Health Department joined the Pasquotank, Perquimans, Camden Health Department to form the Pasquotank, Perquimans, Camden, Chowan District Health Department (PPCC); and

**WHEREAS,** in 1999, Currituck County Health Department joined PPCC to form Albemarle Regional Health Services; and

**WHEREAS,** in 2002, Bertie County Health Department joined Albemarle Regional Health Services; and

**WHEREAS,** in 2004, Gates County Health Department joined Albemarle Regional Health Services; and

**WHEREAS,** after due and diligent consideration, the Hertford County Board of Commissioners desire to take action to join Albemarle Regional Health Services, which will create the Albemarle Regional Health Services, consisting of Pasquotank, Perquimans, Camden, Chowan, Currituck, Bertie, Gates and Hertford Counties.

**NOW THEREFORE BE IT RESOLVED,** that the Currituck County Board of Commissioners in session duly convened, by adoption of this resolution does hereby create Albemarle Regional Health Services consisting of Pasquotank, Perquimans, Camden, Chowan, Currituck, Bertie, Gates, and Hertford Counties.

## ARTICLE I

The name shall be Albemarle Regional Health Services, which will include Pasquotank, Perquimans, Camden, Chowan, Currituck, Bertie, Gates and Hertford Counties.

ARTICLE II  
MISSION

The respective counties recognize that a unified purpose and direction of the public health system is necessary to ensure that all citizens in their jurisdictional areas have equal access to essential public health services. The Pasquotank, Perquimans, Camden, Chowan, Currituck, Bertie, Gates and Hertford County Boards of Commissioners declare that the mission of Albemarle Regional Health Services is to promote and contribute to the highest level of health possible for the people that they serve.

ARTICLE III  
DISTRICT BOARD OF HEALTH

The policy-making body of Albemarle Regional Health Services shall be a District Board of Health composed of 18 members in accordance with North Carolina General Statute 130A-37.

ARTICLE IV  
ADOPTION OF ORDINANCES

The Albemarle Regional Health Services Board of Health agrees to adopt and assumes responsibility for the enforcement of any and all existing local health ordinances or rules, previously adopted as Albemarle Regional Health Services and any ordinances or rules previously adopted by the Hertford County Board of Health that are not consistent there with.

ADOPTED, this the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
Bobby Hanig, Chair  
Currituck County Board of Commissioners

ATTESTED:

\_\_\_\_\_  
Leeann Walton, Clerk to the Board



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2147)

**Agenda Item Title**

Carova Beach Volunteer Fire & Rescue-Purchase Requests

**Brief Description of Agenda Item:**

Carova Beach purchase requests for consideration:

At this month's FAB meeting the following recommendations were made:

- Carova Beach request to spend existing funds on a station security system (\$17,514.00)
- Carova Beach request to spend existing funds on a wireless remote control to operate the boom (aerial) on their new engine/telesquirt, yet to be delivered (\$7,894.00)

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



# JOHNSBROTHERS™

Commercial  
and Residential **SECURITY**

CORPORATE OFFICES: 1384 INGLESIDE ROAD NORFOLK, VIRGINIA 23502 757-852-3300 FAX: 757-857-3729  
NORTH CAROLINA OFFICE: 8546 CARATOKE/HWY 158 POWELLS POINT, N.C. 27966 252-491-5729 FAX: 252-491-5732

Carova Beach Volunteer Fire Department  
2169 Ocean Pearl Road  
Carova, NC 27927  
ATTN: Jay Laughmiller

Email: [chief7carova@gmail.com](mailto:chief7carova@gmail.com)

## **TruPortal Access Control Package: 5 Doors:**

- 1-TruPortal 2 Door Access Control Base Unit (Internet & Smartphone Software-Usage)
- 1-TruPortal 2 Door Access Addon Kit
- 1-TruPortal 2 Door Access Board
- 1-Altronix #SMP5 Power Supply
- 3-Rutherford # S6504-32D Door Strikes
- 2-RCI #5604 RIM Strikes
- 5-HID Global # 6005BGB00 Proxy Readers
- 150-HID Prox Keyfobs
- All Necessary Wire, Conduit as Needed

TOTAL INSTALLATION: \$ 10,380.00 Plus NC Tax

Please visit [www.johnsbrotherssecurity.com](http://www.johnsbrotherssecurity.com) and [www.interlogix.com](http://www.interlogix.com) for more information.

Gary Schools  
Johns Brothers Security-NC  
NC Office: (252) 491-5729  
CELL: (252) 305-3025

Attachment: CBVFD Security System (Carova Beach Fire-Purchase Requests)

# JOHNSBROTHERS™

Commercial  
and Residential **SECURITY**

CORPORATE OFFICES: 1384 INGLESIDE ROAD NORFOLK, VIRGINIA 23502 757-852-3300 FAX: 757-857-3729  
NORTH CAROLINA OFFICE: 8546 CARATOKE/HWY 158 POWELLS POINT, N.C. 27966 252-491-5729 FAX: 252-491-5732

Carova Beach Volunteer Fire Department ATTN: Jay Laughmiller  
2169 Ocean Pearl Road  
Carova, NC 27927

Email: [chief7carova@gmail.com](mailto:chief7carova@gmail.com)

## Security & Fire Package: OBX New Customer:

1-GE-Interlogix Concord 4 Security Control Panel with Backup Battery  
1-GE-Interlogix Concord 4 Keypad  
6-Door Contacts-Wireless  
2-Motion Detectors-Wireless  
1-Interior Siren  
1-Alarm.com Wireless Module for Cellular & Smartphone Communications  
(No Landline Phoneline Needed)

TOTAL : \$ 199.00

## ADDITIONS:

3-Door Contacts-Wireless	\$ 180.00
2-Motion Detectors-Wireless	\$ 300.00
2-Smoke Detectors-Hardwired (First & Second Floors)	\$ 300.00
12-Heat Detectors-Hardwired (1-Kitchen 11-Equipment Bays)	\$ 1,375.00
1-Hardwired Zone Expander	\$ 100.00
1-Wireless Bridge Module	\$ 125.00
1-Exterior Siren	\$ 125.00
3-Alarm.com Zwave Thermostats	\$ 750.00

Plus HVAC Installer Invoice

TOTAL INSTALLATION: \$ 3,454.00 Plus NC Tax\*

## REQUIRED:\*

36 Month Security And Fire Monitoring with Cellular and Smartphone Communications:  
\$ 44.95 per Month ( 5% Discount if Paid Annually)

Attachment: CBVFD Security System (Carova Beach Fire-Purchase Requests)

## SECURITY CAMERA PACKAGE: OPTION #1

1-Northern 4 Camera 1080P-TVI Digital Video Recorder with 2 Terrabyte Harddrive Storage  
 (Approx. 2 Weeks Storage)  
 4-Northern Interior-Exterior TVI-1080P Cameras with Fixed IR Lens-60 Foot  
 1-Northern 4 Camera Power Supply  
 1-UPS Protector  
 All-Necessary Wire etc. as Needed

TOTAL INSTALLATION: \$ 1,995.00 Plus NC Tax

## SECURITY CAMERA PACKAGE: OPTION # 2:

1-Northern 8 Camera 1080P-TVI Digital Recorder with 2 Terrabyte Harddrive Storage  
 (Approx. 2 Weeks)  
 8-Northern Interior-Exterior TVI-1080P Cameras with Fixed IR Lens-60 Foot  
 1-Northern 8 Camera Power Supply  
 1-UPS Protector  
 All-Necessary Wire Etc as Needed

TOTAL INSTALLATION: \$3,680.00 Plus NC Tax

## OPTIONS:

1-Upgrade Northern 4 Camera Recorder to 8 Camera Recorder: ADD: \$ 475.00 Plus NC Tax  
 1-Western 4 Terrabyte Harddrive --Upgrade \$ 175.00 each Plus NC tax

## NOTE:

Power and Ethernet Connections and Equipment Shelving Provided by Customer

Please visit [www.johnsbrotherssecurity.com](http://www.johnsbrotherssecurity.com) and [www.alarm.com](http://www.alarm.com) for more information.

Gary Schools  
 Johns Brothers Security-NC  
 NC Office: (252) 491-5729  
 CELL: (252) 305-3025







## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2148)

**Agenda Item Title**

TDA Budget Amendments

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Number

TDA2018018

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 16th day of April 2018 , 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>
15447-590000	Capital Outlay	\$ 20,500	
15447-545000	Contract Services	\$ 7,500	
15447-516002	Outer Banks Ramps		\$ 5,000
15320-415000	Occupancy Tax		\$ 23,000
		<u>\$ 28,000</u>	<u>\$ 28,000</u>

**Explanation:** Occupancy Tax -Tourism Related (15447) - Increase appropriations to repair beach walk-overs and increases in contracts for this fiscal year.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$23,000.

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

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

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

Attachment: BA-TDA Apr 16 (Special Meeting-TDA Budget Amendments)