



**Board of Commissioners
Agenda Packet**

August 19, 2019

Work Session

5:00 PM Adequate Public Facilities

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

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.

Commissioner's Report**County Manager's Report****Public Hearings**

- A) **PB 19-15 Windswept Pines** A request to conditional zone 66.8 acres from Conditional-Mixed Residential District (C-MXR) to Conditional-Mixed Residential District (C-MXR) to add 14 residential lots, streets, and modify phases in the Windswept Pines development located on the north side of Baxter Road in Moyock, Tax Map 9H, Parcels 42-58, 1-12, and OSA-OSC; and, Tax Map 9, Parcels 6A and 11L, Moyock Township.
- B) **PB 11-02 Kitty Hawk Flight School, LLC:** Request for an Outdoor Tour Operator, Aviation, Use Permit for property located at 6997 Caratoke Highway, Tax Map 108, Parcel 39, Poplar Branch Township.

New Business

- A) **Consideration of An Ordinance Amending Article I, Chapter 13 and Article II, Chapter 13 of the Currituck County Code of Ordinances to Provide for the Time Water and Sewer Service is Committed to a Service Applicant**
- B) **Board Appointments**
 - 1. Board of Adjustment
 - 2. Carova Beach Road Service District
 - 3. Game Commission
 - 4. Land Transfer Tax Appeals Board
 - 5. Library Board of Trustees
- C) **Consent Agenda**
 - 1. Approval Of Minutes for August 5, 2019
 - 2. Budget Amendments
 - 3. Vehicle Surplus Resolution

4. Amended Item-Contract for Purchase of Self-Contained Breathing Apparatus-Fire and EMS

Adjourn

Special Meeting-Ocean Sands Water & Sewer District Board

Change Order #1-Ocean Sands Wastewater Treatment Plant

Adjourn-Ocean Sands Water & Sewer District Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2575)

Agenda Item Title

5:00 PM Adequate Public Facilities

Brief Description of Agenda Item:

Review of the adequate public facilities ordinance requirements, methods for meeting growth and development, and maintaining consistent levels of county-provided services.

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 # 2538)

Agenda Item Title

PB 19-15 Windswept Pines

Brief Description of Agenda Item:

A request to conditional zone 66.8 acres from Conditional-Mixed Residential District (C-MXR) to Conditional-Mixed Residential District (C-MXR) to add 14 residential lots, streets, and modify phases in the Windswept Pines development located on the north side of Baxter Road in Moyock, Tax Map 9H, Parcels 42-58, 1-12, and OSA-OSC; and, Tax Map 9, Parcels 6A and 11L, Moyock Township.

Planning Board Recommendation:

Planning Board Recommendation - July 9, 2019

The Planning Board recommended approval unanimously as presented with the agreed upon conditions.

Motion - Chairman Ballance motioned to approve PB 19-15 Windswept Pines conditional rezoning as presented with the agreed upon conditions of approval because the conditional zoning request is consistent with and amends the 2006 Land Use Plan by designating this property as Full Service on the future land use map because the amendment recognizes and implements the Full Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners. It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components. Mr. Doll seconded the motion and the motion carried unanimously.

RESULT: RECOMMENDED APPROVAL [UNANIMOUS]

AYES: C. Shay Ballance, Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member

ABSENT: Garry Owens, Vice Chairman, J. Timothy Thomas, Board Member

Board Action Requested

Action

Person Submitting Agenda Item

Donna Voliva,

Presenter of Agenda Item

Donna Voliva



**STAFF REPORT
PB 19-15 WINDSWEPT PINES (ALLIED
PROPERTIES, LLC)
CONDITIONAL ZONING
BOARD OF COMMISSIONERS
AUGUST 19, 2019**

APPLICATION SUMMARY

Property Owner: See complete listing of property owners on Attachment A	Applicant: See complete listing of applicants on Attachment A
Case Number: 19-15	Application Type: Conditional Rezoning
Parcel Identification Number: See Attachment A	Existing Use: Residential Subdivision
Land Use Plan Classification: Rural	Parcel Size (Acres): 66.8 acres
Moyock Small Area Plan Classification: Full Service	Zoning History: A and GB (1989) C-MXR (2015) (2018)
Current Zoning: C-MXR	Proposed Zoning: C-MXR
Request: The request is amend the conceptual plan to add 14 residential lots.	

ADEQUATE PUBLIC FACILITIES – SCHOOLS¹

School	Actual Capacity ²	Committed Capacity ²	Proposed Capacity Changes
			Number of Students
Moyock Elementary Shawboro Elementary Central Elementary	92%	118%	+3
Griggs Elementary Jarvisburg Elementary	76%	102%	
Knotts Island Elementary	34%	35%	
Moyock Middle Currituck Middle	82%	96%	+1
Currituck High JP Knapp Early College	84%	104%	+2

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on the 2021 classroom standards

REQUEST

NARRATIVE

A conditional zoning of this property was approved in 2015 that established the Conditional Mixed Residential (C-MXR) district known as Windswept Pines development. The 2015 approved development plan created 59 total lots (including one existing parcel recombined to provide an entrance to Baxter Lane), 1.48 acre commercial area, and a possible future development phase. The future development phase did not have a conceptual design layout, pedestrian and vehicular circulation plans, drainage facilities or patterns, additional open space, or approximate location of jurisdictional wetlands. Since the 2015 conditional zoning approval, the applicant has designed and

developed Windswept Pines, Phases 1 and 2. Windswept Pines Phase 1 is recorded and several homes are under construction. It is anticipated that Phase 2 will be recorded in the near future.

The property in question is zoned C-MXR and at the time of the conditional zoning was identified as future development area with no identified lot or road layout. On November 5, 2018, the Board of Commissioners approved a conditional zoning amending the conditions and project area to provide additional stormwater ponds for Phase 2 development.

This request is to amend the development plan to add 14 residential lots and streets that will phase as follows:

Phase 1	30 lots	Recorded
Phase 2	29 lots	2019 Final Plat is under review (previously shown as year 2)
Phase 3	14 lots	2020
Phase 4	Commercial	2021 (previously shown as Phase 3 in year 3)

The road extension and access for this phase (14 lots) provides interconnectivity to adjacent lands to the north and east.

For the entire development, the summary of the new conceptual plan is as follows:

Total Area: 66.87 acre rezoning

73 residential lots (including the existing McCrary parcel)

1 commercial parcel with 1 – 2,500 square feet building

Open Space - Required

19.617 acres required residential open space (65.32 acres x 30%)

0.148 acres required commercial open space (1.48 acres x 10%)

Open Space – Provided

24.57 acres residential open space

0.15 acres commercial open space

COMMUNITY MEETING

The community meeting was held on May 13, 2019 at 6:00 pm at the Moyock Library. There were three people from the community in attendance. The engineer reviewed the proposed development plan and the approval process. The comments received at the meeting included another access to Baxter Lane, development interconnectivity, street lights, speed limit, and the timing of the development and home construction. A summary of the community meeting is provided in the packet.

CONDITIONS OF APPROVAL

The applicant does not propose any changes to the zoning conditions of approval:

1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
4. Explore the possibility of routing a portion of stormwater runoff to the northeast.
5. All residential development will be single family and will conform to sample building elevations provided.

SURROUNDING PARCELS

	Land Use	Zoning
North	Residential/Woodland/Farmland/ Sand Mine	GB/AG
South	Residential/Business	GB/AG
East	Farmland	AG
West	Cemetery/Farmland	GB

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. In areas where on-site wastewater is proposed and other county services are limited development density should be limited to 1-2 units per acre. The proposed development plan may be considered consistent with the Moyock subarea emphasis, but this consideration does not change the 2006 Land Use Plan land use classification of the subject property. This signifies a discrepancy with the UDO dimensional standards for the MXR district.* The following land use plan policy is relevant to the request:

Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and proximity of the site to existing and planned urban services. (summary)
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***Prior zoning map amendments (2015 and 2018) adopted by the BOC placed emphasis on the Moyock Small Area plan future land use map classifying this property as Full Service. A recent zoning map amendment, PB 18-23 effective May 6, 2019, placed emphasis on the CAMA Land Use Plan. The decision emphasizes the 2006 Land Use Plan as the controlling document and the relation to the UDO dimensional standards for the MXR district signifies a discrepancy between the two plans.**

MOYOCK SMALL AREA PLAN

The Moyock Small Area Plan identifies this site as Full Service. Full Service designations are focal points in the community where high amounts of activity occur. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surround land uses.

Policy FLU1	Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.
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RECOMMENDATION**Technical Review Committee**

The Technical Review Committee reviewed the conditional zoning request and identifies the following **outstanding staff concerns**:

1. The 2006 Land Use Plan identifies this property as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is managing the increased urban level of growth that

this area is sure to experience over the next decade and beyond. In areas where on-site wastewater is proposed and other county services are limited development density should be limited to 1-2 units per acre.

2. The Moyock Small Area Plan identifies this site as Full Service.
3. The UDO dimensional standards in the MXR zoning district provide the maximum gross density of 2 units per acre in the Full Service Area and 1 unit per acre in the Limited Service Area. The UDO does not provide density allocation for property in the Rural land use classification. The MXR zoning district purpose provides more intense development density and uses than the areas typically identified as the Rural land use classification.
4. Prior zoning map amendments, including the amendments in 2015 and 2018, placed emphasis on the Moyock Small Area plan allowing for the full service development density of 2 units per acre. However, a recent zoning map amendment of PB 18-23 with an effective date of May 6, 2019, placed emphasis on the 2006 Land Use Plan as the approved CAMA plan. That decision, if applied to this property, would not meet the county UDO since this area is identified as Rural with no development density allocated.
 - a. Windswept Pines, as approved, has a development gross density of 0.88 dwelling units per acre (66.8 acres – including 1.48 acres commercial lot).
 - b. The requested gross development density is 1.09 dwelling units per acre.
5. Based on the 2019 decision, an amendment to the 2006 Land Use Plan land use map (Rural to Full Service) is necessary for this increase in development density to be allowed under the UDO.

When emphasis is placed on the 2006 Land Use Plan, the conditional zoning could be considered consistent with the Moyock subarea. However, without an amendment to the Land Use Plan (map) the increase in development density is not allowed in the UDO. An amendment the 2006 Land Use plan shall comply with the standards in the NCGS.

RECOMMENDATION

Planning Board

Planning Board Discussion – July 9, 2019

Donna Voliva, Assistant Planning Director, presented the staff report. This rezoning will modify the development plan. Ms. Voliva gave the narrative and described the adjacent properties zonings. This property is designated at rural and the Small Area Plan shows as Full Service. Ms. Voliva showed a drawing of the subdivision and explained the phases of the 73 lot subdivision which has road extensions which are required by ordinance, explained the school capacity chart on page 20 and the 2006 Land Use Plan (LUP). In 2014 the county adopted a Moyock - Small Area Plan (SAP). In the past, staff has used the SAP as the guiding document, but earlier this year the Board of Commissioners made a decision that used the LUP. The LUP shows this area as Rural and this designation does not have any density classification, but the Moyock SAP shows it as Full Service with a density of 1.5 to 3 units per acre depending on surrounding land uses. The General Assembly has allowed rezoning decisions to automatically update the LUP. Therefore, an amendment to the Zoning Map is also an amendment to the 2006 LUP. Ms. Voliva also went over the agreed upon conditions of approval and said staff recommends approval since it is needed to amend the 2006 LUP to allow the increase in density for the development.

Chairman Ballance opened the public comment and Mr. Bissell came before the board. He said this is basically an expansion; all is the same on the development plan except adding the 14 lots and the additional 2,500 square foot building. There were no questions for the applicant.

Three residents of Windswept Pines voiced concerns about the amount of traffic and only having one entrance/exit road. They also said they were not made aware of these additions when they purchased within the subdivision and wanted to know what the commercial buildings will be used for.

Mr. Bissell responded saying there was never a plan to provide a second entrance from Baxter Lane, but eventually the two connector streets may be used if subdivisions are developed adjacent to the property. He said the commercial property where the buildings will be located has always been shown as commercial. The types of businesses to be located in these buildings are unknown at this time, but possibly a business such as a dry cleaner, office or retail.

Planning Board Motion – Approved Unanimously

Chairman Ballance motioned to approve PB 19-15 Windswept Pines conditional rezoning as presented with the agreed upon conditions of approval because the conditional zoning request is consistent with and amends the 2006 Land Use Plan by designating this property as Full Service on the future land use map because the amendment recognizes and implements the Full Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners. It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components. Mr. Doll seconded the motion and the motion carried unanimously.

The Windswept Pines residents in the audience voiced concerns over this approval. Ms. Voliva let them know this is a recommendation and the final decision will be made by the Board of Commissioners. She told them they will receive letters in the mail with the date and time of the Board of Commissioners meeting for this public hearing.

CONSISTENCY AND REASONABLENESS STATEMENT

A conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

This conditional zoning request is consistent with and amends the 2006 Land Use Plan by designating this property as Full Service on the future land use map because the amendment recognizes and implements the Full Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners.

It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.

CONDITIONS OF APPROVAL

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

Agreed upon conditions of approval:

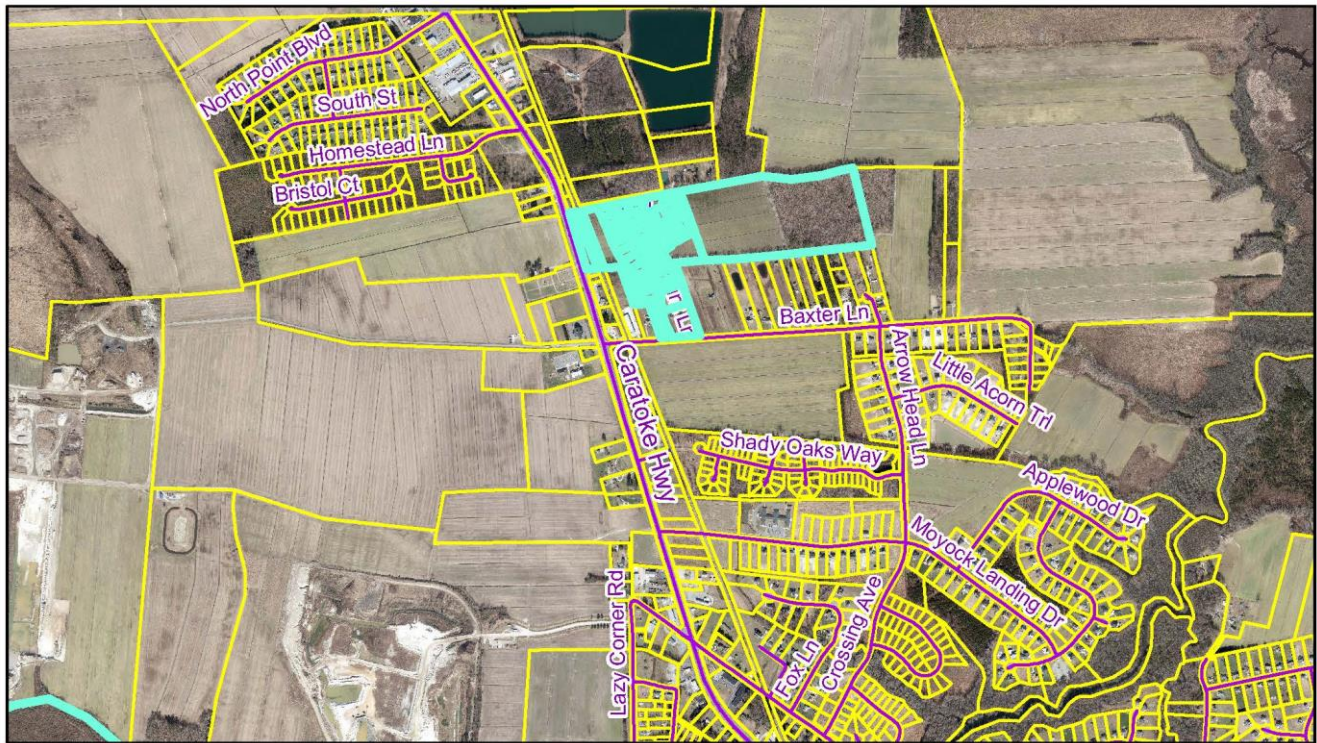
1. Use: Subdivision
2. All lots to be greater than or equal to 20,000 square feet.
3. Install a new culvert under Baxter's Lane to improve off-site drainage, size to be determined after engineering evaluation.
4. Explore the possibility of routing a portion of stormwater runoff to the northeast.
5. All residential development will be single family and will conform to sample building elevations provided.

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

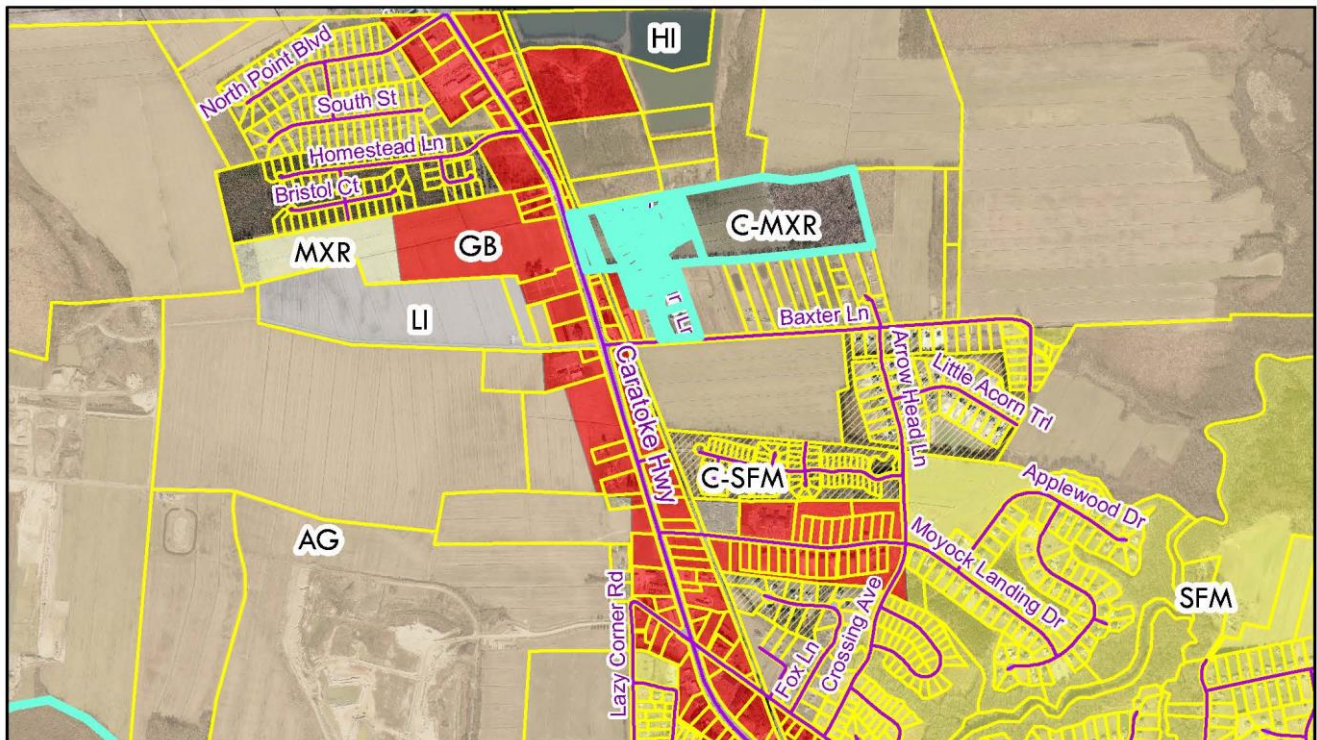
Attachment A

Property Owner	Property Address	PIN
QHOC of Windswept Pines, LLC	123 Parrish Point, Moyock, NC	009H-000-0001-0000
Brian Cantal	125 Parrish Point, Moyock, NC	009H-000-0002-0000
Phillip & Lisa Hall	127 Parrish Point Lane, Moyock, NC	009H-000-0003-0000
Mark Hedish	129 Parrish Point Lane, Moyock, NC	009H-000-0004-0000
Kim & Robert Ausman	128 Parrish Point Lane, Moyock, NC	009H-000-0005-0000
Matthew & Stacey Raftery	126 Parrish Point Lane, Moyock, NC	009H-000-0006-0000
Spencer & Meaghan Press	124 Parrish Point Lane, Moyock, NC	009H-000-0007-0000
Allied Properties, LLC	122 Parrish Point Lane, Moyock, NC	009H-000-0008-0000,
Benjamin Weller	103 Alden Run, Moyock, NC	009H-000-0009-0000
Stephen & Rosemary Nitsch	105 Alden Run, Moyock, NC	009H-000-0010-0000
Alexander & Amber Wilbanks	107 Alden Run, Moyock, NC	009H-000-0011-0000
Paul & Susan Nielsen	109 Alden Run, Moyock, NC	009H-000-0012-0000
Wendy & Craig Williams	108 Alden Run, Moyock, NC	009H-000-0042-0000
Ian & Sheila Gill	106 Alden Run, Moyock, NC	009H-000-0043-0000
Wesley & Sherry Henry	104 Alden Run, Moyock, NC	009H-000-0044-0000
QHOC of Windswept Pines, LLC	102 Alden Run, Moyock, NC	009H-000-0045-0000
Jerrell Wayne Stokes & Jane Curran	120 Parrish Point, Moyock, NC	009H-000-0046-0000
David & Judith Gregg	118 Parrish Point, Moyock, NC	009H-000-0047-0000
QHOC of Windswept Pines, LLC	116 Parrish Point, Moyock, NC	009H-000-0048-0000
Jordan & Rathid Hassani	114 Parrish Point Lane, Moyock, NC	009H-000-0049-0000
Reed & Courtney Wissman	112 Parrish Point Lane, Moyock, NC	009H-000-0050-0000
Richard Warren	110 Parrish Point Lane, Moyock, NC	009H-000-0051-0000
QHOC of Windswept Pines, LLC	109 Parrish Point Lane, Moyock, NC	009H-000-0052-0000
Douglas & June Carillon	111 Parrish Point Lane, Moyock, NC	009H-000-0053-0000
QHOC of Windswept Pines, LLC	113 Parrish Point Lane, Moyock, NC	009H-000-0054-0000
Amber & Joshua Graham	115 Parrish Point Lane, Moyock, NC	009H-000-0055-0000
Ashley & Johnny McDonald	117 Parrish Point Lane, Moyock, NC	009H-000-0056-0000
QHOC of Windswept Pines, LLC	417D Caratoke Hwy, Moyock, NC	009H-000-0057-0000,
Michael & Lisa Reinke	121 Parrish Point, Moyock, NC	009H-000-0058-0000
Allied Properties, LLC	N/A	009H-000-00SA-0000, 009H-000-00SB-0000, 009H-000-00SC-0000
Allied Properties, LLC	N/A	0009-000-006A-0000
Mark & Penny McCrary	131 Baxter Lane, Moyock, NC	0009-000-011L-0000

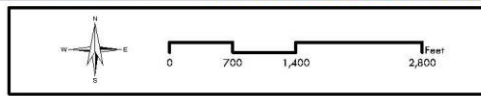
Attachment: 1- 19-15 Allied Properties Staff Report (BOC) (PB 19-15 Windswept Pines)

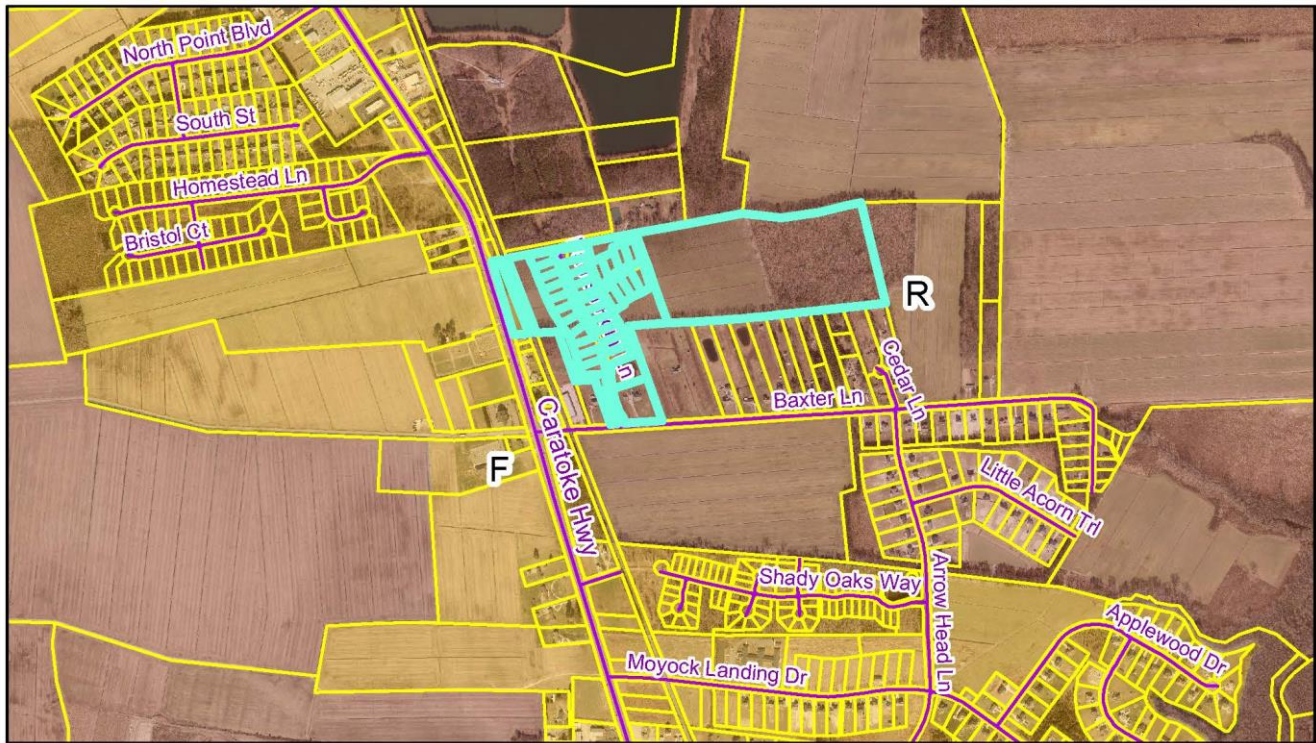


PB 19-15
Allied Properties, LLC
Aerial



PB 19-15
Allied Properties, LLC
Zoning

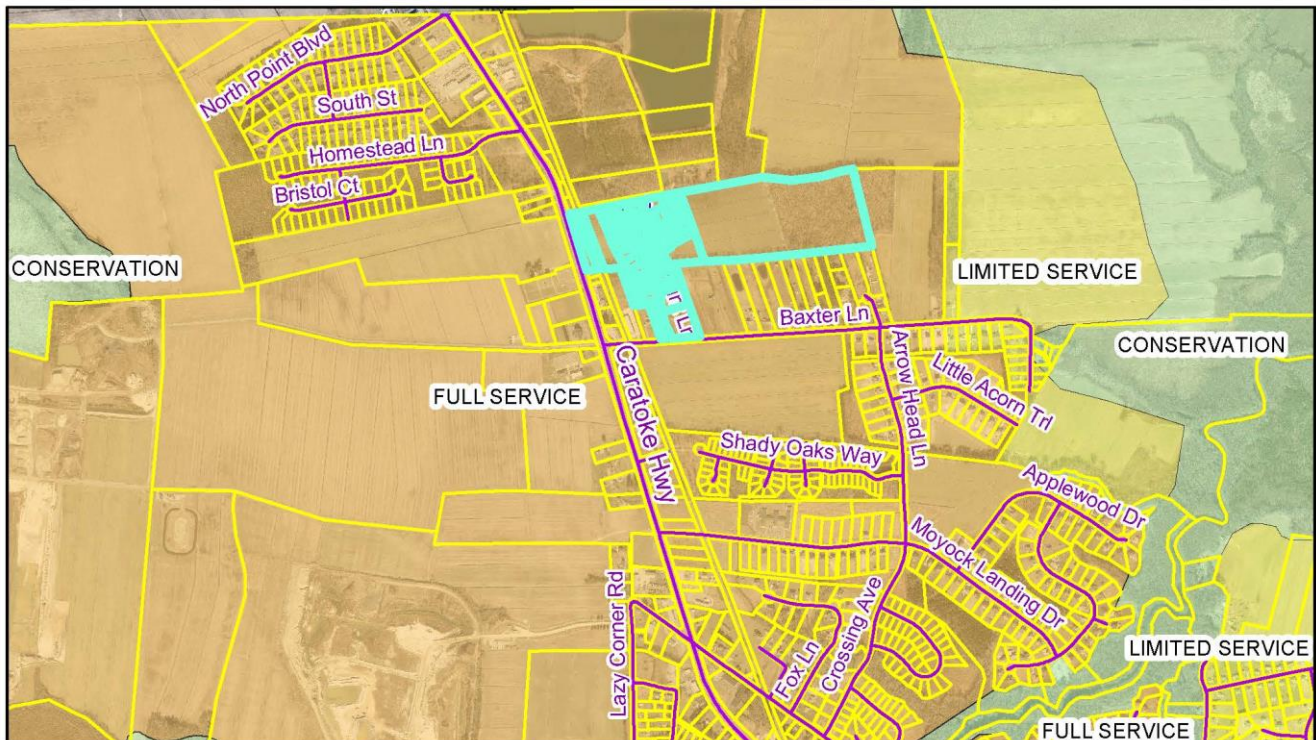




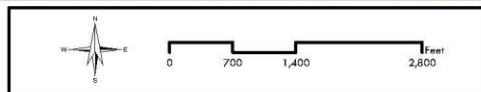
PB 19-15
Allied Properties, LLC
2006 LUP LUC



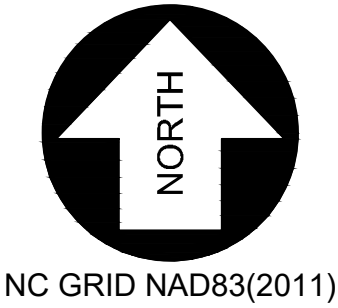
Currituck County
Planning and Community
Development



PB 19-15
Allied Properties, LLC
Moyock Small Area Plan



Currituck County
Planning and Community
Development





Conditional Rezoning Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

 Name: See Attached

 Address: _____

Telephone: _____

E-Mail Address: _____

PROPERTY OWNER:

 Name: See Attached

 Address: _____

Telephone: _____

E-Mail Address: _____

 LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same
Property Information

 Physical Street Address: NC 168 just north of Baxter Lane

 Location: Moyock, NC

 Parcel Identification Number(s): See Attached

 Total Parcel(s) Acreage: 66.8

 Existing Land Use of Property: Single Family Residential and Vacant
Request

 Current Zoning of Property: MXR - Conditional District

 Proposed Zoning District: Same
Community Meeting

 Date Meeting Held: 5-13-19

 Meeting Location: Moyock Library

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

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

Proposed Use(s):

Subdivision (addition of Phase 3)

Proposed Zoning Condition(s):

1. All lots to be greater than or equal to 20,000 square feet.
2. Route a portion of stormwater runoff to the northeast.
3. All residential development will be single family and will conform to sample building elevations provided.

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

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

Attached _____

Property Owner (s)

05-23-2019

Date

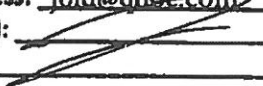
NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

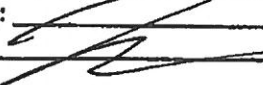
PROPERTY OWNERS NAMES	ADDRESS	PHONE NUMBER	EMAIL
Paul & Susan Nielsen	109 Alden Run, Moyock, NC 27958	(479) 372-8259	rigpig1979@yahoo.com
Alexander & Amber Wilbanks	107 Alden Run, Moyock, NC 27958	(757) 636-6769	ateam6416@gmail.com
Steven & Rosemary Nitsch	105 Alden Run, Moyock, NC 27958	(860) 949-4637	subdoker@gmail.com
Wendy & Craig Williams	108 Alden Run, Moyock, NC 27958	(804) 435-7945	colemant78@me.com
Ian & Sheila Gill	106 Alden Run, Moyock, NC 27958	(254) 247-6733	sheila.gill@itgconsulting.org
Wesley & Sherry Henry	104 Alden Run, Moyock, NC 27958	(757) 288-5155	wsbehenry@yahoo.com
QHOC of Windswept Pines, LLC	417 D Caratoke, Hwy., Moyock, NC 27958	(252) 435-2718	jold@qhoc.com
Kim & Robert Ausman	128 Parrish Point Lane, Moyock, NC 27958	(757) 537-2506	ausmankim@gmail.com
Matthew & Stacey Raftery	126 Parrish Point Lane, Moyock, NC 27958	(757) 971-1916	horsemenblue@yahoo.com
Spencer & Meaghan Press	124 Parrish Point Lane, Moyock, NC 27958	(805) 490-5039	spencerpress@gmail.com
QHOC of Windswept Pines, LLC	417 D Caratoke Hwy., Moyock NC 27958	(252) 435-2718	jold@qhoc.com
Jerrell Stokes & Jane Curran	120 Parrish Point Lane, Moyock, NC 27958	(757) 376-6049	dolphinlover14@cox.net
David Gregg	118 Parrish Point Lane, Moyock, NC 27958	(757) 450-3558	jom22ort@gmail.com
QHOC of Windswept Pines, LLC	417 D Caratoke, Hwy., Moyock, NC 27958	(252) 435-2718	jold@qhoc.com
Jordan & Rachid Hassani	114 Parrish Point Lane, Moyock, NC 27958	(753) 513-4297	jhassani@ecsurety.com
Reed & Courtney Wissman	112 Parrish Point Lane, Moyock, NC 27958	(757) 754-7524	reed.wissman@gmail.com
Richard Warren	110 Parrish Point Lane, Moyock, NC 27958	(757) 408-3225	rewarren@cox.net
Allied Properties, LLC	417 Caratoke Hwy, Unit D, Moyock, NC 27958	(252) 435-2718	jold@qhoc.com
Mark Hedish	129 Parrish Point Lane, Moyock, NC 27958	(757) 282-8152	hedishmark@yahoo.com
Phillip & Lisa Hall	127 Parrish Point Lane, Moyock, NC 27958	(757) 617-1975	artlisah@gmail.com
QHOC of Windswept Pines, LLC	417 D Caratoke, Hwy., Moyock, NC 27958	(252) 435-2718	jold@qhoc.com
Michael & Lisa Reinki	121 Parrish Point Lane, Moyock, NC 27958	(910) 467-9887	mlreinke99@aol.com
QHOC of Windswept Pines, LLC	417 D Caratoke, Hwy., Moyock, NC 27958	(252) 435-2718	jold@qhoc.com
Ashley & Johnny McDonald	117 Parrish Point Lane, Moyock, NC 27958	(757) 339-1509	caash15@yahoo.com
QHOC of Windswept Pines, LLC	417 D Caratoke, Hwy., Moyock, NC 27958	(252) 435-2718	jold@qhoc.com
Douglas & June Carillon	111 Parrish Point Lane, Moyock, NC 27958	(757) 635-3178	jd6191@verizon.net
QHOC of Windswept Pines, LLC	417 D Caratoke, Hwy., Moyock, NC 27958	(252) 435-2718	jold@qhoc.com
Benjamin Weller	103 Alden Run, Moyock, NC 27958	(619) 995-3285	wellersbj@bellsouth.net
Amber Graham	115 Parrish Point Lane, Moyock, NC 27958	(757) 348-4701	choicesuhave@gmail.com
Mark & Penny McCrary	131 Batter Lane, Moyock, NC 27958	(252) 435-7576	mmccrary81@aol.com
Allied Properties, LLC	417 Caratoke Hwy, Unit D, Moyock, NC 27958	(252) 435-2718	jold@qhoc.com

PARCEL ID:

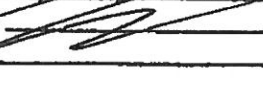
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009H-000-0050-0000, 009H-000-0051-0000, 009H-000-0052-0000, 009H-000-0053-0000, 009H-000-0054-0000,
009H-000-0055-0000, 009H-000-0056-0000, 009H-000-0057-0000, 009H-000-0058-0000

Previously Owned by Allied Properties, LLC - New Owner Info (if applicable)

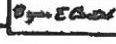
Parcel: 0009-000-006A-0000
Name(s): Allied Properties, LLC
Address: 417 Caratoke Hwy, Unit D
Moyock, NC 27958
Telephone: (252) 435-2718
Email Address: jold@qhoc.com
Signature(s): 

Parcel: 009H-000-005A-0000
Name(s): Allied Properties, LLC
Address: 417 Caratoke Hwy, Unit D
Moyock, NC 27958
Telephone: (252) 435-2718
Email Address: jold@qhoc.com
Signature(s): 

Parcel: 009H-000-005B-0000
Name(s): Allied Properties, LLC
Address: 417 Caratoke Hwy, Unit D
Moyock, NC 27958
Telephone: (252) 435-2718
Email Address: jold@qhoc.com
Signature(s): 

Parcel: 009H-000-005C-0000
Name(s): Allied Properties, LLC
Address: 417 Caratoke Hwy, Unit D
Moyock, NC 27958
Telephone: (252) 435-2718
Email Address: jold@qhoc.com
Signature(s): 

Parcel: 009H-000-0001-0000
Name(s):
Address:
Telephone:
Email Address:
Signature(s):

Parcel: 009H-000-0002-0000
Name(s): Bryan E. Cantal
Address: 125 Parrish Point Ln
Telephone:
Email Address:
Signature(s):  Loop Signatures
12:22:18 11:45 PM EST
401.850.4167

Parcel: 009H-000-0005-0000
Name(s):
Address:
Telephone:
Email Address:
Signature(s):

Parcel: 009H-000-0008-0000
Name(s):
Address:
Telephone:
Email Address:
Signature(s):

Parcel: 009H-000-0009-0000
Name(s):
Address:
Telephone:
Email Address:
Signature(s):

Parcel: 009H-000-0012-0000
Name(s):
Address:
Telephone:
Email Address:
Signature(s):

Attachment: 3- 19-15 CZ Application (PB 19-15 Windswept Pines)

Parcel: 009H-000-0045-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0046-0000

Name(s): Jerrell Stokes

Address: 170 Parrish Point
Moyock NC 27958

Telephone: _____

Email Address: Authenti...

Signature(s): Jerrell Stokes

2/19/2019 2:10:18 AM EST

Parcel: 009H-000-0047-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0048-0000

Name(s): QHOC of Windswept Pines, LLC

Address: 417 Caratoke Hwy, Unit D
Moyock, NC 27958

Telephone: (252) 435-2718

Email Address: jold@qhoe.com

Signature(s): _____

Parcel: 009H-000-0053-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0054-0000

Name(s): QHOC of Windswept Pines, LLC

Address: 417 Caratoke Hwy, Unit D
Moyock, NC 27958

Telephone: (252) 435-2718

Email Address: jold@qhoe.com

Signature(s): _____

Parcel: 009H-000-0056-0000

Name(s): Johnny McDonald

Address: 117 Parrish Point Ln
Moyock NC 27958

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0057-0000

Name(s): QHOC of Windswept Pines, LLC

Address: 417 Caratoke Hwy, Unit D
Moyock, NC 27958

Telephone: (252) 435-2718

Email Address: jold@qhoe.com

Signature(s): _____

Parcel: 009H-000-0058-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Attachment: 3- 19-15 CZ Application (PB 19-15 Windswept Pines)

Previously Owned by QHOC of Windswept Pines, LLC - New Owner Info (if applicable)

Parcel: 009H-000-0004-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0006-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

✓ Parcel: 009H-000-0010-0000

✓ Name(s): Steve N. Smith

Address: _____

Telephone: _____

Email Address: _____

✓ Signature(s): [Signature]

Parcel: 009H-000-0042-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0043-0000

Name(s): Ira GillAddress: 100 ALDEN

Telephone: _____

Email Address: _____

Signature(s): [Signature]

Parcel: 009H-000-0049-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0050-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0051-0000

Name(s): Richard WarrenAddress: 110 Parrish Point

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0052-0000

Name(s): QHOC of Windswept Pines, LLCAddress: 417 Caratoke Hwy, Unit DMoyock, NC 27958Telephone: (252) 435-2718Email Address: jold@qhoc.comSignature(s): [Signature]

Parcel: 009H-000-0055-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0045-0000

Name(s): Don Deleo

Address: _____

Telephone: _____

Email Address: _____

Don Deleo
loop verified
07/20/19 3:17 PM EST
7471-3W2 ALEM M-3J

Parcel: 009H-000-0046-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

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Signature(s): _____

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Telephone: _____

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Signature(s): _____

Parcel: 0009-000-011L-0000

Name(s): Mark & Penny McCrary

Address: _____

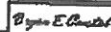
Telephone: (252) 435-7576

Email Address: mmccrary819@aol.com

Signatures: MM - P

Previously Owned by Allied Properties, LLC - New Owner Info (if applicable)

Parcel: 0009-000-006A-0000
 Name(s): _____
 Address: _____
 Telephone: _____
 Email Address: _____
 Signature(s): _____

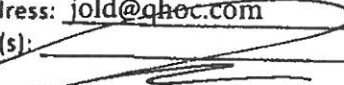
Parcel: 009H-000-0002-0000
 Name(s): Bryan E. Cantal
 Address: 125 Parrish Point Ln
 Telephone: _____
 Email Address: _____
 Signature(s): 

solloop verified
 12:23:48 PM EST
 4007 RSO - SHS2-VTE

Parcel: 009H-000-005A-0000
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 Address: _____
 Telephone: _____
 Email Address: _____
 Signature(s): _____

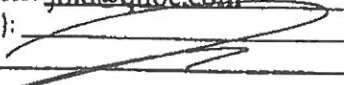
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 Name(s): _____
 Address: _____
 Telephone: _____
 Email Address: _____
 Signature(s): _____

Parcel: 009H-000-005B-0000
 Name(s): _____
 Address: _____
 Telephone: _____
 Email Address: _____
 Signature(s): _____

Parcel: 009H-000-0008-0000
 Name(s): QHOC of Windswept Pines, LLC
 Address: 417 Caratoke Hwy, Unit D
Moyock, NC 27958
 Telephone: (252) 435-2718
 Email Address: jold@qhoc.com
 Signature(s): 

Parcel: 009H-000-005C-0000
 Name(s): _____
 Address: _____
 Telephone: _____
 Email Address: _____
 Signature(s): _____

Parcel: 009H-000-0009-0000
 Name(s): _____
 Address: _____
 Telephone: _____
 Email Address: _____
 Signature(s): _____

Parcel: 009H-000-0001-0000
 Name(s): QHOC of Windswept Pines, LLC
 Address: 417 Caratoke Hwy, Unit D
Moyock, NC 27958
 Telephone: (252) 435-2718
 Email Address: jold@qhoc.com
 Signature(s): 

Parcel: 009H-000-0012-0000
 Name(s): _____
 Address: _____
 Telephone: _____
 Email Address: _____
 Signature(s): _____

Attachment: 3- 19-15 CZ Application (PB 19-15 Windswept Pines)

Parcel: 009H-000-0045-0000
Name(s): QHOC of Windswept Pines, LLC
Address: 417 Caratoke Hwy, Unit D
Moyock, NC 27958
Telephone: (252) 435-2718
Email Address: jold@qhoe.com
Signature(s):

Parcel: 009H-000-0046-0000
Name(s): _____
Address: _____
Telephone: _____
Email Address: _____
Signature(s): _____

✓ Parcel: 009H-000-0047-0000
Name(s): David and Judith Gregg
Address: 118 Parrish Point Ln
Telephone: _____
Email Address: _____
Signature(s):
009H000-0047-0000
12-11-15 08:24:15
19-15-15 07:00:00

Parcel: 009H-000-0048-0000
Name(s): _____
Address: _____
Telephone: _____
Email Address: _____
Signature(s): _____

Parcel: 009H-000-0053-0000
Name(s): _____
Address: _____
Telephone: _____
Email Address: _____
Signature(s): _____

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Address: _____
Telephone: _____
Email Address: _____
Signature(s): _____

Parcel: 009H-000-0058-0000
Name(s): _____
Address: _____
Telephone: _____
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Signature(s): _____

Parcel: 009H-000-0045-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

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Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0048-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0053-0000

Name(s): Jane CarillonAddress: 111 Parrish PtMoyock NCTelephone: 757 635 3178Email Address: duiq1@verizon.netSignature(s): Jane Carillon

Parcel: 009H-000-0054-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0056-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0057-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0058-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Previously Owned by QHOC of Windswept Pines, LLC - New Owner Info (If applicable)

Parcel: 009H-000-0004-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0006-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0010-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0042-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0043-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0049-0000

Name(s): Jordan & Rachid HassaniAddress: 114 Parrish Point LaneMoyock, NC 27958Telephone: 757 513 4297Email Address: Ohassani.00@windswept.comSignature(s): [Signature]

Parcel: 009H-000-0050-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0051-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0052-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0055-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Previously Owned by QHOC of Windswept Pines, LLC - New Owner Info (if applicable)

Parcel: 009H-000-0004-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0006-0000

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Email Address: _____

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Telephone: _____

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Signature(s): _____

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Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0050-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0051-0000

Name(s): Richard E. WarrenAddress: 110 Parrish Point LaneMoyock NC 27958

Telephone: _____

Email Address: _____

Signature(s): [Signature]

Parcel: 009H-000-0052-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0055-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0045-0000

Name(s): _____

Address: _____

Telephone: _____

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Signature(s): _____

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Parcel: 009H-000-0057-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0058-0000

Name(s): Michael W. Reinke

Address: _____

Telephone: _____

Email Address: _____

Signature(s) *Michael W. Reinke*

dotloop verified
01-10-19 1:08 AM EST
B12H H8J9-0EUR S6QB

Attachment: 3- 19-15 CZ Application (PB 19-15 Windswept Pines)

Previously Owned by Allied Properties, LLC - New Owner Info (if applicable)

Parcel: 0009-000-006A-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-005A-0000

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Signature(s): _____

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Email Address: _____

Signature(s): _____

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Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

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Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0002-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0005-0000

Name(s): _____

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Telephone: _____

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Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0009-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0012-0000

Name(s): Paul A. Nielsen

Address: 109 Alden Run

Telephone: _____

Email Address: _____

Signature(s): *Paul A. Nielsen*dotloop verified
11/29/14 3:05 PM EST
LXVK-NPRC-XLRV-LN08

Previously Owned by Allied Properties, LLC - New Owner Info (if applicable)

Parcel: 0009-000-006A-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-00SA-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-00SB-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-00SC-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0001-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0002-0000

Name(s): _____

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Parcel: 009H-000-0009-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-00 *0050*-0000

Name(s): Reed T. Wissman

Address: _____

Telephone: _____

Email Address: _____

Signature(s): 

doLoop verified
11/18/18 12:57 PM EST
QQUC-JWSZ-CCOR-IDED

Attachment: 3- 19-15 CZ Application (PB 19-15 Windswept Pines)

Previously Owned by MCQ Builders LLC-2 - New Owner Info (if applicable)

Parcel: 009H-000-0003-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0007-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0011-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0044-0000

Name(s): Wesley & Sherry HenryAddress: 104 Alden RunMoyock, NC 27958Telephone: 757-288-5155Email Address: wsbhenry@yahooSignature(s): ☒ Wesley N. Henry☒ Sherry Henry

Previously Owned by QHOC of Windswept Pines, LLC - New Owner Info (if applicable)

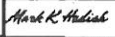
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Name(s): Mark K. Hedish

Address: _____

Telephone: _____

Email Address: _____

Signature(s):  dotloop verified
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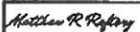
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Name(s): Matthew R. Raftery

Address: _____

Telephone: _____

Email Address: _____

Signature(s):  dotloop verified
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G6FM-J6AB 88LE-PHXB

Parcel: 009H-000-0010-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0042-0000

Name(s): Wendy Jo Williams

Address: _____

Telephone: _____

Email Address: _____

Signature(s):  dotloop verified
11/04/18 4:56PM EST
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Parcel: 009H-000-0043-0000

Name(s): Ian Gill

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0049-0000

Name(s): _____

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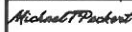
Parcel: 009H-000-0055-0000

Name(s): Michael T. Packert

Address: _____

Telephone: _____

Email Address: _____

Signature(s):  dotloop verified
11/02/18 5:36PM EDT
7UCO-IRYT-JE0B-RQHD

Previously Owned by MCQ Builders LLC-2 - New Owner Info (if applicable)

Parcel: 009H-000-0003-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0011-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

* Parcel: 009H-000-0007-0000

Name(s): SPENCER PRESSAddress: 124 PAPERST PONT LNMURK NC 27958Telephone: 805-490-5039Email Address: SPENCER.PRESS@gmail.comSignature(s): [Signature]

Parcel: 009H-000-0044-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Previously Owned by Allied Properties, LLC - New Owner Info (if applicable)

Parcel: 0009-000-006A-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-005A-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-005B-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-005C-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0001-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0002-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0005-0000

Name(s): Robert and Kim Ausman

Address: _____

Telephone: _____

Email Address: _____

Signature(s):  

Parcel: 009H-000-0008-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0009-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0012-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Attachment: 3- 19-15 CZ Application (PB 19-15 Windswept Pines)

Previously Owned by Allied Properties, LLC - New Owner Info (if applicable)

Parcel: 0009-000-006A-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-00SA-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-00SB-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-00SC-0000

Name(s): _____

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Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0001-0000

Name(s): _____

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Email Address: _____

Signature(s): _____

Parcel: 009H-000-0002-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0005-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0008-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0009-0000

Name(s): Benjamin WellerAddress: 103 Alden RunTelephone: 619 955 3225

Email Address: _____

Signature(s): [Signature]

Parcel: 009H-000-0012-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Previously Owned by MCQ Builders LLC-2 - New Owner Info (if applicable)

Lot 3 *

Parcel: 009H-000-0003-0000

Name(s): Phillip & Lisa HallAddress: 5101 Cove Oak Ct
McKinney TX 75071-7846Telephone: 757-617-1975Email Address: artlisa@gmail.comSignature(s): [Signature]

3/6/2019

Parcel: 009H-000-0007-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): [Signature]

3/6/2019

Parcel: 009H-000-0011-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0044-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Previously Owned by MCQ Builders LLC-2 - New Owner Info (if applicable)

Parcel: 009H-000-0003-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0007-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0011-0000

Name(s): Alexander + Amber WilbanksAddress: 107 Alden RunMoyock, NC 27958Telephone: 857-636-6769Email Address: ATEAMK44@gmail.comSignature(s): [Signature]

Parcel: 009H-000-0044-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Previously Owned by QHOC of Windswept Pines, LLC - New Owner Info (if applicable)

Parcel: 009H-000-0004-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0006-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0010-0000

Name(s): _____

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Parcel: 009H-000-0043-0000

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Signature(s): _____

Parcel: 009H-000-0049-0000

Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0050-0000

Name(s): _____

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Telephone: _____

Email Address: _____

Signature(s): _____

Parcel: 009H-000-0051-0000

Name(s): _____

Address: _____

Telephone: _____

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Name(s): _____

Address: _____

Telephone: _____

Email Address: _____

Signature(s): _____

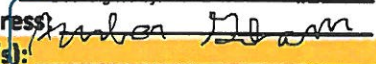
Parcel: 009H-000-0055-0000

Name(s): Amber D. Gaham

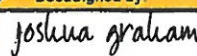
Address: 115 Parrish Point Ln

Telephone: _____

Email Address: _____

Signature(s): 

DocuSigned by: CAA5BA63B78844B...



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Attachment: 3- 19-15 CZ Application (PB 19-15 Windswept Pines)

4558 Windswept Pines - Phase 3 Conditional Zoning Amendment and Amended Preliminary Plat

Community Meeting Minutes

Monday, May 13, 2019

Scheduled Time/Place: 6:00 pm, Moyock Library, Moyock, NC

Meeting Began at 6:05 pm

**Attendees: Justin Old, Representing the Developer
Donna Voliva, Representing the Currituck County
Planning and Development Department
Mark Bissell, Representing the Engineering Firm
Nearby Community Residents (please refer to the
attached sign-in sheet)**

Summary:

An outline of the meeting presentation is attached. The residents were provided an overview of the review and approval process for this type of project, and were provided a description of the main elements of the development plan. A map showing the context of the site as well as the preliminary development plan were presented.

The following comments and concerns were expressed by the Community members, and responses that were given are shown next to each comment below:

Comments from the Community	How Addressed
Will there be a second connector road to Baxter Lane from the property?	There is no opportunity to make another connection to Baxter unless additional property is added to the development. Surrounding properties are all owned by other parties.
Speed limit signs are needed in the development.	NCDOT will put permanent speed limit signs up when they take the roads into the state system, but the developer will put up some temporary signs.
How will the roadway connection be made to the property to the North?	The connector road will be paved to the top of the property line ditch bank and a fee provided to Currituck County for the future connection.
What is the time frame for the development?	We have anticipated that the property will be improved and ready for home construction in approximately one year.
Are street lights proposed?	Street lights are not being proposed for this subdivision.

The main part of the meeting ended at approximately 6:25 PM; with a couple of the community members staying to look at the maps and further discuss the details of the development after the regular meeting had adjourned.

NAME	ADDRESS	TELEPHONE	E-MAIL
MARK BISSSEL	PO Box 1068 Kitty Hawk	(252) 252-1215	mark@bissellprofessionalsgroup.com
Bertrille B. Lomax	437 Neck Rd.	(804) 888-0070	Lomax4@aol.com
Donna Voliva	Curettuck P+CD	252 232 6032	donna.voliva@cunituckcountync.gov
STEVE E. Rasmussen	105 ALDEN RUN	860-949-4637	Subdoker@gmail.com

Windswept Pines Community Meeting- Outline of Presentation

May 13, 2019

6:00 PM

A. Housekeeping –

- Please sign-in
- A record of the Community meeting will be provided to Currituck County.
(concerns raised/ attempts to address concerns)

B. What is the Request?

- Amendments to Conditional Zoning and Preliminary Plat
- Next step in the approval process –before construction plans

C. The Process:

- Pre-application meeting with County
- Community meeting (now)
- TRC review
- PB review
- BOC hearing/action

Then:

- Construction drawing application
- Construction
- Final plat application

D. The Plan:

- The street and lot layout is unchanged (Still proposing 20,000 sq ft minimum lots)
- Increasing open space to provide more stormwater ponds
- Woodlands behind – future phase

E. Questions & Comments

CONSISTENCY WITH LAND USE PLAN - DENSITY
WINDSWEPT PINES PHASE 3

The proposed zoning is to amend the existing C-MXR zoning district, to incorporate a conceptual plan for the development of 14 lots on the 14.07 acre portion of the property that was previously reserved for future development. Adding this third phase to the Windswept Pines subdivision will result in an overall density for the 66.8 acre tract of 1.09 units per acre. The previous amendment (Phase 2) was for a development plan for the first approximately 52 acres (PB 18-22), and a conceptual plan that indicated Phase 3 would be “future residential development similar to phases 1 and 2.” Phase 3 proposes a single-family development pattern similar to phases 1 and 2, with less density. This request is consistent with the following density and development pattern policies of the 2006 Land Use Plan, Moyock Small Area Plan, and UDO:

1. 2006 Currituck County Land Use Plan (“LUP”):

A. Land Use Compatibility Policies

i. Density: The project is located within the Rural Area of the LUP, and proposes a density of 1.09 units per acre. The site is surrounded by land zoned AG, but put to residential, non-agricultural uses. Immediately west of the site are Phases 1 and 2 of Windswept Pines, which are laid out in a similar pattern as the proposed conceptual plan. Further west is a strip of commercial uses along Caratoke Highway. The area to the east and north is largely wooded, and this site is separated from existing residential to the south by additional vegetation.

The density guidance in the LUP is based on assumptions about available infrastructure, existing development patterns, and the presence of environmental features that do not apply to this site in the same way they may apply to Rural sites in general. There are no environmentally sensitive features or factors which suggest preservation of this portion of the development is critical, especially where the Board has twice before considered this project and the future development contemplated. County water is available to be extended from the adjacent phase. The pattern of development would be consistent with prior Windswept phases, in terms of lot layout, cul-de-sacs, open space provisions, and stormwater controls.

In its December 2018 approval of Phase 2, the Board found that the proposed C-MXR district was “consistent with the 2006 Land Use Plan and the Moyock Small Area Plan because it is at a density appropriate for the location (LUP HN1).” *See* PB 18-22, Item 2. Here, the availability of County water in the adjacent phase and the consistency of this development with other approved low-density residential in the Rural designation make this an appropriate location for this density. This is also consistent with the County’s density designations because development is occurring along Caratoke Highway, a major transportation corridor.

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

site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre.... Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas. LUP, p. 9-7.

POLICY AG6: For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes. LUP, p. 9-7.

ii Development Patterns: This site is the final phase of Windswept Pines, which the applicant committed to develop as “residential development similar to phases 1 and 2.” See conceptual plan note, Case PB 18-22. This is consistent with the County’s approach to development in this particular subdivision, but also in the Moyock area, which encourages continuation of development patterns instead of abrupt changes, holes, or leapfrogging. It is also consistent with the Board’s findings in similar cases approving density of approximately 1 unit per acre in the Rural area, including Countryside Estates (PB 15-15, 1.11 units/acre), Waterleigh (PB 16-11, 1.0 unit/acre), Glenmoor Ridge (PB 16-12, 1.0 unit/acre), and Currituck Reserve (PB 14-34, 0.92 units/acre). Similarly, the Board made a finding for Tucker’s Cove (PB 14-32) in the Courthouse subarea, that the suggested subarea density of 1-2 units per acre superseded the lower density suggested in the Rural land use classification. **The layout of this phase** of the development is similar to earlier phases, but has more than 50% of the site reserved as open space, including buffers and stormwater controls. The site is also adjacent to commercial uses along 168, which is designated a Full Service Area, and thus is close to the area where more intense development is anticipated.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl... OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map. LUP, p. 9-7.

POLICY HN4: Currituck County shall discourage all forms of housing from “LEAPFROGGING” INTO THE MIDST OF FARMLAND and rural areas, thereby eroding the agricultural resource base of the county. LUP, p. 9-7.

POLICY AG3: County ACTIONS CONCERNING INFRASTRUCTURE (e.g. schools, parks, and utilities) and regulations shall serve to direct new development first to targeted

growth areas near existing settlements identified as Full Service Areas on the Future Land Use Map, rather than “leapfrogging” to locations in the midst of farmland and greenspace identified as Rural and Conservation areas on the Future Land Use Map. LUP, p. 9-6.

***POLICY AG4:** County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land. LUP, p. 9-6.*

B. Moyock Area Policy Emphasis of the Land Use Plan:

Summary of Area Character: *The Moyock area is the fastest growing part of Currituck County. Development densities currently range from 1 to 3 units per acre depending upon development type.*

Moyock Area Policy Emphasis: *The policy emphasis of this plan is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. Clustered housing developments, with open space required by ordinance, will ... be encouraged. Given the existing development pattern and availability of services, much of the Moyock area is planned as Full Service. LUP, p. 11-4.*

The proposed use will reserve open space of roughly 50% of the phase, and over 30% for the site as a whole. The applicant is proposing stormwater treatment and septic onsite, and will connect to County water available from Phase 2. These services are consistent with the 1-2 units per acre density described in the policy emphasis. The Moyock Area policy consistently references densities at 1 unit per acre minimum, and recognizes that increased density is appropriate where services are available. This is consistent with the 1.09 units per acre proposed here.

2. Moyock Area Small Area Plan (“SAP”):

The SAP designates this area as Full Service Area, with densities which exceed 1 unit per acre. The Small Area Plan map states that “[t]he map should be used in conjunction with the entire plan and not weighted as more important than the vision, policies, or other recommendations” of the County. The fact that the site will have County water available, is located close to 168, and is the final phase of a project with the same designation and density that is adjacent to a Full Service Area on the SAP and LUP all support the requested density for the site.

***Policy FLU 1** – promote compatibility between new development and existing development to avoid adverse impacts to the existing community.*

3. UDO:

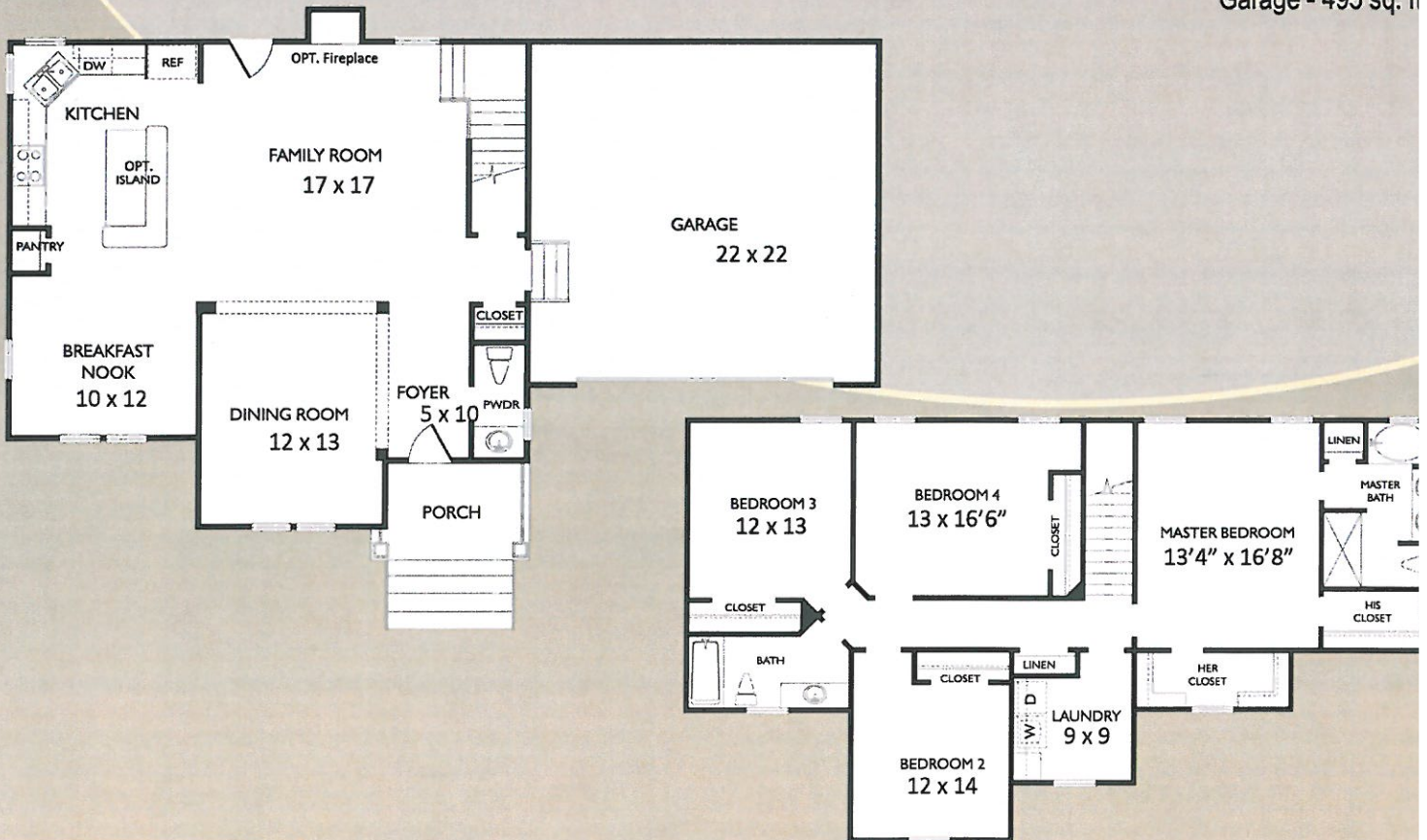
- A.** The proposed single-family residential use is designated in the MXR (Mixed Residential) zoning district. This district “is established to accommodate a wide variety of residential use types at moderate densities” and “is intended to provide moderate-cost housing options for county residents.” UDO Sec. 3.4.6(A).
- B.** This district includes dimensional standards for single-family detached development, including limits on gross density in Full Service Area of 2 units per acre, and a maximum of 1 unit per acre in Limited Service Area. 3.4.6 (D). There is no corresponding maximum density listed for the Rural Service Area, and thus the UDO does not restrict density in the Rural designated areas of the 2006 Land Use Plan. The proposed density of 1.09 units per acre is thus consistent with the UDO.
- C.** The proposed concept plan complies with the dimensional standards in 2.4.6(D) able to be met at the zoning stage, including lot area and minimum open space set aside.



Shown with side entry garage, craftsman style porch post & metal roof accents.

THE PARKLIN

First Floor - 898 sq. ft.
Second Floor - 1,344 sq. ft.
Total Heated - 2,242 sq. ft.
Garage - 495 sq. ft.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.



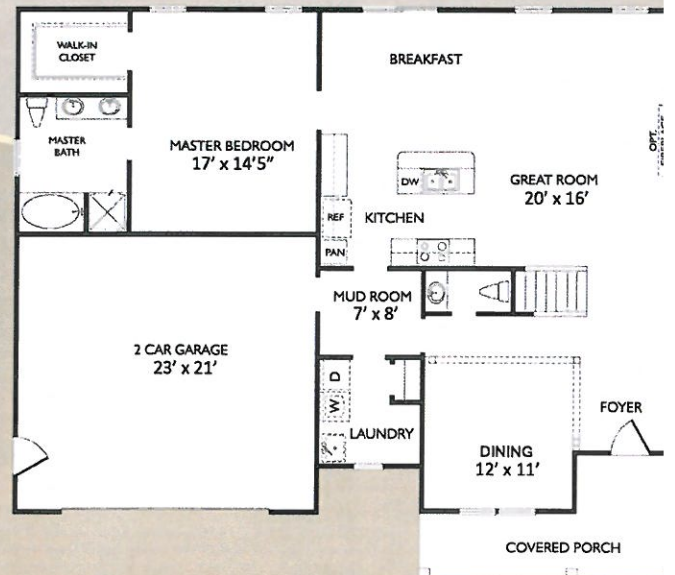
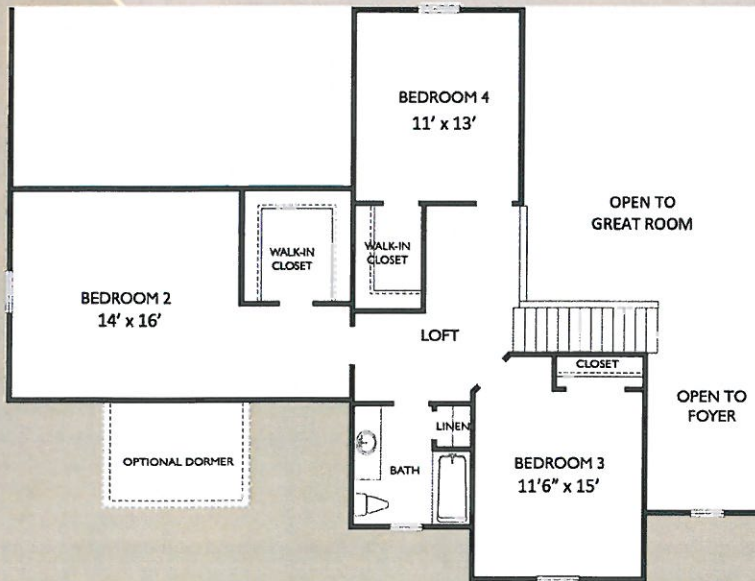
Shown with optional dormer

THE ANFIELD

First Floor - 1,493 sq.
 Second Floor - 927 sq.
 Total Heated - 2,420 sq.
 Garage - 528 sq.
 Opt Dormer - 68 sq.



Elevation B shown with optional dormer



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.



THE CAMBRIDGE

Opt. FROG full bath - 86 Sq F



Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2573)

Agenda Item Title

PB 11-02 Kitty Hawk Flight School, LLC:

Brief Description of Agenda Item:

Request for an Outdoor Tour Operator, Aviation, Use Permit for property located at 6997 Caratoke Highway, Tax Map 108, Parcel 39, Poplar Branch Township.

Board Action Requested

Action

Person Submitting Agenda Item

Cheri Elliott, Assistant

Presenter of Agenda Item

Laurie LoCicero



STAFF REPORT
PB11-02 KITTY HAWK KITES-COTTON GIN
USE PERMIT AMENDMENT #1
BOARD OF COMMISSIONERS
AUGUST 19, 2019

APPLICATION SUMMARY

Property Owner: Jerry W. Wright Thomas C. Wright PO Box 24 Jarvisburg, NC 27947	Applicant: John Harris, Kitty Hawk Flight School, LLC PO Box 1839 Nags Head, NC 27959
Case Number: PB11-02	Application Type: Use Permit – Amendment #1
Parcel Identification Number: 0108-000-0039-0000 6997 Caratoke Highway, Jarvisburg, Poplar Branch Township (East of Cotton Gin)	Existing Use: Outdoor Recreation Facility and Cultivated Farmland
Land Use Plan Classification: Limited Service within Jarvisburg Subarea	Parcel Size (Acres): 183.37 (Legal) 175.25 (GIS)
Request: Amend Use Permit to add paragliding, powered paragliding, solo hang gliding and trikes.	Zoning: Agricultural (AG)

SURROUNDING PARCELS

	Land Use	Zoning
North	Vacant	GB
South	Farm Buildings/Cultivated Farmland	A
East	Dews Island	A
West	Retail/Single Family Dwelling	GB

STAFF ANALYSIS

On May 2, 2011 the Board approved a use permit for an outdoor recreation facility for use of light sport aircraft and tandem hang gliding on May 2, 2011. The use permit was issued with a condition that it be reviewed by the Board in one year. On April 16, 2012 the use permit was renewed for three years and on May 4, 2015, after a three year review, the Board issued the use permit without an expiration date.

John Harris of Kitty Hawk Flight School, LLC has submitted an amendment application to change the use to Aviation Outdoor Tour Operator and to include paragliding, powered paragliding, solo hang gliding and trikes. There are no other changes proposed to the operations or to the site. Adequate parking for this use is available at the Cotton Gin.

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. The landing area shall be limited to private use.
 - b. Instrument Flight Rule (IFR) procedures are not permitted.
 - c. Flight operations are limited to light sport aircraft (including trikes), tandem hang gliders, paragliding, powered paragliding, and solo hang gliders.
 - d. Flight operations are only permitted from April 1 to October 1.
 - e. Aviation tour operations shall comply with the standards and regulations of the Federal Aviation Administration (FAA).
 - f. Flight patterns shall be established to limit flights below 500' altitude over single family residential zoning districts or existing single-family residential uses.

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. Operations are conducted by highly trained instructors and pilots certified by the United States Hang Gliding and Paragliding Association and the FAA.
2. Operations are insured and have been used as an example for similar operations conducted elsewhere in the country.
3. We are not aware of any public health or safety incidents since we started operating.

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. Operations have been conducted at the site since 2011 in harmony with the surrounding area. Additional flight operations will be conducted with the same care and conditions.
2. We have flown close to 8000 customers since we opened at the Cotton Gin. By far, the majority of which have come across the bridge from the Outer Banks enhancing local commercial operations and promoting Currituck County tourism.
3. Flight patterns have been established to minimize impact on adjoining landowners.

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

Preliminary Staff Findings:

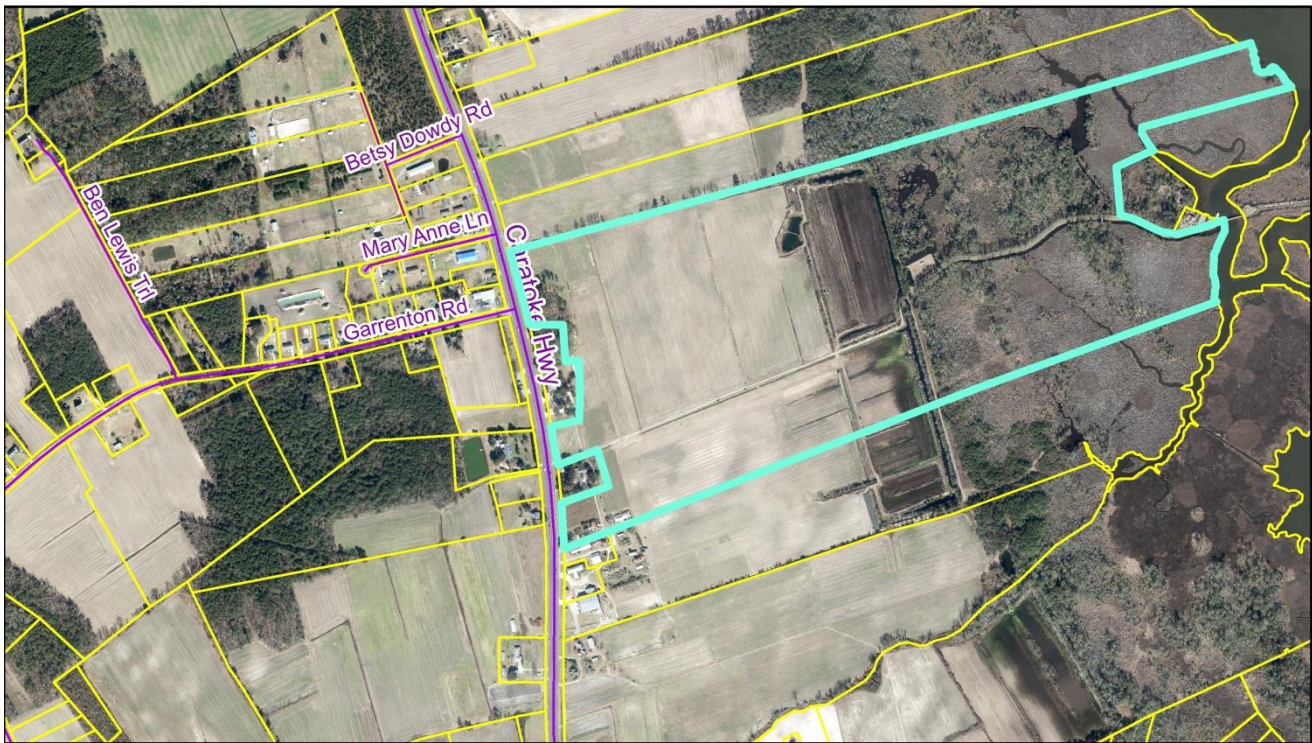
1. The 2006 Land Use Plan classifies the site as Limited Service within the Jarvisburg subarea. With respect to nonresidential uses, it is essential that the existing community character be preserved. Business designed to serve the tourist industry should not be prohibited provided the character and intensity of use is in keeping with the character of surrounding areas. The proposed use is in keeping with the following policies of the plan:
 - a. POLICY CD9: Businesses shall be encouraged to coordinate their SITE DESIGNS with other nearby businesses. Design factors should include, at a minimum, shared or connected parking and access, convenient pedestrian and vehicular movement, and consistent sign standards.
 - b. 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.
 - c. 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.

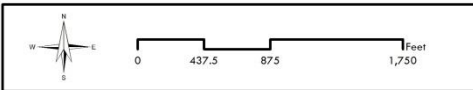
Preliminary Staff Findings:

1. The use should have no impact on public facilities.

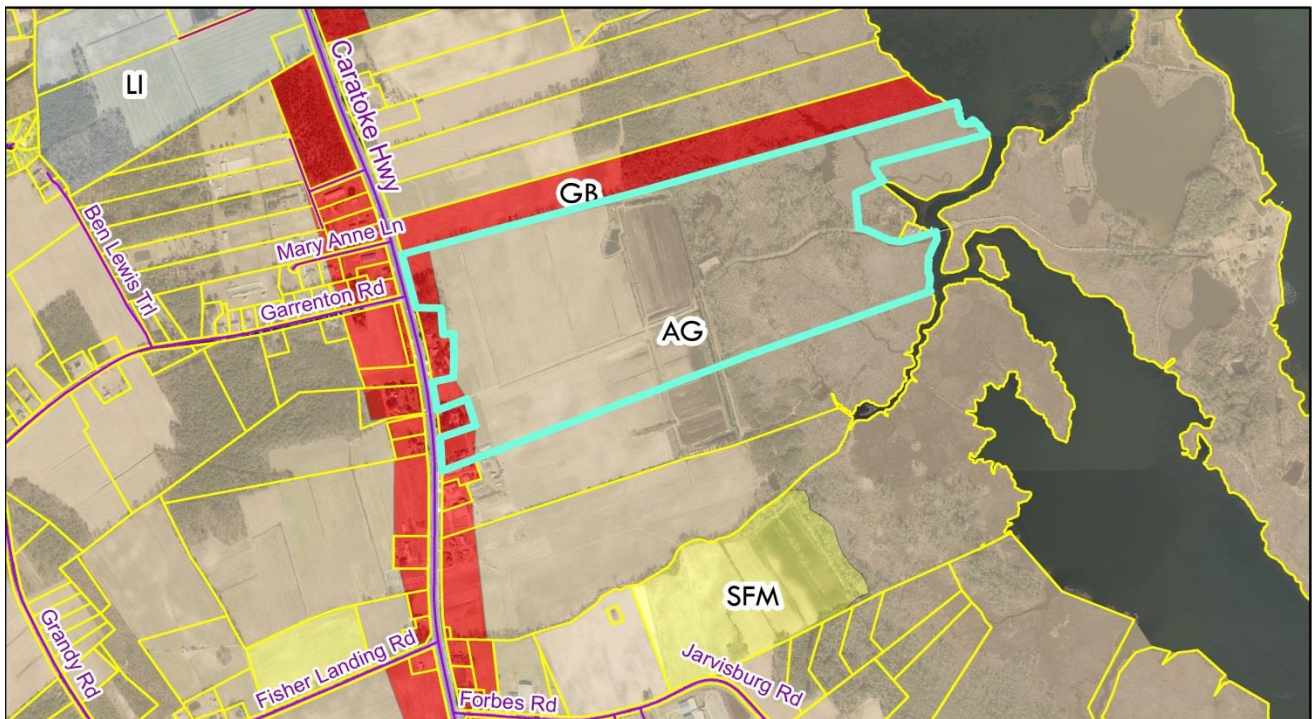
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
 Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



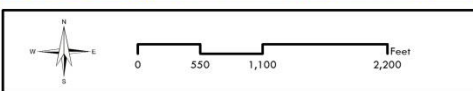
PB 11-02 Kitty Hawk Kites/Cotton Gin
UP Amendment #1
Aerial Photography



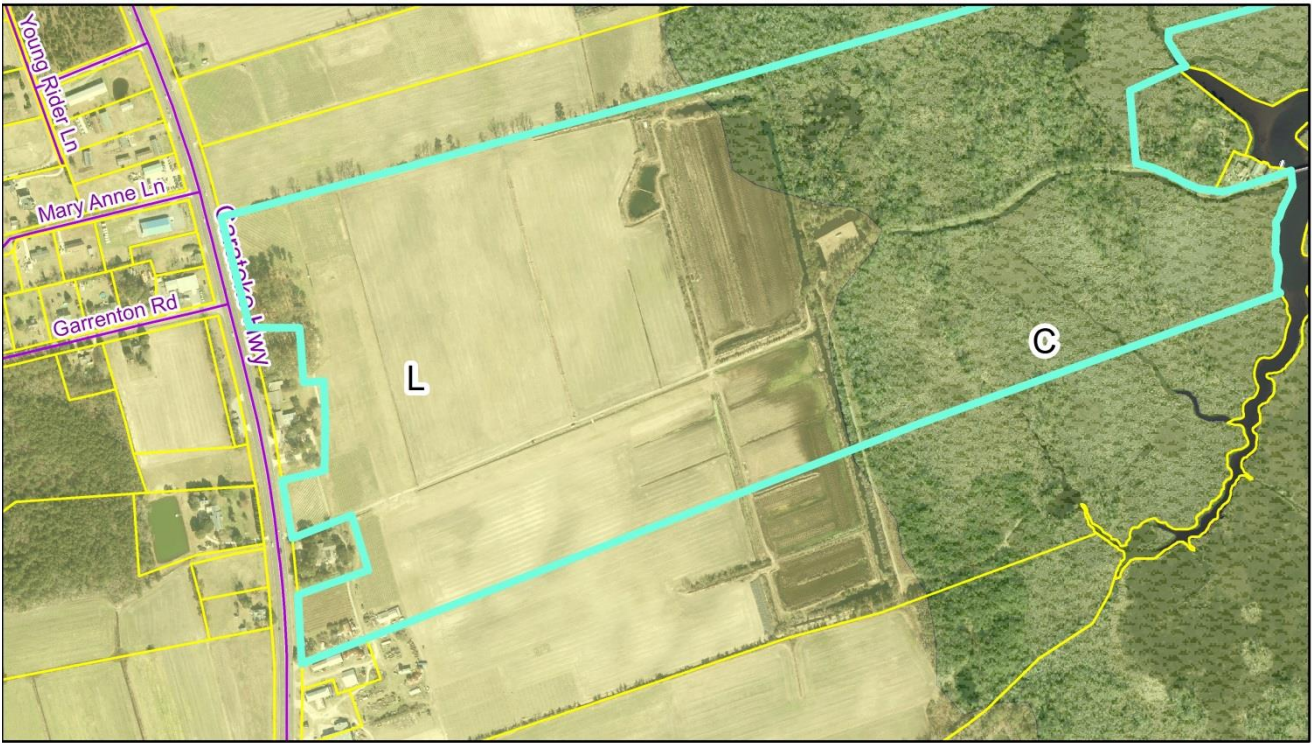
Currituck County
Planning and Community
Development



PB 11-02 Kitty Hawk Kites/Cotton Gin
UP Amendment #1
Zoning Map



Currituck County
Planning and Community
Development



PB 11-02 Kitty Hawk Kites/Cotton Gin
UP Amendment #1
Land Use Classification



Currituck County
Planning and Community
Development



Use Permit Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT: KITTY HAWK FLIGHT SCHOOL, LLC PROPERTY OWNER:
 Name: JOHN HARRIS Name: JERRY + THOMAS WRIGHT
 Address: P.O. Box 1839 Address: P.O. Box 24
NAGS HEAD, NC 27959 JARVISBURG, NC 27947
 Telephone: 252-202-1903 Telephone: 252-207-2387
 E-Mail Address: UCANPLY@KITTYHAWK.FL E-Mail Address: JOHN@SANCTUARYVINEYARD.COM
 LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: LEASEE

Property Information

Physical Street Address: 6587 CARATOKE HWY, POPLAR
BRANCH
 Location: _____
 Parcel Identification Number(s): TAX MAP 108, PARCEL 39
 Total Parcel(s) Acreage: 183.4
 Existing Land Use of Property: FARMING / PB11-02 KITTY HAWK KITE'S
SPECIAL USE PERMIT

Request

Project Name: OUTDOOR TOUR OPERATOR AVIATION
 Proposed Use of the Property: TANDEN AND SOLO HANG GLIDING, PARACH
AND POWERED PARACH.
 Deed Book/Page Number and/or Plat Cabinet/Slide Number: 2001/2114
 Total square footage of land disturbance activity: N/A
 Total lot coverage: N/A Total vehicular use area: N/A
 Existing gross floor area: N/A Proposed gross floor area: N/A

Community Meeting

Date Meeting Held: 6/26/19 Meeting Location: VILMAR, NC

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

REQUEST CHANGING OUR USE PERMIT TO
OUTDOOR TOUR OPERATOR AVIATION IN ORDER
TO ADD PARAGLIDING AND POWERED PARAGLIDING
OPERATIONS TO OUR CURRENT USE IN
ADDITION TO SOLO HANG GLIDING.

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.

OPERATIONS ARE CONDUCTED BY HIGHLY TRAINED
INSTRUCTORS AND PILOTS CERTIFIED BY THE
UNITED STATES HANG GLIDING AND PARAGLIDING ASSOCIATION
AND FAA.

- 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.

OPERATIONS HAVE BEEN CONDUCTED SINCE 2011 AT THE
SITE IN HARMONY WITH THE SURROUNDING AREA.

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

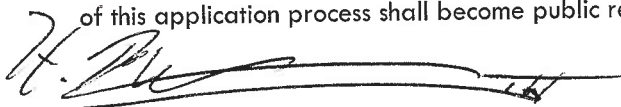
ADDITIONAL FLIGHT OPERATIONS WOULD BE CONDUCTED WITH
THE SAME CARE AND CONDITIONS.

- 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.

OPERATIONS HAVE BEEN CONDUCTED ACCORDING TO THE
SPECIAL USE PERMIT GRANTED IN 2011. PARAGLIDING AND
POWERED PARAGLIDING OPERATIONS WOULD CONTINUE TO BE
CONDUCTED WITHIN THE CONDITIONS OF A NEW PERMIT.

THE PARKING AND FACILITIES AVAILABLE AT THE
COTTON GIN WILL CONTINUE TO BE ADEQUATE FOR
ANY ADDITIONAL TRAFFIC CREATED BY THE FLIGHT
OPERATIONS.

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.

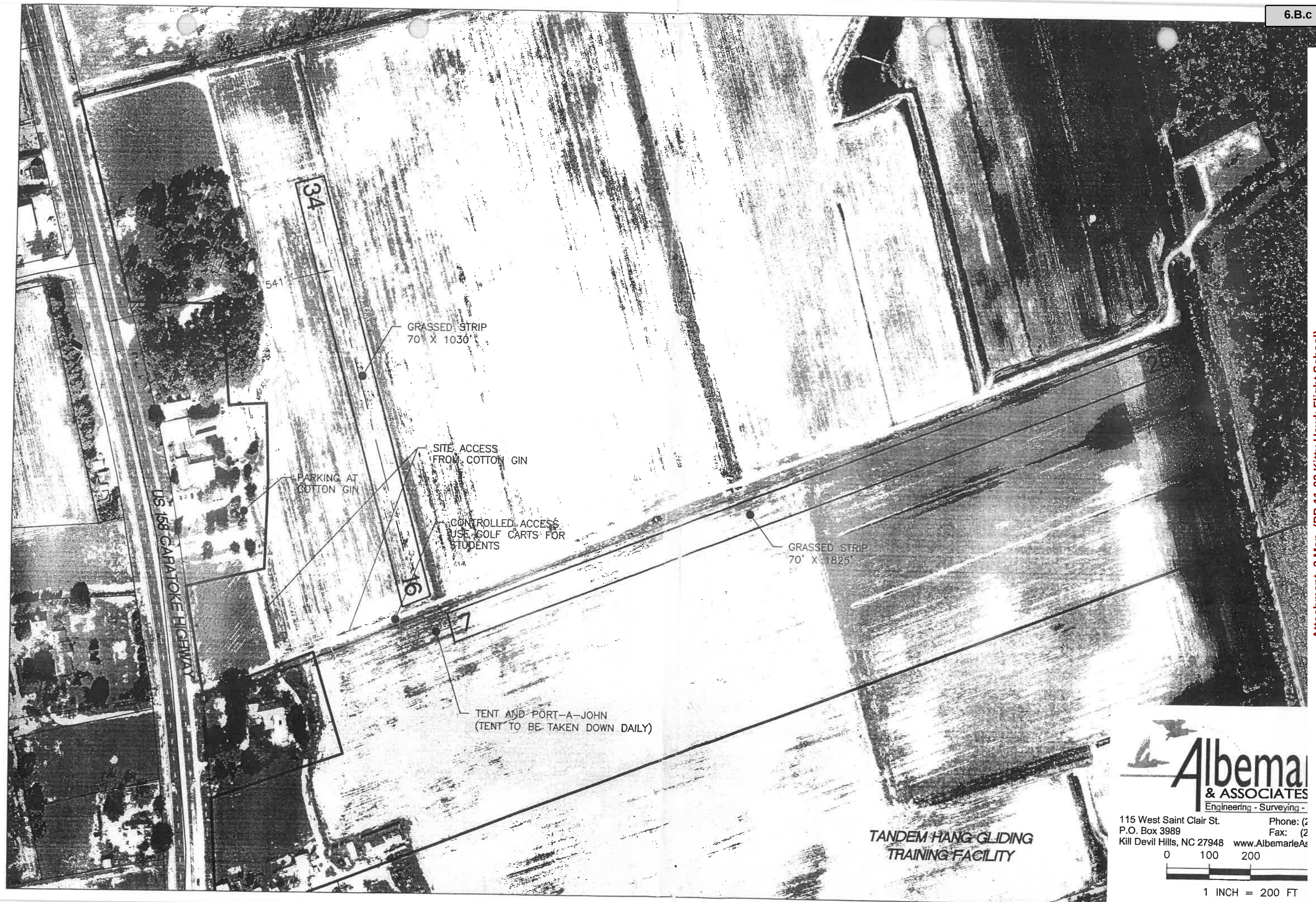


Property Owner(s)/Applicant*

6/27/19

Date

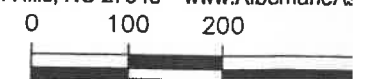
*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.



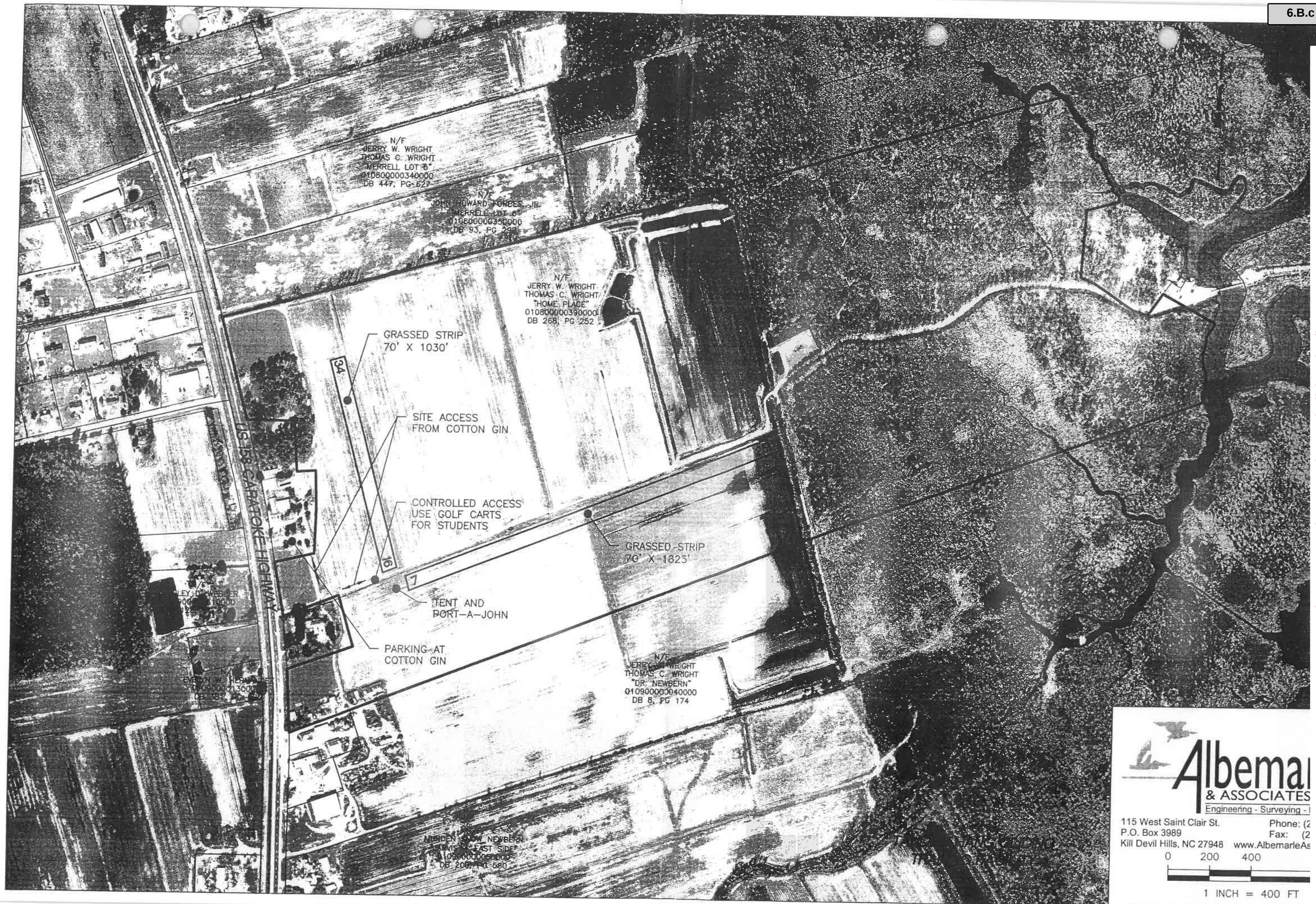
Albema
& ASSOCIATES
Engineering - Surveying -

115 West Saint Clair St.
P.O. Box 3989
Kill Devil Hills, NC 27948

Phone: (252) 441-1411
Fax: (252) 441-1411
www.AlbemaAs.com



1 INCH = 200 FT



Albema
& ASSOCIATES
Engineering - Surveying -

115 West Saint Clair St.
P.O. Box 3989
Kill Devil Hills, NC 27948

Phone: (252) 441-4141
Fax: (252) 441-4141

www.AlbemarleAs

0 200 400

1 INCH = 400 FT

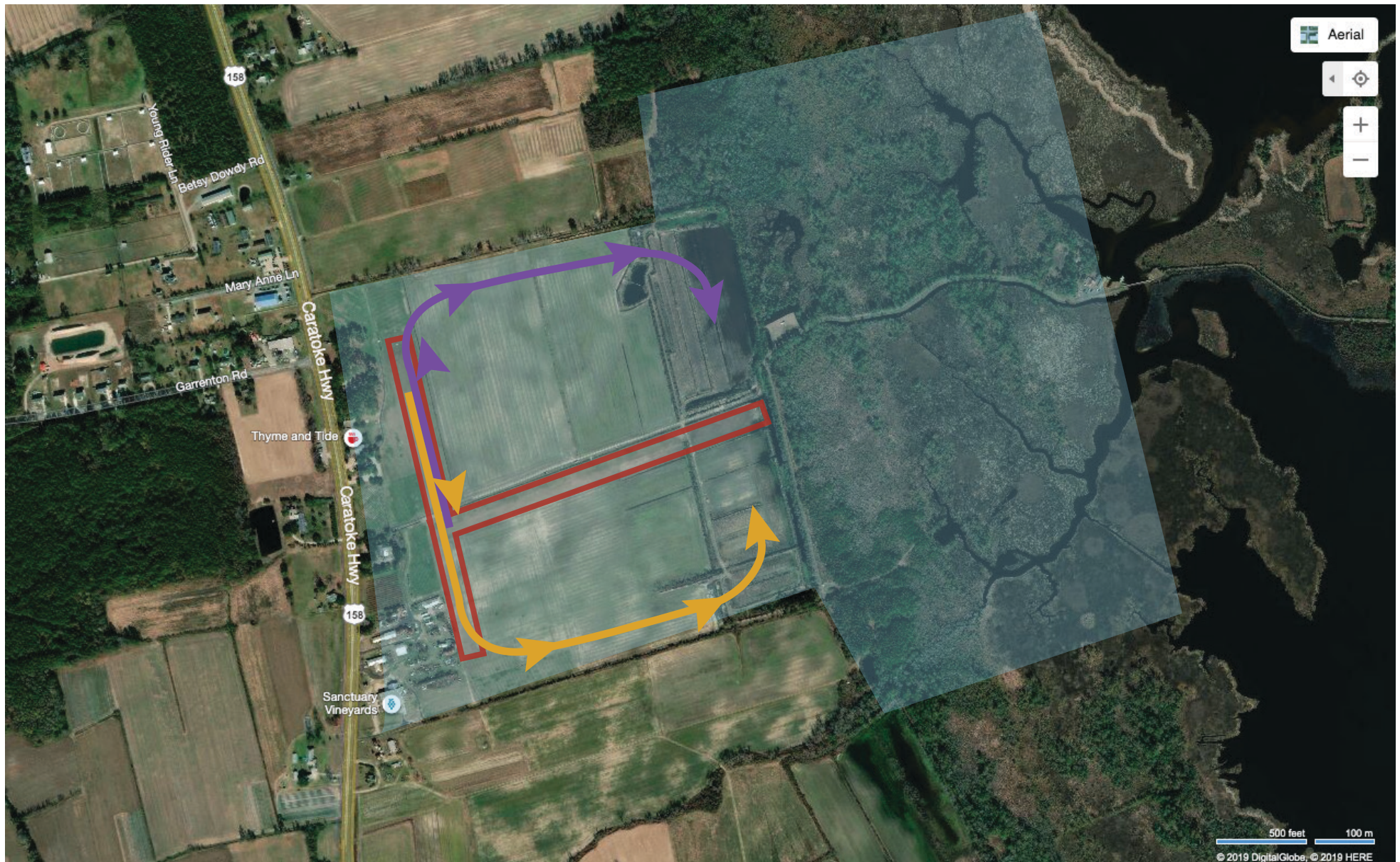
SAMPLE North/South Takeoffs

6.B.d

These are sample takeoff patterns; there may be variations from the patterns depicted below.

All flights will originate from the runway into the wind.

The tow flight will be within the blue area until at least 500 feet AGL



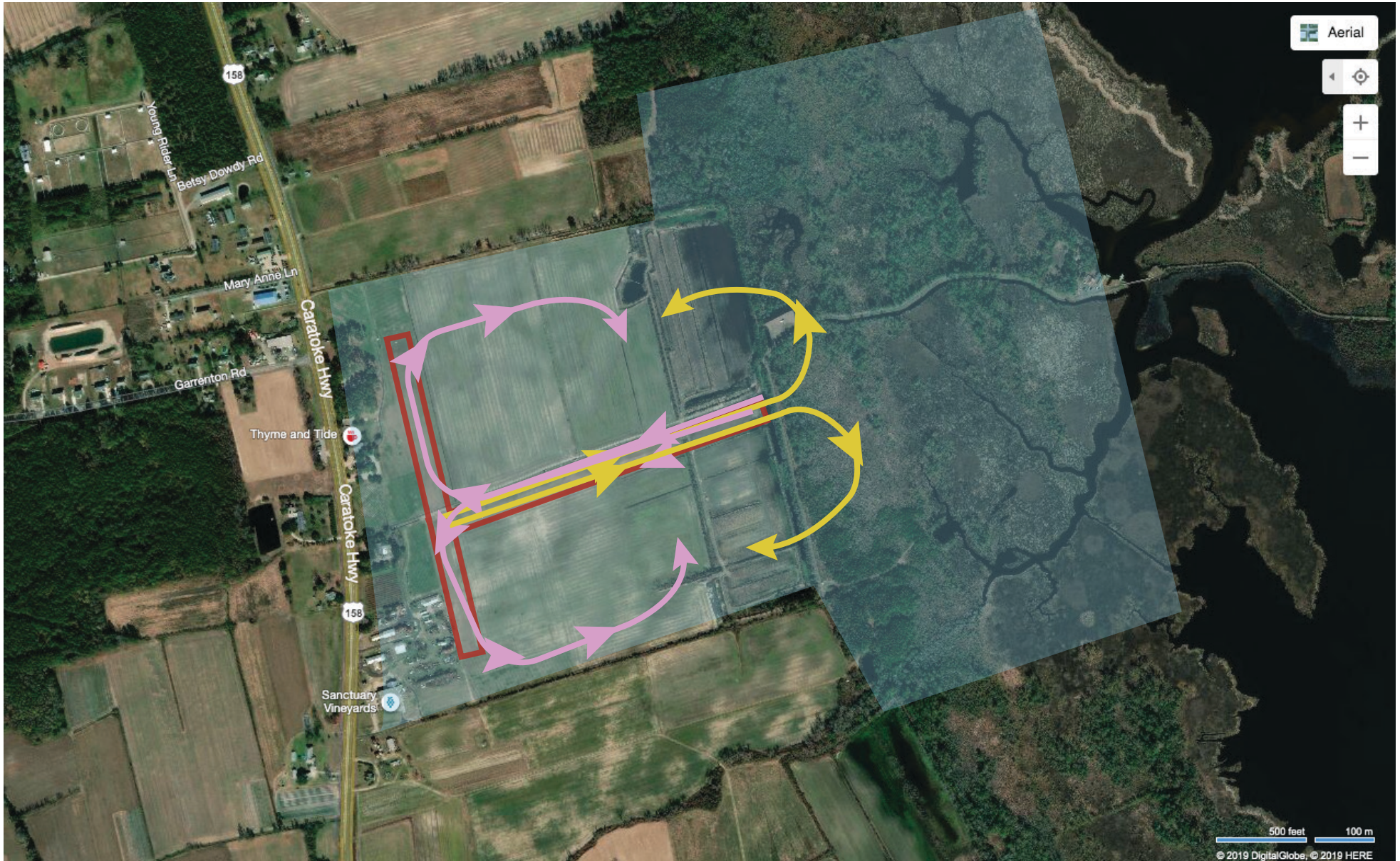
SAMPLE East/West Takeoffs

6.B.d

These are sample takeoff patterns; there may be variations from the patterns depicted below.

All flights will originate from the runway into the wind.

The tow flight will be within the blue area until at least 500 feet AGL



KHK Flight Park at the Cotton Gin

6.B.

Runways are highlighted in red. All flights will originate from the runway into the wind.
The tow flight will be within the blue area until at least 500 feet AGL




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: John Harris, Kitty Hawk Flight School, LLC
 Jerry & Thomas Wright, Cotton Gin

From: Jennie Turner, Planner II

Date: July 11, 2019
 Revised July 23, 2019 with engineering comments

Re: PB11-02 Kitty Hawk Kites (Kitty Hawk Flight School) Use Permit
 Amendment #1 - 2019

The following comments have been received for the July 17, 2019 TRC meeting. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jennie Turner 252-232-6031

Reviewed

The base operation and extended business operations shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a) Aviation tour operations shall comply with the standards and regulations of the Federal Aviation Administration (FAA).
- (b) Flight patterns shall be established to limit flights below 500' altitude over single-family residential zoning districts or existing single-family residential uses.
- (c) As part of the use permit approval process, the Board of Commissioners may establish hours of operation and permit duration.
- (d) Aviation outdoor tour operator uses shall provide public restrooms and adequate parking.
- (e) Aviation tour operations in the AG zoning district shall have minimal physical alteration to the area where the use is performed.

Currituck County Building Inspections and Fire, Richard Godsey 252-232-6020

Approved

On site fueling or storage may require building permit.

Currituck County Engineering, Eric Weatherly, Nick Ingold 252-232-6048

Approved

Approved based on no impervious coverage and no utilities.

Currituck County Soil and Storm Water, Will Creef 252-232-3360

Reviewed

No Comment.

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

No Comment

Attachment: 5 PB 11-02 KHK - Cotton Gin TRC Comments - revised 7.23.2019 (PB 11-02 Kitty Hawk Flight School)

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

Reviewed

*NEED TO PROVIDE RESTROOM FACILITIES CONVENIENT FOR CUSTOMERS TO USE!

Currituck County Water, Yama Jones 252-232-6061

No Comments Received

Currituck County GIS, Harry Lee 252-232-2034

Reviewed

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

No Comment

Currituck County Parks & Recreation, Jason Weeks, 252-232-3007

No Comment

**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: John Harris, Kitty Hawk Flight School, LLC
 Jerry & Thomas Wright, Cotton Gin

From: Jennie Turner, Planner II

Date: July 11, 2019

Re: PB11-02 Kitty Hawk Kites (Kitty Hawk Flight School) Use Permit
 Amendment #1 - 2019

The following comments have been received for the July 17, 2019 TRC meeting. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jennie Turner 252-232-6031

Reviewed

The base operation and extended business operations shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a) Aviation tour operations shall comply with the standards and regulations of the Federal Aviation Administration (FAA).

Our Tow Pilots are certified Private Pilots with more than 100 hours as pilot in command. They hold the endorsements for the type aircraft and towing.

The aircraft is maintained according to FAA regulations including 100 hour inspection and 12 month condition inspections.

The FAA confirmed the appropriateness and use of the site in April 2011.

Tandem hang glider flights are conducted under FAR part 103 exemption as mandated by the FAA and United States Hang Gliding and Paragliding Association.

- (b) Flight patterns shall be established to limit flights below 500' altitude over single-family residential zoning districts or existing single-family residential uses.

See attached flight pattern document.

- (c) As part of the use permit approval process, the Board of Commissioners may establish hours of operation and permit duration.

Our current operating schedule is April 1 through September 30. Daily operations are from sunrise to sunset by FAA regulations. Flying before 7:30 am and after 6:00pm is rare.

- (d) Aviation outdoor tour operator uses shall provide public restrooms and adequate parking.

Existing Cotton Gin parking is used for our flight operations. We use the North parking lot of the Cotton Gin for most of our customers.

In addition to the restrooms inside the Cotton Gin, we maintain one public restroom (Port-o-John) starting April 1 through September 30. For the months of July and August we maintain a second restroom (Port-O-John).

- (e) Aviation tour operations in the AG zoning district shall have minimal physical alteration to the area where the use is performed.

Some crop land has been used to create 2 crossing grass runways.

Currituck County Building Inspections and Fire, Richard Godsey 252-232-6020

Approved

On site fueling or storage may require building permit.

5 gallon gas cans are used for fueling. We will seek permits before building on-site storage.

Currituck County Soil and Storm Water, Will Creef 252-232-3360

Reviewed

No Comment.

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

No Comment

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

Reviewed

*NEED TO PROVIDE RESTROOM FACILITIES CONVENIENT FOR CUSTOMERS TO USE!

In addition to the restrooms inside the Cotton Gin, we maintain one public restroom (Port-O-John) starting April 1 through September 30. For the months of July and August we maintain a second restroom (Port-O-Potty).

Operations are handicap accessible. A golf cart is used for onsite transportation when needed.

Currituck County Water, Yama Jones 252-232-6061

No Comments Received

Currituck County GIS, Harry Lee 252-232-2034

Reviewed

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

No Comment

Currituck County Parks & Recreation, Jason Weeks, 252-232-3007

No Comment

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): Request changing our use permit to "Outdoor Tour Operator, Aviation" in order to add paragliding, powered paragliding and trikes, also categorized as Light Sport Aircraft, to our current use in addition to solo hang gliding.

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.

Operations are conducted by highly trained instructors and pilots certified by the United States Hang Gliding and Paragliding Association and the FAA. Our operations are insured and have been used as an example for similar operations conducted elsewhere in the country. We are not aware of any public health or safety incidents since we started operating.

- 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.

Operations have been conducted at the site since 2011 in harmony with the surrounding area. Additional flight operations will be conducted with the same care and conditions. We have flown close to 8000 customers since we opened at the Cotton Gin. By far, the majority of which have come across the bridge from the Outer Banks enhancing local commercial operations and promoting Currituck County tourism. Flight patterns have been established to minimize impact on adjoining landowners.

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

Operations have been conducted according to the special use permit granted in 2011. Paragliding, powered paragliding and trike operations would continue to be conducted within the conditions of a new permit including flight patterns, operational times and dates and grass runways.

- 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 parking and facilities (including seasonal bathroom facilities) available at the Cotton Gin will continue to be adequate for any additional traffic created by the flight operations.



COUNTY OF CURRITUCK

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

USE PERMIT GRANTED

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

Owner: Jerry and Thomas Wright
 PO Box 24
 Jarvisburg, NC 27947

Applicant: Bruce Weaver
 Kitty Hawk Kites
 PO box 1839
 Nags Head, NC 27959

Property Location: 6997 Caratoke Highway, Poplar Branch Township
 Tax Map 108, Parcel 39

Project: PB 11-02 Kitty Hawk Kites – (Special) Use Permit

Proposed Use: Outdoor Recreation Facility

Meeting Dates: February 8, 2011 – Planning Board Recommendation
 May 2, 2011 – Board of Commissioners' Public Hearing/Action
 May 4, 2015 – Board of Commissioners' Public Hearing/Action (*Renewal*)

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

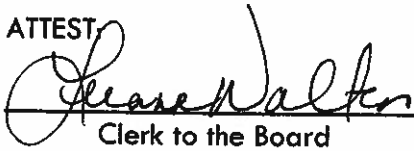
- (A) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which is filed in the office of the Planning and Community Development Department.
- (B) If any of the conditions affixed hereto or any part thereof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

(D) Other conditions:

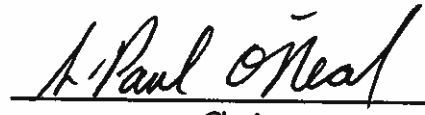
1. The landing area shall be limited to private use.
2. Instrument Flight Rule (IFR) procedures are not permitted.
3. Flight operations are limited to light sport aircraft and tandem hang gliders only.
4. Flight operations are only permitted from April 1 to October 1.
5. Staff will review the permit annually.

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

ATTEST

 (Seal)
Clerk to the Board

4.22.15
Date


Chairman
Board of Commissioners

(NOT VALID UNTIL FULLY EXECUTED)

Attachment: 8 Current Use Permit (PB 11-02 Kitty Hawk Flight School)



1.877.FLY.THIS
www.kittyhawkkites.com

Currituck County Community Meeting- Kitty Hawk Kites

Subject: Application for Amended Use permit for Outdoor Tour Operator, Aviation

Meting date: June 26, 2019

Meeting time: 6:00 pm

Location: Kilmarlic Club House

Attendees:

Bruce Weaver (Kitty Hawk Kites)

John Thompson (Kitty Hawk Kites)

Jennie Turner (County Planner)

Paula Lipman (Neighbor)

Barry Lipman (Neighbor)

Jerry Wright (Property owner)

Contact:

(252) 441-2426

(252) 207-9597

(252) 232-6031

(252) 491-2415

(252) 491-2415

(252) 2017-2387

The meeting started at approximately 6:10. Bruce Weaver explained the history behind the requested permit and the "Outdoor Tour Operator, Aviation" designation and showed 3 videos about the current operation and intended additions to the operation-paragliding and powered paragliding. The floor was then opened for questions.

Mr. Lipman asked for clarification on the types of aircraft KHK would be using. Paragliders, Powered paragliders and trikes were discussed as potential aircraft that would be used with the operation.

Mr. Lipman asked about the minimum distance/altitude from houses. It was explained that KHK makes every attempt to stay at least 500 feet above residences and uses particular flight patterns depending on the winds to minimize the impact on the neighboring properties.

Mr. Lipman suggested that KHK continue to be proactive about getting the word out about the positive impact the operation is having in the area and on the people who participate in the flying as a way to counter any minor "grumbling" by local property owners.

Mrs. Lipman asked that KHK avoid flying over her property close to the Cotton Gin as much as possible. John Thompson, the manager of the Cotton Gin operations, assured her that he would make every effort to avoid fly-overs once the property is identified. Mr. Lipman said that he would identify the property in person or via email to Bruce Weaver.

The meeting concluded shortly after 7:00pm.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2571)

Agenda Item Title

Consideration of An Ordinance Amending Article I, Chapter 13 and Article II, Chapter 13 of the Currituck County Code of Ordinances to Provide for the Time Water and Sewer Service is Committed to a Service Applicant

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING ARTICLE I AND DIVISION 3, ARTICLE II, CHAPTER 13 OF THE**
3 **CURRITUCK COUNTY CODE OF ORDINANCES TO PROVIDE FOR PAYMENT OF**
4 **SYSTEM DEVELOPMENT FEES**

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

8 WHEREAS, pursuant to N.C. Gen. Stat. §§153A-275 a county may adopt adequate and
9 reasonable rules to regulate a public enterprise belonging to or operated by it.

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

12 **PART I.** The Code of Ordinances, Currituck County, North Carolina is amended by rewriting
13 section 13-1 to read as follows:

14 **Sec. 13-1. Definitions.**

15 The following words, terms and phrases, when used in this article, shall have the
16 meanings ascribed to them in this section, except where the context clearly indicates a different
17 meaning:

18 *Building* means a structure as defined in the state building code.

19 *Connection* means that part of the water service line which runs from the main to the
20 property line, including all appurtenances to make the service complete and ready for use.

21 *Consumer* means the person legally or equitably responsible for the payment of charges
22 for water or sewer rent on any premises.

23 *Easement* means an acquired legal right for the specific use of land owned by others.

24 *Improved street* means any street having a wearing surface of concrete, brick, stone
25 block, asphalt, or any bituminous compound.

26 *Lateral* means that portion of the water connection which does not include meter, box or
27 meter setter or connection.

28 *Main* means the water pipe, usually laid in a street running parallel to the property line,
29 which distributes water.

30 *Mainland Water System (MWS)* means the county's water system whose service area is
31 currently located on the county mainland as opposed to the outer banks area of the county.

Occupant means the consumer who is actually in possession or control of any premises.

Ocean Sands Water System (OSWS) means the water system that is in the Ocean Sands Water and Sewer District. Such district established and delineated by a resolution of the board of commissioners.

Owner means the person having legal or equitable title to any premises.

Premises means land, building, or other structure and appurtenances thereto.

Service line means a water line which may service a house, business, apartments, etc., which runs from the street to the establishment being served.

Superintendent means the director of public works, or his authorized deputy, agent or representative.

Southern Outer Banks Water System (SOBWS) means the county's water system whose service area is currently on the county's southern outer banks between the Dare County line and the Corolla Village area.

System Development Fee means a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to new development, to recoup costs of existing facilities which serve new development, or combination of those costs. All projects for which a building permit is issued or site plan approval is issued or otherwise when a building or other structure or use shall be erected, moved, added to, or structurally altered will be assessed a system development fee in accordance with section 13-10.

Usual conditions means delays in acquiring materials, parts and/or supplies, rock encountered in construction and other items which might cause delays not under the control of the county.

PART II. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting section 13-10 to read as follows:

Sec. 13-10. - Impact fees, system development fees, tap-on fees, rates.

All connections are subject to the rates and fee schedules which shall be established from time to time by the board of commissioners for the respective county water systems and the classification of the service involved. System development fees shall be paid at the time of application for a building permit or site plan approval. If building permit or site plan approval is not required, no building or other structure or use shall be erected, moved, added to, or structurally altered until the applicant has paid the required system development fee.

PART III. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting section 13-136(c) to read as follows:

(c) *Definitions.* Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

(1) *Act or the Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.

(2) *Approval authority* shall mean the Director of the Division of Water Quality of the North Carolina Department of Environment, and Natural Resources or his designee.

(3) *Board* shall mean the members of the Currituck County Board of Commissioners.

(4) *Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees centigrade, expressed in terms of weight and concentration, milligrams per liter (mg/l).

(5) *Building sewer* shall mean a sewer conveying wastewater from the premises of a user to the System.

(6) *Department of environment and natural resources or NCDENR* shall mean the North Carolina Department of Environment and Natural Resources, Division of Water Quality or its successor. For the purposes of this section references to the division of water quality or DWQ shall be deemed to be DENR.

(7) *Director* shall mean the Currituck County Public Utilities Director.

(8) *Domestic user* shall mean any person who discharges domestic wastewater to the public sanitary sewer.

(9) *Domestic wastewater* shall mean wastewater generated from normal human living processes which have constituent strength within the range defined for standard strength wastewater, and which contains no constituents of a quantity or concentrations exceeding the limits stated in section 13-142. Normal human living processes include wastewater from bathroom and toilets, noncommercial kitchens and non-industrial and noncommercial laundries. The discharge rate shall not exceed 25,000 gallons per day.

(10) *Environmental Protection Agency (EPA)* shall mean the United States Environmental Protection Agency.

(11) *Flow* shall mean the quantity of wastewater expressed in gallons or cubic feet per 24 hours.

(12) *Grease* interceptor shall mean any device constructed in conformity with the plumbing code, operated by the customer of the wastewater system for removing oil and grease before contributing liquid wastes to the wastewater system.

(13) *Hauled wastewater* shall mean any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, grease/grit interceptors, and vacuum-pump tank trucks.

(14) *Indirect discharge* or *discharge* shall mean the discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(15) *Industrial user* or *user* shall mean any person which is a source of indirect discharge.

(16) *Industrial wastewater* shall mean the wastewater generated from activities, operations or processes which require water and which add to the wastewater pollutant constituents at a strength or at a quantity or concentration exceeding allowable limits defined in section 13-142 of this article.

(17) *Interference* shall mean the inhibition, or disruption of the district treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any state or federal requirements or prevents sewage sludge disposal in compliance with specified applicable state and federal statutes.

(18) *Medical waste* shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(19) *Owner* shall mean the fee simple owner of real property whose premises is or can be provided utility service by the district.

(20) *POTW treatment plant* shall mean the portion of the POTW designed to provide treatment to wastewater.

(21) *Pretreatment regulations* shall mean the introduction of pollutants or wastes into the POTW from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.

(22) *Publicly owned treatment works (POTW)* shall mean the treatment works as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works plant.

(23) *Significant industrial user* shall mean (1) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and (2) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW treatment plant (excluding sanitary wastewater); contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the Currituck County Public Utilities Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW treatment plant's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(24) *Suspended solids* shall mean the total suspended matter that floats on the surface of, or is suspended in wastewater, and which is removable by a standard glass fiber filter.

(25) *System Development Fee* means a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to new development, to recoup costs of existing facilities which serve new development, or combination of those costs. If the new development involves the subdivision of land, the system development fee shall be assessed when the final plat is recorded. If the new development involves construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land, which increases the number of service units, the system development fee shall be assessed at application for connection of an individual unit of development.

~~(25)~~ (26) *User* shall mean any person who discharges, causes, or permits the discharge of wastewater into the POTW.

~~(26)~~ (27) *Wastewater* shall mean the liquid and water-carried domestic wastes from dwellings, commercial buildings, and mobile sources, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

PART IV. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Sec. 13-138(a) to read as follows:

Sec. 13-138. - Procedures for new connections.

(a) *Application for service.* An owner or developer proposing to extend utility lines and/or to make other improvements to be served by the district shall first obtain approval by the district. If the new development involves the subdivision of land, the system development fee shall be assessed when the final plat is recorded. If the new development involves construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land, which increases the number of service units, the system development fee shall be assessed at application for connection of an individual unit of development.

The applicant shall employ at the applicant's expense an engineer registered in the State of North Carolina to prepare plans for the project. Approval of plans or specifications for a project does not relieve the owner/developer/applicant from meeting the requirements or obtaining other approvals that may be necessary for other regulating agencies including but not limited to Currituck County, North Carolina Department of Transportation, and North Carolina Department of Environment and Natural Resources. The submission of a master plan and/or engineering report may be required at the discretion of the director in addition to plans and specifications and other documentation described herein.

The applicant shall construct infrastructure to be accepted by the district utilizing the district-approved technical standards and specifications. No extension to the sanitary sewer system of the district shall be made and no application shall be approved except in accordance with the requirements of this article.

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

PART VI. This ordinance is effective upon adoption.

ADOPTED this 19th day of August, 2019.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr., County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2578)

Agenda Item Title

Board of Adjustment

Brief Description of Agenda Item:

Commissioner McCord will submit a nominee for the Board of Adjustment. This appointment will fill the second alternate position.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

**BOARD OF ADJUSTMENT
3-Year Terms**

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Cathy Bontemps	District 1		Bob White	08/06/2018	Unexpired Term 12/31/2020
Steven Craddock	District 2		Selina Jarvis	3/4/2019	Unexpired Term 12/31/2021
Lynn Hicks-Alt 1	District 3		Mike Payment	3/4/2019	Unexpired Term 12/31/2019
Greg Hammer	District 4		Paul Beaumont	5/15/2017	1st Term 12/31/2019
Thom Roddy	District 5		Owen Etheridge	3/5/2018	Unexpired Term 12/31/2019
William Rawson-Alt	At Large	Resigned	Kevin McCord	6/18/2018	1st Term 12/31/2020
Troy Breathwaite	At-Large		Kitty Etheridge	12/4/2017	1st Term 12/31/2020

Must Be Replaced



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2574)

Agenda Item Title

Carova Beach Road Service District

Brief Description of Agenda Item:

New member appointments to the Carova Beach Road Service District Advisory Board:

Vance Aydlett - Absentee Owner, replacing Kevin Riggs

Bob Gilliam - Resident, replacing Woody Dreher

Reappointments:

Kimberlee Hoey

Jay Laughmiller

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****1st Term****Exp: 8-18-2019**

2245 Sandfiddler Road

Corolla, NC 27927

252-457-0925 (H)

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**Member: Carova Resident****Woody Dreher****Appt: 1-16-18****1st Term****Exp: 8-18-2019**

2272 E. Swordfish Crescent

Corolla, NC 27927

757-667-1357

WoodyOBX@Yahoo.com**Member: Absentee Owner, Carova Beach****Kevin Riggs****Appt: 12-3-18****Unexp Term****Exp: 8-18-2019**

712 Semmie Drive

Virginia Beach, VA 23457

757-407-7449

RiggsKevin@aol.com**Member: Carova Beach VFD****Appt: 2-19-2018****1st Term****Exp: 8-18-2019****Jay Laughmiller, Chief**

2169 Ocean Pearl Road

Corolla, NC 27927

252-267-1949 (c)

jay.laughmiller@currituckcountync.gov**Member: Currituck County EMS****Chief Ralph "Chip" Melton**

Currituck County Fire & EMS

2793 Caratoke Highway

Currituck, NC 27929

252-232-7746 ext. 4029

Cell: 757-350-9321

Ralph.Melton@CurrituckCountyNC.gov**Member: Currituck Sheriff's Department****Lieutenant Terence Sutton**

407 Maple Road

Maple, NC 27956

252-453-8204 ext. 4177

252-597-5880 (Cell)

228@CurrituckCountyNC.gov



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2577)

Agenda Item Title

Game Commission

Brief Description of Agenda Item:

Commissioner Mary Etheridge will recommend James Cason, Jr. for reappointment.

Commissioner McCord will submit a name for consideration to replace Curtis Austin.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

GAME COMMISSION
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Ardell Waterfield	District 1		Bob White	9/4/2018	Unexpired 6/1/2020
Jason Belangia	District 2		Selina Jarvis	8/6/2018	2nd term 6/1/2020
Jeremy Evans	District 3		Mike Payment	8/6/2018	2nd term 6/1/2020
Robert Romm	District 4		Paul Beaumont	6/19/2017	1st term 6/1/2019
Trevor Old	District 5		Owen Etheridge	9/4/2018	Unexpired 6/1/2019
Curtis Austin	At-Large		Kevin McCord	6/5/2017	2nd term 6/1/2019
James Cason, Jr	At-Large		Kitty Etheridge	6/19/2017	1st term 6/1/2019

May be Reappointed

Must Be Replaced



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2576)

Agenda Item Title

Land Transfer Tax Appeals Board

Brief Description of Agenda Item:

The following are eligible for reappointment to the Land Transfer Tax Appeals Board:

Richard Williams - Chairman White

Gerry Forbes - Commissioner J. Owen Etheridge

John Messina - Commissioner McCord

Reappointment terms will expire in June, 2022

Nominations needed to fill vacant seats:

Commissioner Jarvis will submit a nominee for consideration.

New nominees will fill unexpired terms through 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		Selina Jarvis	5/8/2012	6/2016
Manly West	District 3		Mike Payment	1st 5/8/2012	2nd Term
				4/16/2018	6/2020
Wade Morgan	District 4		Paul Beaumont	5/8/2012	6/2016
Gerry Forbes	District 5		Owen Etheridge	8/2014	1st Term 6/2018
John Messina	At-Large		Kevin McCord	8/2014	1st Term 6/2018
John Whitehurst, Jr.	At-Large		Kitty Etheridge	5/8/2012	6/2016

Must Be Replaced

Can Be Reappointed



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2570)

Agenda Item Title

Library Board of Trustees

Brief Description of Agenda Item:

Chairman White will reappoint a member to the Board and Commissioner J. Owen Etheridge will submit a nominee to fill a vacancy.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

LIBRARY BOARD OF TRUSTEES
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Kerri Engley	District 1		Bob White	7/17/2017	1st 6/30/2019
Madolin Rose Kelly	District 2		Selina Jarvis	6/19/2017	1st 6/30/2019
Colleen Umphlett	District 3		Mike Payment	6/19/2017	2nd 6/30/2019
Leigh Dix	District 4		Paul Beaumont	11/5/2018	1st 6/30/2020
Stacy Vasquetellas	District 5		Owen Etheridge	6/19/2017	2nd 6/30/2019
Coston Charles	At-Large		Kevin McCord	8/7/2017	1st 6/30/2019
Mike Fost	At-Large		Kitty Etheridge	11/5/2018	Unexp 6/30/2020
May Be Reappointed					
Must Be Replaced					

Attachment: Library Board Appointment Form (Board Appts-Library Board of Trustees)



CURRITUCK COUNTY NORTH CAROLINA

August 5, 2019

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

4:00 PM Pre-Agenda

Ben Stikeleather, County Manager, provided a review of agenda items for the Board and clarified information, as needed, that was included in the agenda packet. Mr. Stikeleather and County Attorney, Ike McRee, clarified Buffalo City, LLC, Economic Development incentive item, and Finance Director, Sandra Hill, reviewed the debt process and resolution for funding of the future Public Safety Building. Fire and Emergency Medical Services personnel were present to provide an overview of requests for fire apparatus purchases by Crawford Township Volunteer Fire Department and Moyock Volunteer Fire Department.

6:00 PM CALL TO ORDER

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

Attendee Name	Title	Status	Arrived
Bob White	Chairman	Present	
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	

Chairman White called the meeting to order.

A) Invocation & Pledge of Allegiance

Mr. Sam Miller offered the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Payment moved to approve the agenda. Commissioner Jarvis seconded the motion. The motion carried.

Approved agenda:

Communication: Minutes for August 5, 2019 (Approval Of Minutes for August 5, 2019)

Work Session

4:00 PM Pre-Agenda

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance

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.

Commissioner's Report**County Manager's Report****Administrative Reports**

A) Economic Development Report to
Commissioners

Public Hearings

- A) **Consideration and Action: PB 19-14 Moyock Farms:**
Request for a preliminary plat/use permit for a 31 lot residential subdivision located at 1216 Caratoke Highway, Tax Map 23, Parcel 7, Moyock Township.
- B) **Public Hearing & Consideration for Authorization of an Economic Development Incentive for Buffalo City Distillery, LLC**
- C) **Public Hearing and Possible Adoption of a Resolution Authorizing Approval of a Financing Agreement for the Design and Construction of a Public Safety Facility**
- D) **Public Hearing and Consideration of a Resolution for Establishment of a No Wake Zone-Carova Beach Canal System**

New Business

- A) **Consideration and Action on a Grant Agreement Between Currituck County and Crawford Township Volunteer Fire Department for the Purchase of Fire Apparatus**
- B) **Consideration and Action for the Purchase of Fire Apparatus for Moyock Volunteer Fire Department**

Communication: Minutes for August 5, 2019 (Approval Of Minutes for August 5, 2019)

- C) **Resolution Authorizing the Sole Source Purchase of Kamstrup Meters and Related Hardware & Software for Mainland Water**
- D) **Consideration for the Approval of Travel to Attend the North Carolina Association of County Commissioners Annual Conference, Guilford County: Commissioners J. Owen Etheridge, Mary Etheridge and Selina Jarvis**
- E) **Consent Agenda**
1. Approval Of Minutes for July 15, 2019
 2. Budget Amendments
 3. Economic Improvement Council Lease Agreement
 4. HCCBG Funding Distribution and Provider Contract Approval for Fiscal Year 2019- 2020
 5. Designation of Commissioner Mary Etheridge as Currituck County Voting Delegate to NCACC Annual Conference

Recess Regular Meeting

Special Meeting of the Tourism

Development Authority

TDA Budget Amendments

Adjourn Meeting of the Tourism Development

Authority

Reconvene Regular Meeting

Closed Session

Closed session pursuant to G.S. 143-318.11(a)(5) to establish or instruct county staff concerning the position to be taken by or on behalf of the county in negotiating the material terms of a contract for the acquisition of real property by purchase or exchange owned by Panther Landing, LLC, and located at 101 Panther Landing Road at the Western corner of Tulls Creek Road and Panther Landing Road, to be used for any public purpose; and pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the attorney-client privilege.

Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, 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.

Chairman White opened the Public Comment period.

No one was signed up nor wished to speak and the Public Comment period was closed.

COMMISSIONER'S REPORT

Chairman White discussed recent changes in the agenda packet, efforts to provide more information for public review. He attended the Tourism Advisory Board meeting earlier in the day and reported on a new grant program to help promote events held in the county.

Commissioner Payment provided an update on North Carolina Department of Transportation (NCDOT) roads projects in the county. He said projects will be selective due to budget constraints with state transportation funds.

Commissioner Mary Etheridge reported her recent attendance at the National Association of Counties (NACO) Annual Conference in Clark County, Las Vegas, Nevada, and reviewed sessions and programs in which she participated.

Commissioner Beaumont serves on the Veterans Advisory Board and encouraged Veterans to register with the County. He said determining how many Veterans reside in Currituck County helps provide grant opportunities for services and programs.

Commissioner McCord encouraged people to visit the county website as a good resource for events in Currituck County and noted the success of this year's Knotts Island Peach Festival. He recognized Trooper Matt Gershak of the North Carolina State Highway Patrol and Currituck Fire and Emergency Medical Services for a quick response to save the life of a Currituck resident recently involved in an accident on North Carolina Highway 158.

Commissioner J. Owen Etheridge congratulated the Knotts Island Ruritans on the success of the Peach Festival. He asked that staff speak with NCDOT about addressing the condition of the road in front of the Historic Currituck Courthouse.

Commissioner Jarvis reported her attendance at Trillium Health advisory's July meeting. Medicare transformation and related lawsuits filed by companies who were not selected for implementation of the standard plan were discussed, along with other issues relative to Managed Care Organizations and the transformation roll-out in eastern North Carolina counties. Commissioner Jarvis also outlined several sessions she participated in during her attendance at NACO's Annual Conference.

COUNTY MANAGER'S REPORT

County Manager, Ben Stikeleather, reported school has started for students at J.P. Knapp Early College High School and announced open registration for Parks and Recreation Football. Mr. Stikeleather noted a 50% reduction in insurance claims for the county, which he hopes will lead to lower premiums for health and workers compensation. He reminded vendors who deliver rented beach equipment to Outer Banks visitors that storing gear under a private community walkover is prohibited. Other reports included updates on the county Land Use plan and developmental fee assessments for water and sewer.

ADMINISTRATIVE REPORTS

A. Economic Development Report to Commissioners

Economic Development Director, Larry Lombardi, notified Commissioners that two hundred veterans have signed up for the county's Veterans Registration program to date.

Using a powerpoint presentation, Mr. Lombardi provided an update on Economic Development in Currituck County, with a review of objectives, employment and income statistics, and commercial development assistance. He noted Capital investment figures just shy of \$20 million dollars from 2017 through 2019. He described the role of the Economic Development Director and introduced Douglas Burdett whose company, Artillery, provides marketing services for the County's Economic Development initiatives. Website statistics, social media presence, print ads and other marketing efforts were reviewed.

Mr. Lombardi responded to questions posed by Commissioners that included justifying the need for a hotel in Currituck County and impacts on revenues with no hotel on the Currituck County mainland.

PUBLIC HEARINGS

A. Consideration and Action: PB 19-14 Moyock Farms:

APPLICATION SUMMARY

Property Owner: Eagle Auto Auction 2035 Dewald Rd Chesapeake VA 23322	Applicant: Miller Homes & Building, LLC 111 Currituck Commercial Dr Suite B Moyock NC 27958
Case Number: PB 19-14	Application Type: Preliminary Plat
Parcel Identification Number: 0023-000-0007-00000	Existing Use: Cultivated Farmland
Land Use Plan Classification: Full Service	Parcel Size (Acres): 100
Moyock Small Area Plan Classification: Limited Service	Zoning: General Business (GB)
Number of Units: 31	Project Density: .31 units/acre
Required Open Space: 30%	Provided Open Space: 30.39%

ADEQUATE PUBLIC FACILITIES - SCHOOLS¹

School	Actual Capacity ²	Committed Capacity ²	Proposed Capacity Changes
			Number of Students
Moyock Elementary Shawboro Elementary	92%	118%	+7.75

Central Elementary			
Moyock Middle Currituck Middle	82%	96%	+2.48
Currituck High JP Knapp Early College	84%	104%	+4.34

¹Does not include minor subdivisions, exempt subdivisions, and subdivisions approved prior to the adoption of the adequate public facilities ordinance (October 1994)

²Capacity percentages are based on the 2021 classroom standards

SURROUNDING PARCELS		
	Land Use	Zoning
North	Proposed high residential density/limited commercial planned development (Fost)	PD-R & AG
South	Low density residential	SFM
East	Low density residential/cultivated farmland	AG
West	Low density residential/proposed high residential density/limited commercial planned development	PD-R & SFM

The applicant is requesting preliminary plat/use permit approval of a 31 lot residential subdivision with access from Caratoke Highway. It is located northwest of Ranchland and south of the Fost development. The subdivision consists of 100 acres and proposes a minimum lot size of 2 acres with over 30 acres reserved for open space to be reforested. The residential lots will have access to county water and will use on-site septic.

The development is proposing two stormwater ponds near the frontage along Caratoke Highway and the applicant intends to install perimeter ditches in a way that both serves the new subdivision and improves conditions for Ranchland. The applicant also states "Subject to obtaining the right to work on the existing ditch, the existing ditch will be deepened, laid back, and put on proper grade. If the permission is not forthcoming, a parallel ditch will be constructed." Stormwater staff has expressed concern regarding the property holding stormwater and possibly receiving stormwater runoff from Ranchland Subdivision. With construction drawing submittal, the applicant will need to state if permission has been granted to work on the existing ditch or if a parallel ditch will be constructed. Design specifications for the ditch shall be submitted at that time for the corresponding work.

This development involves a railroad crossing and a fully executed encroachment agreement from the railroad company is required at construction drawing submittal. This encroachment agreement must clarify that a subdivision road right-of-way and utilities will be allowed to cross through the railroad right-of-way. The applicant provided the attached email from Mary Cole, G & W Railroad Manager-Real Estate, which appears to state that the railroad will allow the crossing, but application must be made and approved. The e-mail states that "it will be the responsibility of the developer/home owner's association to maintain the crossing (as possible signals) at their expense. The crossing will incur an annual fee for access over the railroad's property until....NCDOT agrees to take over maintenance responsibilities for the crossing." The crossing maintenance and annual fee requirement must be included in the home owners' association documents to make the extra fees clearly understood by potential purchasers. If the crossing is taken over by NCDOT prior to the crossing maintenance and fees being transferred to the HOA, then this requirement is not necessary.

Staff has a safety concern regarding the visibility of a train approaching the crossing into the development. (Photos Attached) The railroad right-of-way is heavily vegetated in this area and a driver may not be able to see the train along Caratoke Highway until they are on the tracks at the crossing. According to the applicant, the crossing will most likely not be signalized. The applicant must work with the railroad to ensure the safest possible crossing with clear sight lines when approaching the track crossing for both south and northbound traffic.

The county strongly recommends a signalized railroad crossing to ensure maximum safety for vehicles approaching the railroad crossing. The Institute of Transportation Engineers (ITE) publication "Trip Generation, 7th Edition" estimates an average daily trip generation rate per single-family dwelling to be 9.57 trips. This

development would generate an average of 297 trips per day at this railroad crossing. A signalized intersection would move towards accomplishing the goal of the 1994 US Highway 158 and NC Highway 168 Corridor Plan "Encourage development patterns on Highway 158/168 (Caratoke Highway) that will enhance economic development in the county, will be aesthetically pleasing, and *will provide for safe and efficient movement of traffic.*" Since only one vehicle can occupy the queuing area leading into the development before the railroad tracks, a deceleration lane for south bound traffic may also be necessary.

Finally, the design of the community mailbox area is a concern. NCDOT offers a design with a pull off area that may better serve the community. This design would keep community mailbox users from backing into the street and potentially making that area of the right-of-way a part of the drive aisle for the mailbox area.

INFRASTRUCTURE	
Water	Public
Sewer	Septic
Transportation	Pedestrian: 5' ADA compliant sidewalks on both sides of all streets
	Connectivity Score: Minimum = 1.4 Proposed = 1.5
Stormwater/Drainage	Vegetative conveyances, vegetative buffers, wet-detention BMPs, low line swales to NCDOT designed roads
Lighting	None proposed
Landscaping	Street trees, major arterial streetscape (where visible from highway). Type B perimeter buffer along all property lines except the Railroad/Caratoke Highway property line.
Parking	Off-street on individual lots based on bedroom count
Recreation and Park Area Dedication	The county will be accepting a fee-in-lieu of recreation and park area dedication.
RECOMMENDATIONS	
TECHNICAL REVIEW COMMITTEE	

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

1. The application complies with all applicable review standards of the UDO
2. The applicant demonstrates the proposed use will meet the use permit review standards of the UDO.
3. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. Staff recommends a signalized railroad crossing.
 - b. Investigate necessity of deceleration lane for southbound traffic turning into the development since only one vehicle can occupy the queuing area if a train is crossing.
 - c. Staff recommends that the applicant work with the railroad to clear existing vegetation within its right-of-way to give clear sight lines when approaching the entrance to the crossing from Caratoke Highway both north and southbound.
 - d. Install perimeter ditches in a way that both serves the new subdivision and improves conditions for Ranchland.
 - e. Deepen, lay back (6:1 slopes), and put existing ditch on proper grade where permission can be obtained from the adjoining property owners. If permission is not forthcoming, install a parallel ditch as approved by stormwater staff.
 - f. Install community mailbox area compliant with NCDOT's design standards.

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

Preliminary Staff Findings:

1. Staff is concerned about traffic safety of the railroad crossing.
2. Staff is concerned about backing into the street from the community mailbox area.
3. Staff is concerned about ponding stormwater on the site and drainage in and around the site.
4. Staff is concerned that Albemarle Regional Health Services (ARHS) classified all 31 lots as unsuitable for a conventional septic system due to the poor soils and high groundwater. ARHS commented that "It appears onsite septic systems have the potential to perform poorly." An NC Professional Engineer must provide a plan showing septic area, original grade and proposed finished elevations, ditching depths to be excavated to, and outlet elevations. ARHS suggests the following improvements may allow the property to be reclassified as provisionally suitable:
 - a. Fill area 120 ft. by 86 ft. with 24 in. of sand
 - b. Groundwater Lowering Device
 - c. Sand Backfill Trenches to a depth of 4.5 ft.

Applicant Findings:

1. Stormwater management will be provided in accordance with the current Currituck County stormwater manual and the UDO. Two large stormwater retention ponds will be constructed to manage and retain stormwater in excess of the referenced requirements. Surrounding drainage ditches will be improved and/or new ditches constructed in parallel to improve existing drainage conditions.
2. Albemarle Regional Health Services has evaluated each of the 31 lots for suitability for wastewater disposal and has established criteria for the approval of wastewater disposal system for each lot.
3. The project is being designed in accordance with the NC Department of Energy, Mineral, and Land Resources sedimentation and erosion control standards, and will therefore minimize erosion and will contain siltation on site.
4. The subdivision entrance will involve improving an existing railroad crossing in accordance with NCDOT and Genesee & Wyoming standards. Roadway connectivity is also being provided to the adjacent Fost property.

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 Staff Findings:

1. The density is similar to that of Ranchland Subdivision and the proposed residential subdivision will be surrounded by residential uses, so it will be in harmony with the area in which it is located.

Applicant Findings:

1. Land to the west and south has been developed into single family homes; the land to the north has been approved for a Planned Development; land to the east across Caratoke Highway is farmland and single family lots. This tract will be developed into lots that are larger than the adjacent Ranchland subdivision; in addition, over 30% of the land will be preserved as open space. Drainage improvements will be made that will benefit both the new subdivision and the existing subdivision. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area, and it is believed will be a benefit to the value of the adjacent community.

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

Preliminary Staff Findings:

1. The Moyock Small Area Plan classifies this area as Limited Service. The proposed development density of .31 units per acre is well below the 1-1.5 units per acre envisioned in the Moyock Small Area Plan
2. The Land Use Plan classifies this area as Full Service. The proposed density is only .31 units per acre, well below the densities of 2-4 units per acre envisioned in the Land Use Plan.

Relevant MSAP and 2006 LUP Policies:

1. MSAP Policy TR2: Ensure that all development is designed with an interconnected, multi-modal transportation network between neighborhoods, activity centers, and other destinations to improve mobility and emergency access. Development of an interconnected road network for local residential traffic is strongly encouraged. (The development is connecting streets and sidewalks to the Fost Planned Development.)
2. MSAP Policy IS4: Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas. (Stormwater staff has expressed a concern for ponding on the site. The developer has a plan to improve drainage on this site and areas of Ranchland subdivision.)
3. MSAP Policy FLU1: Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. (The development has similar densities to existing surrounding subdivisions and the applicant is proposing to reforest open space to add a visual buffer around the sides and rear of the property.)
4. MSAP Policy CC1: Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town main street fell consistent with the vision, policies, and future land use of this plan. (The development is rural in nature with two plus acre lots and over 30% open space.)
5. LUP Policy ES1: New development shall be permitted to locate only in areas with SUITABLE SOIL and where ADEQUATE INFRASTRUCTURE is available. For existing development located on poor soils and where sewage treatment upgrades are necessary, engineer solutions may be supported, provided that environmental concerns are fully addressed. (County water is available to the site and ARHS is requiring engineered designed septic systems for each lot.)
6. LUP Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location. (At .31 units per acre, the density well below the 2-4 units per acre allowed in the LUP.)
7. LUP Policy TR4: ACCESS TO THE COUNTY'S MAJOR ROADWAYS shall be managed so as to preserve the intended purpose of the highway, protect taxpayer dollars invested, and minimize hazardous turning movements in and out of traffic flows. (The applicant must work directly with the railroad and NCDOT to establish a safe railroad crossing, sight lines, and stacking area. At TRC, the applicant indicated that NCDOT did not prefer a signalized intersection. Staff recommends a signalized intersection.)
8. LUP Policy TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. (The development is connecting its roads and sidewalks to the Fost Planned Development.)
9. LUP Policy PP2 Currituck County shall continue to implement a policy of ADEQUATE PUBLIC FACILITIES, sufficient to support associated growth and development. (Schools are at or over planned capacity in Moyock. The BOC may require phasing of the project and limit the number of lots allowed within each phase. Other public facilities are sufficient to serve the development.)

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:

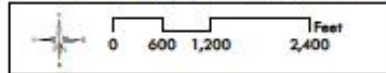
1. Schools are at or over the 2021 committed capacity in Moyock in the elementary and high school groups. The BOC may propose additional conditions of approval such as timing limits on residential building lots or units available for occupancy to ensure adequate public facilities remain sufficient to serve the development.
2. Other public facilities are sufficient to serve the development.

Applicant Findings:

1. Currituck County has adequate public facilities to serve the proposed subdivision.



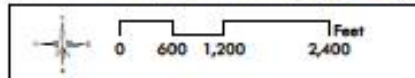
PB 19-14 Moyock Farms
Preliminary Plat/Use Permit
2016 Aerial Photography



Currituck County
Planning and
Community Development

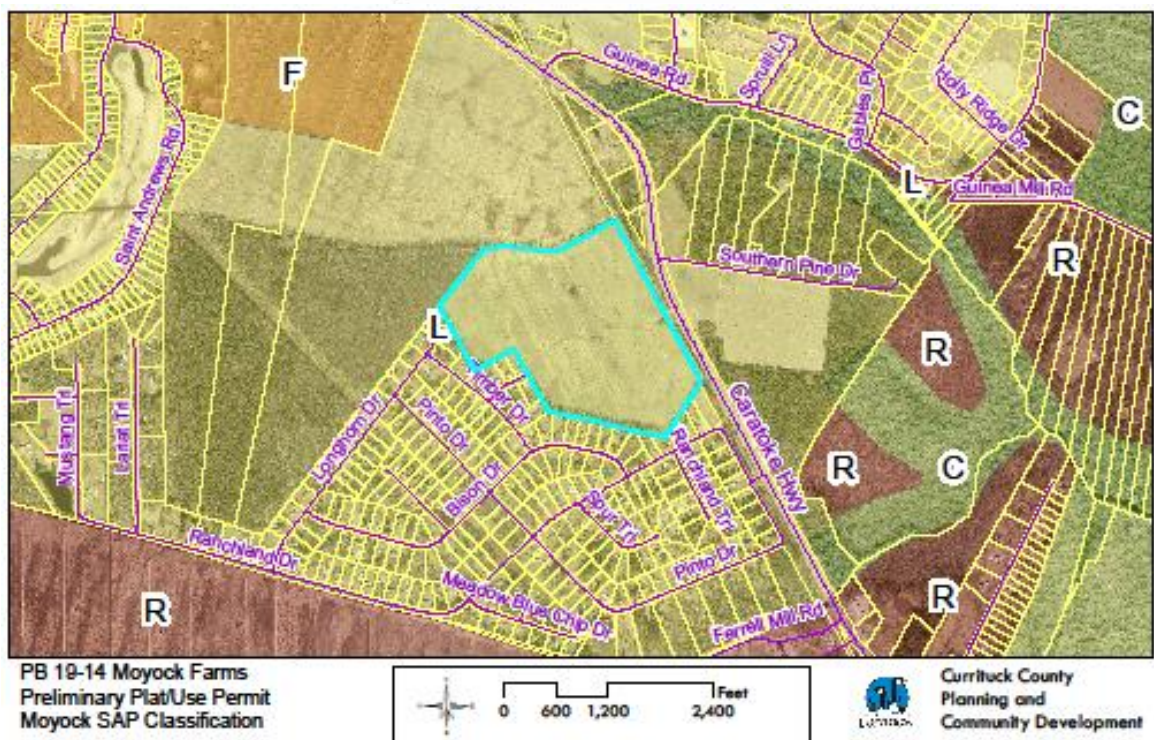


PB 19-14 Moyock Farms
Preliminary Plat/Use Permit
Zoning Map

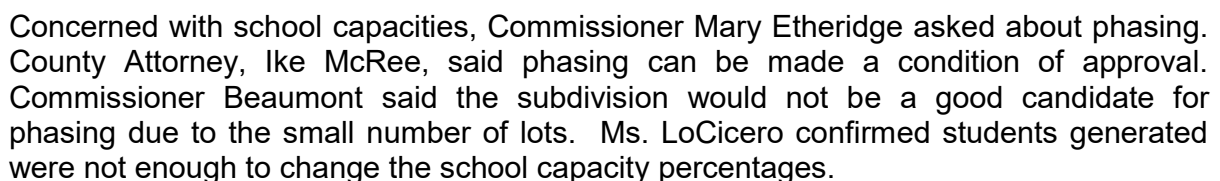


Currituck County
Planning and
Community Development

Communication: Minutes for August 5, 2019 (Approval Of Minutes for August 5, 2019)



Communication: Minutes for August 5, 2019 (Approval Of Minutes for August 5, 2019)



Communication: Minutes for August 5, 2019 (Approval Of Minutes for August 5, 2019)

Commissioner J. Owen Etheridge moved for approval. There was no second, and after additional discussion he withdrew his motion to offer a new motion with additional clarification on the approval and conditions of approval. Commissioner J. Owen Etheridge moved for approval of PB 19-14, Moyock Farms, preliminary plat/use permit with staff recommendations because the applicant has demonstrated the proposed use meets the use permit review standards of the Unified Development Ordinance (UDO).

The use will not endanger the public health or safety: Staff recommended conditions

- A signalized railroad crossing with adequate space for stacking of vehicles shall be installed;
- NCDOT preferred design for access of the community mailbox area shall be used;
- All requirements from the Albemarle Regional Health Services (ARHS) shall be met for all septic systems. ARHS classified all 31 lots as unsuitable for a conventional septic system due to the poor soils and high groundwater. They commented that "it appears onsite septic systems have the potential to perform poorly". A North Carolina Professional Engineer must provide a plan showing septic area, original grade and proposed finished elevations, ditching levels to be excavated to, and outlet elevations. ARHS suggests the following improvements may allow the property to be reclassified as provisionally suitable:
 - Fill area 120 feet by 86 feet with 24 inches of sand
 - Groundwater lowering device
 - Sand backfill trenches to a depth of 4.5 feet

Stormwater management will be provided in accordance with the current Currituck County stormwater manual and the UDO. Two large stormwater retention ponds will be constructed to manage and retain stormwater in excess of the referenced requirements. Surrounding drainage ditches will be improved and/or new ditches constructed in parallel to improve existing drainage conditions; ARHS has evaluated each of the 31 lots for suitability for wastewater disposal and has established criteria for the approval of wastewater disposal system for each lot; the project is being designed in accordance with the NC Department of Energy, Mineral, and Land Resources sedimentation and erosion control standards, and will therefore minimize erosion and contain siltation on site; the subdivision entrance will involve improving an existing railroad crossing in accordance with NCDOT and Genesee & Wyoming standards. Roadway connectivity is also being provided to the adjacent Fost property.

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. Applicant finds the density is similar to that of Ranchland subdivision and the proposed residential subdivision will be surrounded by residential uses, so it will be in harmony with the land to the west and south, developed into single-family homes; the land to the north has been approved for a Planned Development; land to the east across Caratoke Highway is farmland and single-family lots. This tract will be developed into lots that are larger than the adjacent Ranchland subdivision; in addition, over 30% of the land will be preserved as open space. Drainage improvements will be made that will benefit both the new subdivision and the existing subdivision. The use will not injure the value of adjoining or abutting land, and

will be in harmony with the surrounding area, and it is believed will be a benefit to the value of the adjacent community.

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

- The Moyock Small Area Plan (MSAP) classifies this area as Limited Service. The proposed development density of .31 units per acre is well below the 1-1.5 units per acre envisioned in the MSAP.
- The Land Use Plan (LUP) classifies this area as full service. The proposed density is only .31 units per acre, well below the densities of 2-4 units per acre envisioned in the LUP.
- Some of the relevant policies include MSAP Policies TR2, IS4, FLU1, CC1 and LUP Policies ES1, HN1, TR4, TR8, and PP.

The use will not exceed the county's ability to provide adequate public facilities: Elementary schools that serve this region are currently at 92% actual capacity, and that is for 2021 committed capacity in Moyock elementary and high school groups; the Board of Commissioners may propose additional conditions of approval such as timing limits on residential building lots or units available for occupancy to ensure adequate public facilities remain sufficient to serve the development. Other public facilities are sufficient to serve the development.

Also included are staff recommendations:

- Signalized railroad crossing
- Investigate the use of a southbound deceleration lane for queuing for a train, which will be dependent on NCDOT recommendations and requirements
- Clear line of sights for rail crossing, which will also fall on NCDOT and the railroad
- Install perimeter ditches to serve both new development and Ranchland
- Deepen and lay back to a 3:1 slope and put existing ditches on proper grade where permission can be obtained from property owners
- Install community mailboxes to NCDOT design standards

The motion was seconded by Commissioner Jarvis. The motion carried.

RESULT:	MOTION PASSED-ITEM APPROVED [UNANIMOUS]
MOVER:	J. Owen Etheridge, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

) Recess

Chairman White called a recess at 7:50 PM. The meeting reconvened at 8:02 PM.

B. Public Hearing & Consideration for Authorization of an Economic Development Incentive for Buffalo City Distillery, LLC

Larry Lombardi reviewed the request to provide an economic development incentive for a new craft distillery to be located in Currituck County. The incentive would assist with water tap fees at the location. Owners, Buddy Byrum and Sharon Byrum, were present.

Mr. Byrum addressed the Board to support the request. He provided additional information about the operation of the distillery and discussed water usage for the distillation process.

Chairman White opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Commissioner Jarvis moved for adoption of the Resolution. The motion was seconded by Commissioner Payment. The motion carried.

RESOLUTION AUTHORIZING INCENTIVES CONTRACT WITH BUFFALO CITY DISTILLERY, LLC

WHEREAS, Section 158-7.1 of the General Statutes of North Carolina authorizes a county to undertake an economic development project by extending assistance to a company in order to cause the company to locate or expand its operations within the county; and

WHEREAS, the Currituck County Board of Commissioners held a public hearing on August 5, 2019 to receive public comments regarding Currituck County, (the "County"), participation in an economic development project with Buffalo City Distillery, LLC by providing Buffalo City Distillery, LLC with a portion of the cost required for connection to the County's water system; and

WHEREAS, Buffalo City Distillery, LLC will make an investment in the county in the approximate amount of \$3,900,000 to construct a new facility and acquire equipment necessary for the operation of a distillery and seven new, full time jobs; and

WHEREAS, as proposed Buffalo City Distillery, LLC's investment in the county will stimulate, diversify and help stabilize the local economy, promote business in the county, increase tourism on the County's mainland and result in the creation of new jobs in the County; and

WHEREAS, the Currituck County Board of Commissioners will adopt an amendment to the County's budget ordinance appropriating the funds necessary for the project;

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

Section 1. The County is authorized to expend up to \$14,305.00 from the County's General Fund for the partial cost required for Buffalo City Distillery, LLC's connection to the County's water system.

Section 2. This resolution and expenditure of funds are contingent on the execution of an incentives contract between the County and Buffalo City Distillery, LLC outlining investment in the county.

Section 3. The Chairman of the Board of Commissioners is authorized to execute the incentives contract and any other documents necessary to the project on behalf of the County.

Section 4. This resolution is effective upon adoption.

Adopted this _____ day of August, 2019

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

(COUNTY SEAL)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

C. Public Hearing and Possible Adoption of a Resolution Authorizing Approval of a Financing Agreement for the Design and Construction of a Public Safety Facility

County Manager, Ben Stikeleather, reviewed the Resolution that would allow the County to submit an application to secure debt for the Public Safety building to be constructed near the aviation center in Barco. When asked, Mr. Stikeleather said the county is debt free on the general fund side at this time, and this loan would be paid back over a ten-year term.

Chairman White opened the Public Hearing. No one was signed up, nor wished to speak, and the Public Hearing was closed.

Commissioner J. Owen Etheridge moved for approval of the Resolution. The motion was seconded by Commissioner McCord. The motion carried.

Resolution Approving Financing Terms

WHEREAS: The COUNTY OF CURRITUCK, NC ("County") has previously determined to undertake a project for the financing of the construction of a Public Safety Facility, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated August 1, 2019. The amount financed shall not exceed \$25,000,000.00 the annual interest rate (in the absence of default or

change in tax status) shall not exceed 2.52%, and the financing term shall not exceed ten (10) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations.

5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 5th day of August, 2019

By:

Title: _Clerk to the Board

By:

Title:

Chairman, Governing Board

SEAL

RESULT:	APPROVED [UNANIMOUS]
MOVER:	J. Owen Etheridge, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

D. Public Hearing and Consideration of a Resolution for Establishment of a No Wake Zone-Carova Beach Canal System

Communication: Minutes for August 5, 2019 (Approval Of Minutes for August 5, 2019)

Ben Stikeleather reviewed the request to establish a No Wake zone in the Carova Canal System on the off-road area. He responded to Commissioner questions, after which Chairman White opened the Public Hearing. No one was signed up nor wished to speak and the Public Hearing was closed.

Chairman White moved for approval of the Resolution to establish a No Wake Zone for Carova Beach Canals. The motion was seconded by Commissioner Beaumont. The motion carried.

RESOLUTION SUPPORTING THE ESTABLISHMENT OF A “NO WAKE” ZONE” FOR THE CAROVA BEACH CANAL SYSTEM

Whereas, under authority of Section 15A NCAC 10-F.0340 of the North Carolina Administrative Code, a County may, after public notice, make formal application to the NC Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels of any water within its territorial limits; and

Whereas, Currituck County has given public notice of its intention to make a formal application to the Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels within the Carova Beach Canal System located in Currituck County, North Carolina, the pertinent substance of which proposed regulations is as follows:

To designate a “No Wake” Zone for the following:

The multiple canals that make up the Carova Canal System located within the Carova Beach off-road area and accessible from Knotts Island Bay at Plover Court. The entire canal system will be designated “No Wake” as shown in Exhibit A, attached to this resolution and incorporated by reference.

Adopted, this the 5th day of August, 2019.

ATTEST:

Bob White, Chairman

Leeann Walton, Clerk to the Board

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

NEW BUSINESS

A. Consideration and Action on a Grant Agreement Between Currituck County and Crawford Township Volunteer Fire Department for the Purchase of Fire Apparatus

Communication: Minutes for August 5, 2019 (Approval Of Minutes for August 5, 2019)

Ben Stikeleather reviewed the request from Crawford Volunteer Fire Department and acknowledged members in attendance. The Department is requesting a grant from the County to assist with the purchase of fire apparatus. The grant would be paid back by the Department utilizing their budgeted funds over ten years.

Commissioner Beaumont moved for approval of the purchase of the fire apparatus by Crawford Township Volunteer Fire Department. The motion was seconded by Commissioner Mary Etheridge. The motion carried.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10990-587012	T T - Fire Services	\$ 265,000	
10390-499900	Appropriated Fund Balance		\$ 265,000
12544-590004	Capital Outlay - Crawford	\$ 265,000	
12390-495010	T F - Operating Fund		\$ 265,000
		\$ 530,000	\$ 530,000
Explanation: Crawford VFD (12544) - Increase appropriations for the Crawford Volunteer Fire Department to purchase a used fire apparatus. The County will reduce the Crawford VFD contract by \$26,500 for fiscal years 2021-2030 to recover funds for this purchase.			
Net Budget Effect: Operating Fund (10) - Increased by \$265,000.			
Fire Services Fund (12) - Increased by \$265,000.			

GRANT AGREEMENT

THIS GRANT AGREEMENT (the "Agreement"), made this ____ day of _____, by and between the COUNTY OF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (hereinafter called the "Grantor"), and CRAWFORD TOWNSHIP V.F.D., INC., a North Carolina nonprofit corporation, (hereinafter called the "Grantee");

WITNESSETH:

WHEREAS, pursuant to N.C. Gen. Stat. §153A-449 a county may contract with and appropriate money to any corporation in order to carry out any public purpose that the county is authorized by law to engage in; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-233 a county may provide financial assistance to incorporated volunteer fire departments and contract with incorporated volunteer fire departments for fire-fighting or prevention services; and

WHEREAS, Grantor and Grantee have entered into a contractual relationship for Grantee to provide fire protection and rescue services for the health, safety and welfare of Grantor's citizens and the protection of property within Grantor's boundaries; and

WHEREAS, Grantee is in need of financial assistance for the acquisition of a 2010 Sutphin Rescue Pumper for protection of firefighters and rescue personnel and enhancement of fire and rescue functions.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor and Grantee covenant and agree as follows:

Section 1. The Grant. In accordance with the terms of this Agreement, the Grantor will provide a grant to the Grantee up to the sum of TWO HUNDRED SIXTY-

FIVE THOUSAND AND NO/100 DOLLARS (\$265,000.00) for the purchase of a 2010 Sutphin Rescue Pumper, (the "Apparatus").

Section 2. Disbursement of Grant Proceeds. Grantor shall disburse to Grantee's vendor the amount of the grant set forth in Section 1 of this Agreement upon presentation of a final invoice from Grantee's vendor to the Grantor.

Section 3. Use of Grant Proceeds. The proceeds of the Grant are to be used only for purchase of the Apparatus.

Section 4. Mutuality of Obligation. The Grantee will accept all disbursements made by the Grantor on behalf of the Grantee pursuant to this Agreement up to the full amount of the Grant.

Section 5. Inspections; Independent Inspecting Representative. The Grantor shall have the right to inspect the Apparatus. Should there be any discrepancy in the Apparatus purchased from that provided for in this Agreement, the Grantor shall be relieved of the obligation to advance any undisbursed Grant proceeds until such time as the discrepancy shall have been corrected to the satisfaction of the Grantor.

Section 6. Repayment of Funding. Beginning with Grantor's 2020-2021 Fiscal Year Budget, Grantor shall deduct from funds allocated annually by Grantor to Grantee for fire and rescue services \$26,500.00 and a like amount every fiscal year thereafter until the full amount of funding provided Grantee under this Agreement is retained by Grantor.

Section 7. No Third-Party Beneficiary; No Warranties. All conditions precedent to the obligation of the Grantor to make disbursements hereunder are imposed solely and exclusively for the benefit of the Grantor and its assigns. No other person shall have standing to require satisfaction of such conditions in accordance with their terms or be entitled to assume that the Grantor will refuse to make disbursements in the absence of strict compliance with any or all thereof. No person other than the Grantee shall, under any circumstances, be deemed to be a beneficiary of this Agreement, or any of the terms or conditions hereof, any or all of which may be freely waived in whole or in part by the Grantor at any time if in its sole discretion it deems it advisable to do so.

Section 8. Incorporation by Reference. The terms, conditions, warranties, representations and agreements contained in any document executed in connection with the Grant are incorporated herein by reference and made a part hereof as fully and completely as if set out herein verbatim and any default therein shall constitute a default hereunder.

Section 9. Events of Default. The following shall constitute defaults (each a "default") hereunder:

(a) The failure of the Grantee to keep, perform or observe any covenant, agreement, term or condition herein required to be kept, performed or observed by the Grantee.

(b) If any representation or certification given or at any time hereafter required to be given hereunder shall be false or erroneous in any material respect when made.

Section 10. Agreement to Survive. This Agreement shall survive the initial disbursement of funds and shall remain in full force and effect until such time as the Grant shall have been paid in full.

Section 11. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute but one and the same instrument.

Section 12. Successors and Assigns. The covenants, terms and conditions herein contained shall bind (and the benefits and powers shall inure to) the respective heirs, executors, administrators, successors and assigns of the parties hereto. The Grantee, however, shall not assign its rights or obligations under this Agreement unless such assignment has been consented to by the Grantor in writing. Whenever used herein, the singular number shall include the plural, the plural the singular, and the term the "Grantor" shall include any

transferee or assignee thereof, whether by operation of law or otherwise.

Section 12. Governing Law. This Agreement shall be governed by and construed in all respects under the laws of the State of North Carolina without regard to principles of conflict of laws.

[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK]

IN TESTIMONY WHEREOF, this Agreement has been executed under seal by the parties hereto.

GRANTEE:

ATTEST:

CRAWFORD TOWNSHIP V.F.D., INC.

Secretary

By:

President

(CORPORATE SEAL)

GRANTOR:

ATTEST:

COUNTY OF CURRITUCK

Clerk to the Board

By:

Bob White, Chairman
Board of Commissioners

(COUNTY SEAL)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

B. Consideration and Action for the Purchase of Fire Apparatus for Moyock Volunteer Fire Department

Ben Stikeleather reviewed the request that would replace a piece of apparatus that Moyock Volunteer Fire Department lost in an accident. He said the Fire and Emergency Medical Services Advisory Board made a favorable recommendation for the purchase and he reviewed funds availability.

Commissioner J. Owen Etheridge moved for approval of the request from Moyock VFD. The motion was seconded by Commissioner McCord. The motion carried.

Communication: Minutes for August 5, 2019 (Approval Of Minutes for August 5, 2019)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
29690-590000	Capital Outlay	\$ 122,750	
29390-499900	Appropriated Fund Balance		\$ 122,750
		\$ 122,750	\$ 122,750
Explanation: Equipment Replacement (29690) - Increase appropriations for for fire apparatus for the Moyock Volunteer Fire Department. Total County cost is \$361,250.			
Net Budget Effect: Fire Equipment Replacement Fund (29) - Increased by \$361,250.			

RESULT: APPROVED [UNANIMOUS]
MOVER: J. Owen Etheridge, Commissioner
SECONDER: Kevin E. McCord, Commissioner
AYES: Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

C. Resolution Authorizing the Sole Source Purchase of Kamstrup Meters and Related Hardware & Software for Mainland Water

County Attorney, Ike McRee, reviewed the sole source process and responded to questions pertaining to the request for the purchase of new water metering equipment for the county.

Commissioner Mary Etheridge moved for approval. The motion was seconded by Commissioner McCord. The motion carried.

RESOLUTION AUTHORIZING THE PURCHASE OF KAMSTRUP METERS, HARDWARE, SOFTWARE AND ASSOCIATED SERVICES FROM FORTILINE, INC. THROUGH SOLE SOURCE PURCHASE PURSUANT TO N.C. GEN. STAT. §143-129(e)(6)

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

WHEREAS, in order that the county's Mainland Water System is operable and functions properly as designed it is necessary to obtain meters, computer hardware and software compatible with existing systems equipment; and;

WHEREAS, as the sole and exclusive distributor of Kamstrup AMR and AMI meters in the State of North Carolina, Fortiline, Inc. is the only entity capable of providing the county with computer hardware, software, and meters compatible with current Mainland Water System equipment and operational systems, and

WHEREAS, Mainland Water System has been using Fortiline, Inc. to construct, develop and upgrade its system; and

WHEREAS, Mainland Water Department needs to upgrade the meters and other metering components and Fortiline, Inc. is the sole supplier of those products; and

WHEREAS, Fortiline, Inc., is supplying Mainland Water Department with 1,800 5/8x3/4 FlowIQ 2100 Kamstrup meters at a cost of \$160/meter and associated hardware, software and services at a cost of \$14,912.00; and

WHEREAS, the total cost for the Mainland Water Department meter upgrade \$323,358.56.

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

Section 1. The County of Currituck is authorized to enter into a contract in the amount of \$323,358.56 with Fortiline, Inc. for the sole source purchase of FlowIQ 2100 Kamstrup meters and associated hardware, software and services in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the County Manager is authorized to execute the agreement with Fortiline, Inc. for the acquisition apparatus, materials, and equipment acquisition described in this resolution and the proposed contract.

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

This the 5th day of August, 2019.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board of Commissioners

(COUNTY SEAL)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

D. Consideration for the Approval of Travel to Attend the North Carolina Association of County Commissioners Annual Conference, Guilford County: Commissioners J. Owen Etheridge, Mary Etheridge and Selina Jarvis

Commissioner Mary Etheridge spoke on behalf of those wishing to attend. She stated it is a wonderful opportunity to network and discuss common issues with fellow North Carolina Commissioners.

Communication: Minutes for August 5, 2019 (Approval Of Minutes for August 5, 2019)

Commissioner McCord moved for approval of the travel request. The motion was seconded by Commissioner Payment. The motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin E. McCord, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

E) Consent Agenda

Commissioner Beaumont moved for approval of the Consent Agenda. The motion was seconded by Commissioner Mary Etheridge. The motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

1) Approval Of Minutes for July 15, 2019

1. Minutes of July 15, 2019

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10531-514000	Travel	\$ 3,000	
10531-514500	Training & Education	\$ 1,000	
10531-532000	Supplies	\$ 4,500	
10531-516200	Vehicle Maintenance	\$ 500	
10531-545000	Contract Services	\$ 3,499	
10531-553000	Dues & Subscriptions	\$ 400	
10390-499900	Appropriated Fund Balance		\$ 12,899
		<u>\$ 12,899</u>	<u>\$ 12,899</u>
Explanation:	Emergency Management (10531) - Increase appropriations to carry-forward EMPG grant funds from FY 2019.		
Net Budget Effect:	Operating Fund (10) - Increased by \$12,899.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
28450-545000	Contract Services	\$ 40,227	
28390-499900	Appropriated Fund Balance		\$ 40,227
		<u>\$ 40,227</u>	<u>\$ 40,227</u>
Explanation:	Revaluation (28450) - Increase appropriations for Tyler Technologies revaluation contract for the January 2021 revaluation cycle. This contract will begin this fiscal year and continue through FY 2021.		
Net Budget Effect:	Revaluation Fund (28) - Increased by \$40,227.		

Communication: Minutes for August 5, 2019 (Approval Of Minutes for August 5, 2019)

3. **Economic Improvement Council Lease Agreement**
4. **HCCBG Funding Distribution and Provider Contract Approval for Fiscal Year 2019-2020**
5. **Designation of Commissioner Mary Etheridge as Currituck County Voting Delegate to NCACC Annual Conference**

RECESS REGULAR MEETING

Chairman White recessed the regular meeting to hold a Special Meeting of the Tourism Development Authority.

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners met during a recess of the August 5, 2019, regular meeting to hold a Special Meeting sitting as the Tourism Development Authority. The meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering budget amendments.

Chairman White opened the meeting at 8:22 PM.

TDA Budget Amendments

Ben Stikeleather, County Manager, reviewed the budget amendments for the Board. The first budget amendment was to carry forward balances from Occupancy Tax funds from prior year budget.

Chairman White moved for approval and was seconded by Commissioner Mary Etheridge. The motion carried.

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 5th day of August 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-514500	Training & Education	\$ 9,800	
15447-545002	Historic Preservation	\$ 68,334	
15447-545795		\$ 5,095	
15447-557100	Software License Fee	\$ 1,620	
15447-590000	Capital Outlay	\$ 29,900	
15448-590000	Capital Outlay	\$ 19,084	
15390-499900	Appropriated Fund Balance		\$ 133,833
		<u>\$ 133,833</u>	<u>\$ 133,833</u>

Explanation: Occupancy Tax (Various) - Carry forward funds for outstanding purchase orders and projects from prior fiscal years.

Vendor	Description	PO #	Amount
	Historic Jail		\$15,071
Barrett Cameron Crook	Whalehead Boat Design	20191005	1,320
J Opperman Architect	Historic Jail	20191386	53,263
Brauer Holdings Inc	Paint Whalehead facilities	20191574	12,844
Comfort Systems of VA	HVAC Repairs	20191991	4,920
Tyler Technologies	Business License for Occ Tax	20191857	\$11,420
Johnny Bass	Paddle Camping Platforms	20191827	\$29,900
Tab Winborne	Carova Park Shower	20191266	\$5,095

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$133,833.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Bob White, Chairman
SECONDER: Mary "Kitty" Etheridge, Commissioner
AYES: Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

F. TDA Budget Amendments

County Manager, Ben Stikeleather, reviewed the budget amendment that would provide funds to replace the cattle grate at the off-road ramp area. The grate prevents the Corolla wild horses from exiting the off-road area via the ramp.

Chairman White moved for approval. The motion was seconded by Commissioner J. Owen Etheridge. The motion carried.

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 5th day of August 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-590000	Capital Outlay	\$ 10,951	
15390-499900	Appropriated Fund Balance		\$ 10,951
		<u>\$ 10,951</u>	<u>\$ 10,951</u>
Explanation:	Occupancy Tax - Tourism Related (15447) - Increase appropriations to replace the cattle grate in Corolla to protect the wild horses.		
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$10,951.		

RESULT: APPROVED [UNANIMOUS]
MOVER: Bob White, Chairman
SECONDER: J. Owen Etheridge, Commissioner
AYES: Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

ADJOURN MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

There was no further business and Commissioner J. Owen Etheridge moved to adjourn. The motion was seconded by Commissioner Mary Etheridge. The motion carried and the special meeting of the Tourism Development Authority closed at 8:23 PM.

RECONVENE REGULAR MEETING

Chairman White reconvened the regular meeting to hold Closed Session.

CLOSED SESSION

- G. Closed session pursuant to G.S. 143-318.11(a)(5) to establish or instruct county staff concerning the position to be taken by or on behalf of the county in negotiating the material terms of a contract for the acquisition of real property by purchase or exchange owned by Panther Landing, LLC, and located at 101 Panther Landing Road at the Western corner of Tulls Creek Road and Panther Landing Road, to be used for any public purpose; and pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the attorney-client privilege.**

Chairman White moved the Board into Closed Session pursuant to G.S. 143-318.11(a)(5) to establish or instruct county staff concerning the position to be taken by or on behalf of the county in negotiating the material terms of a contract for the acquisition of real

property by purchase or exchange owned by Panther Landing, LLC, and located at 101 Panther Landing Road at the Western corner of Tulls Creek Road and Panther Landing Road, to be used for any public purpose; and pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege.

ADJOURN

Motion to Adjourn Meeting

The Board of Commissioners returned from Closed Session and had no further business.

Commissioner Beaumont moved to adjourn. The motion was seconded by Commissioner Mary Etheridge. The motion passed unanimously and the regular meeting of the Board was adjourned.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2572)

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

20200010

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of August 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12545-545000	Contract Services	\$ 11,493	
12390-499900	Appropriated Fund Balance		\$ 11,493
		<u>\$ 11,493</u>	<u>\$ 11,493</u>

Explanation: Fire Services - Lower Currituck VFD (12545) - Carry-forward \$11,493 from the residual PPE funds from prior fiscal year to pay down the Lower Currituck VFD boat loan.

Net Budget Effect: Fire Services Fund (12) - Increased by \$11,493.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Budget Amends_Aug 19 General Meeting (Budget Amendments)

Number 20200011

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of August 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10800-590100	School Capital Outlay	\$ 200,000	
10390-499900	Appropriated Fund Balance		\$ 200,000
		<u>\$ 200,000</u>	<u>\$ 200,000</u>

Explanation: School Capital Outlay (10800) - Carryforward funding approved 5/6/2019 to repair bricks at the entrance of Currituck Middle School.

Net Budget Effect: Operating Fund (10) - Increased by \$200,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Budget Amends_Aug 19 General Meeting (Budget Amendments)

Number

20200012

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of August 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10441-532000	Supplies	\$ 7,000	
10441-526000	Advertising	\$ 1,500	
10441-557100	Software License Fees	\$ 5,656	
10441-514000	Travel		\$ 1,000
10441-514500	Training & Education		\$ 2,000
10441-545000	Contract Services		\$ 5,656
10441-590000	Capital Outlay		\$ 5,500
		<u>\$ 14,156</u>	<u>\$ 14,156</u>

Explanation: Information Technology (10441) - Transfer budgeted funds to supplies for memory upgrade to servers; to advertising for personnel vacancy; and to software license fees for TCM user license fees.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Budget Amends_Aug 19 General Meeting (Budget Amendments)

Number

20200013

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 19th day of August 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10511-554000	Insurance & Bonds	\$ 88	
10511-557100	Software License Fees	\$ 311	
10511-506000	Insurance Expense		\$ 399
		<u>\$ 399</u>	<u>\$ 399</u>

Explanation: Detention Center (10511) - Transfer funds for increases in inmate insurance and software licenses fees for this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Budget Amends_Aug 19 General Meeting (Budget Amendments)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2569)

Agenda Item Title

Vehicle Surplus Resolution

Brief Description of Agenda Item:

Surplus of vehicles for Fiscal Year-End, Multiple Departments

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

R E S O L U T I O N

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

<u>Description (Year/Make/Model/Vin#)</u>			<u>Asset #</u>	<u>Dept</u>
2006	Ford Crown Vic	2FAHP71W06X119015	6096	Sheriff
2006	Ford Crown Vic	2FAHP71W66X119018	6099	Sheriff
2007	Nissan Titan 4X4	1N6BA07B97N246715	6550	Sheriff
2007	Dodge Charger	2B3KA43H27H797261	6394	Sheriff
2008	Ford Crown Vic	2FAHP71V28X146226	6735	Sheriff
2009	Nissan Titan Crew Cab	1N6AA07C29N302355	6903	Sheriff
2009	Nissan Titan Crew Cab	1N6AA07CX9N302796	6907	Sheriff
2009	Dodge Charger	2B3KA43T29H607837	7004	Jail
2010	Dodge Charger	2B3AA4CT7AH318985	7355	Sheriff
2011	Chev Tahoe K-9	1GNSK2E08BR234321	7380	Sheriff
2011	Nissan Titan	1N6AA0CJ4BN316364	7480	Sheriff
2012	Dodge Charger	2C3CDXAT1CH241685	7581	Sheriff
2012	Dodge Charger	2C3CDXAT3CH282612	7596	Sheriff
2012	Dodge Charger	2C3CDXAT0CH147913	7482	Sheriff
2012	Dodge Charger	2C3CDXAT2CH147914	7483	Sheriff
2013	Dodge Ram 1500 4x4	1C6RR7GT6DS521781	7699	Sheriff
2014	Dodge Charger	2C3CDXAT4EH190623	8377	Sheriff
2014	Dodge Charger	2C3CDXAT6EH190624	8376	Sheriff
2014	Dodge Charger	2C3CDXAT9EH121264	8347	Sheriff
2014	Dodge Charger	2C3CDXAT0EH121265	8342	Sheriff
2014	Dodge Charger	2C3CDXAT6EH121268	8345	Sheriff
2014	Dodge Charger	2C3CDXAT8EH121269	8346	Sheriff
2014	Nissan Titan	1N6BA0EJ1EN503454	8348	Sheriff
2015	Ford Taurus	1FAHP2MK6FG121501	8678	Sheriff

<u>Description (Year/Make/Model/Vin#)</u>	<u>Asset #</u>	<u>Dept</u>
1997 Ford Club Wagon XL 1FBNE31L1WHA17955	4044	Animal Services
2003 Ford Taurus 1FAFP55U13A273371	5845	Senior Center
2010 Ford Fusion 1FAHP0HA3AR230621	7115	DSS
6808 Nissan Titan 4x4 1N6AA07C28N356771	6808	EMS 530-03
6148 Chev Impala 2G1WB58KX69305911	6148	MOYOCK VFD

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

ADOPTED, this _____ day of _____, 2019.

 Bob White
 Currituck County Board of
 Commissioners

ATTEST:

 Leeann Walton
 Clerk to the Board

(SEAL)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2579)

Agenda Item Title

Amended Item-Contract for Purchase of Self-Contained Breathing Apparatus-Fire and EMS

Brief Description of Agenda Item:

Addition to agenda for the approval of Contract for Assistance to Firefighters Grant for the purchase of Self-Contained Breathing Apparatus

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

NORTH CAROLINA

CURRITUCK COUNTY

CONTRACT FOR SALE AND PURCHASE OF SELF-CONTAINED BREATHING APPARATUS (SCBA)

This Agreement is made this ____ day of _____ 2019, by and between FIRE PROTECTION EQUIPMENT COMPANY, INC., 7206 Impala Drive, Richmond, Virginia 23228-4223 (the "Contractor"), and COUNTY OF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the "County").

WHEREAS, pursuant to Chapter 143, Article 8 of the General Statutes of North Carolina, Currituck County, North Carolina Purchasing Policy and procurement standards codified in 2 C.F.R. §200.317 through §200-326 the County requested bids for new self-contained breathing apparatus (SCBA) and accessories; and

WHEREAS, Contractor submitted a quote for same, consistent with the County's needs; and

WHEREAS, as the lowest responsive and responsible bidder, Contractor was selected to provide the new self-contained breathing apparatus (SCBA) and accessories.

NOW THEREFORE, in consideration of the mutual benefits, promises, and undertakings, the sufficiency and receipt of which are acknowledged, the following terms and conditions are agreed to by the parties to this Contract:

1. **Incorporation by Reference.** The following are made a part hereof as if the same were fully set forth herein, and if any discrepancies arise between the documents, they will prevail in the following order: (1) this Contract including the General Terms and Conditions, and (2) Contractor's Response to Invitation to Bid for SCBA Equipment and Accessories dated May 27, 2019, and (3) the Equipment List (Exhibit A). This procurement is governed by Chapter 143, Article 8 of the General Statutes of North Carolina Currituck County, North Carolina Purchasing Policy and procurement standards codified in 2 C.F.R. §200.317 through §200-326. All terms and conditions of statutes, policies and procedures are hereby adopted and incorporated by reference herein.
2. **Time of Performance.** Except for custom marked SCBA cylinders, Contractor agrees to deliver all equipment no later than ninety (90) days from the date of this contract. Contractor agrees to deliver all custom marked SCBA cylinders not later than one hundred twenty (120) days from the date of this contract.
3. **Costs.** Contractor agrees to perform all work and provide all equipment pursuant to this Contract for a sum no greater than ONE MILLION NINETY-FOUR THOUSAND FOUR HUNDRED EIGHTY-ONE AND 69/100 DOLLARS

(\$1,094,481.69), (the "Contract Price"). Payment shall be made to Contractor within thirty (30) days after receipt of invoice.

4. **Changes to Contract.** This contract and its references constitutes the entire contract and understanding between the parties with respect to the matters contained herein. The contract supersedes any prior contracts, negotiations, proposals, agreements and/or understandings, whether verbal or written, relating to the subject matter hereof. This contract may be modified, amended or extended only by a written instrument executed by both parties.
5. **Notices.** Any notices required shall be in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of same in the U. S. Mail with postage prepaid at the addresses set forth below or upon actual receipt:

Notice to County shall be made to:
Ben Stikeleather, County Manager
County of Currituck
153 Courthouse Road, Suite 204
Currituck, NC 27929

Notice to Contractor shall be made to:
Fire Protection Equipment Company, Inc.
7206 Impala Drive
Richmond, Virginia 23228-4223
(804) 262-1594

5. **General Terms and Conditions.** During the term of this Contract, Contractor agrees to procure and maintain insurance which meets all County's requirements in the General Terms and Conditions.
6. **Counterparts.** This Agreement may be executed in one or more counterparts each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Signed signature pages may be transmitted by facsimile or as an attachment to an email, and any such signature shall have the same legal effect as an original.
7. **Severability.** If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.
8. **Miscellaneous.** This Contract shall be governed by the laws of the State of North Carolina. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the North Carolina General Court of Justice in Currituck County, North Carolina, and such litigation shall be brought only in such courts. All pronouns used herein shall refer to every gender. Headings or titles in this Contract are only for convenience and shall have no meaning or effect upon the

interpretation of the provisions of this Contract. This Contract is the entire agreement between the parties and may not be amended or modified, except by writing, signed by each party. If any provision of this Contract is determined to be unenforceable, then the remaining provisions of this Contract shall be interpreted as in effect as if such unenforceable provision were not included therein.

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the day first written above.

County of Currituck, North Carolina

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

[COUNTY SEAL]

Fire Protection Equipment Company, Inc.

By: _____

Its: _____

ATTEST:

[CORPORATE SEAL]

Secretary/Assistant Secretary

Attachment: SCBA Contract (Amended-Contract for Self-Contained Breathing Apparatus)

GENERAL TERMS AND CONDITIONS

A. The County reserves all rights and privileges under the applicable laws and regulations with respect to this procurement in the event of breach of contract by either party.

B. The County reserves the right to immediately terminate any agreement in excess of \$10,000 resulting from this procurement process in the event of a breach or default of the agreement by Contractor, in the event Contractor fails to: (1) meet schedules, deadlines, and/or delivery dates within the time specified in the procurement solicitation, contract, and/or a purchase order; (2) make any payments owed; or (3) otherwise perform in accordance with the contract and/or the procurement solicitation. The County also reserves the right to terminate the contract immediately, with written notice to vendor, for convenience, if the County believes, in its sole discretion that it is in the best interest of the County to do so. The Contractor will be compensated for work performed and accepted and goods accepted by the County as of the termination date if the contract is terminated for convenience of the County. Any award under this procurement process is not exclusive and the County reserves the right to purchase goods and services from other contractors when it is in the best interest of the County.

C. **Equal Employment Opportunity.** During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or

understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

D. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148).

(1) All transactions regarding this contract shall be done in compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) and the requirement of 29 C.F.R. pt. 5 as may be applicable. The Contractor shall comply with 40 U.S.C. 3141-3144, and 3146-3148 and the requirements of 29 C.F.R. pt. 5 as applicable.

(2) The Contractor is required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor.

(3) The Contractor is required to pay wages not less than once a week.

E. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708).

(1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The County shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same

prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section.

F. Rights to Inventions Made Under a Contract or Agreement.

The Contractor shall comply with all applicable requirements of 37 C.F.R. §401.2 (a).

G. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387).

Clean Air Act

(1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.

(2) The Contractor agrees to report each violation to the North Carolina Department of Environmental Quality and understands and agrees that the North Carolina Department of Environmental Quality will, in turn, report each violation as required to assure notification to the County, Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.

(3) The Contractor agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FEMA.

Federal Water Pollution Control Act

(1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.

(2) The Contractor agrees to report each violation to the North Carolina Department of Environmental Quality and understands and agrees that the North Carolina Department of Environmental Quality will, in turn, report each violation as

required to assure notification to the County, Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.

(3) The contractor agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FEMA.

H. Debarment and Suspension (Executive Orders 12549 and 12689).

(1) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the Contractor is required to verify that none of the Contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

(2) The Contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

(3) This certification is a material representation of fact relied upon by the County. If it is later determined that the Contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the County, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

(4) The Contractor agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while throughout the period of this contract.

I. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352).

The Contractor certifies that:

(1) No Federal appropriated funds have been paid or will be paid for on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the

undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The Contractor shall require that the language of this certification be included in the award documents for all covered sub-awards exceeding \$100,000 in Federal funds at all appropriate tiers and that all sub-recipients shall certify and disclose accordingly.

J. The Contractor shall comply with the record retention requirements detailed in 2 CFR § 200.333. The Contractor shall retain all records as required by 2 CFR § 200.333 for a period of three years after the County submits final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

K. The Contractor shall comply with all applicable standards, orders, regulations, and/or requirements issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act, as amended (33 U.S.C. 1368), Executive Order 117389 and Environmental Protection Agency Regulation, 40 CFR Part 15.

L. The Contractor shall comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

M. The Contractor shall comply with all applicable provisions of the Buy America Act. Purchases made in accordance with the Buy America Act must still follow the applicable procurement rules calling for free and open competition.

N. All contractors and their successors, transferees, assignees, and subcontractors acknowledge and agree to comply with applicable provisions governing Department of Homeland Security (DHS) and Federal Emergency Management Agency (FEMA) access to records, accounts, documents, information, facilities, and staff.

O. The contractor shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval.

P. The contractor acknowledges that FEMA financial assistance will be used to fund the contract. The contractor will comply with all applicable Federal laws, regulations, executive orders, and FEMA policies, procedures, and directives.

Q. The Federal Government is not a party to the contract and is not subject to obligations or liabilities to the County, contractor, or any other party pertaining to any matter resulting from the contract

R. The contractor acknowledges that 31 U.S.C. Chapter 38 (Administrative Remedies for False Claims and Statements) applies to its actions pertaining to the contract.

S. In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired-

- (1) Competitively within the timeframe providing for compliance with the contract performance schedule;
- (2) Meeting contract performance requirements; or
- (3) At a reasonable price.

Information about this requirement, along with the list of EPA designate items, is available at EPA's Comprehensive Procurement Guidelines web site, <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

T. The County of Currituck encourages all businesses, including minority, women-owned businesses to respond to all Request for Bids. In addition, if subcontracts are let, the awarded contractor must ensure that the necessary affirmative steps are taken:

- (1) Place qualified small, minority, and woman-owned businesses on solicitations lists;
- (2) Assure that such businesses are solicited when they are potential sources;
- (3) Divide total requirement, when economically feasible, into smaller tasks or quantities to permit maximum participation by such businesses;
- (4) Establish delivery schedules, where requirements permit, which encourage such businesses to respond;
- (5) Use service and assistance from such organization as SBA, minority business development agency of the Dept. of Commerce.

Contractors shall include these special provisions in all subcontracts for this contract. Failure on the part of the Contractor to carry out the requirements set forth in the special provision may constitute a breach of contract and after proper notification may result in termination of the contract or other appropriate remedy.

EXHIBIT A
EQUIPMENT LIST

1. 161 each MSA G-1 SCBA 4500psi system unit# A-G1FS442MA1C4LCR

Adjustable lumbar support, CGA Quick Connect, attached pouch with 3-foot trans-fill hose, universal air connection capable of receiving & providing air, telemetry capable and Blue Tooth compatible system, electronic voice amplification, single rechargeable battery to power entire system, PASS device provides digital air pressure & time remaining air

\$4,827.41 each \$777,213.01

2. 322 each MSA SCBA Cylinders, 45-minute, 4500 PSI #10156424 (10175708) Capacity Carbon Wrapped Low-Profile Cylinder, cylinder to include Quick Connect Adapter.

\$784.00 each \$252,448.00

3. 257 each G-1 Face-mask — Sizes and part numbers to be determined 4-Point Adjustable Head Harness, includes inhalation & exhalations valves, various sizes

\$220.46 each \$56,658.22

4. 15 each MSA G-1 6 bank battery charger #10158385
Rechargeable Battery Bank — Six Slot: For Fixed Station Use For G1 Lithium Batteries

\$428.40 \$6,426.00

5. 22 each MSA G-1 spectacle kit #10144230
Spectacle Kit for Use with Face Mask

\$78.93 \$1,736.46

6. Initial setup of SCBA repair MSA G-1 tool set, Program support, an initial part cache, Set up of programing

Attachment: SCBA Contract (Amended-Contract for Self-Contained Breathing Apparatus)

	No Charge	No Charge
7. 6 each MSA G-1 Care technician training		
	No Charge	No Charge
Total amount of purchase		\$1,094,481.69



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2552)

Agenda Item Title

Change Order #1-Ocean Sands Wastewater Treatment Plant

Brief Description of Agenda Item:

Planning Board Recommendation:

To: Board of Commissioners
Ben Stikeleather, County Manager

From: Eric Weatherly

RE: Ocean Sands Wastewater Treatment Plant Replacement
Change Order # 1

The replacement of the existing Ocean Sands Wastewater Treatment Plant (WWTP) is complete. The new WWTP is a 600,000 gallons per day facility capable of meeting the build out flows of the current Ocean Sands Water and Sewer District (does not include the undeveloped tracts).

The last step in this project is to demolish and remove the old WWTP and finish up the site work. Demolition should be underway at the time of the Commissioners meeting. Final site work will proceed after demolition including the road system, perimeter fencing and landscaping.

We are presenting Change Order # 1 to address some items on the road system. This additional work includes improved entrances off of NC Highway 12, additional drive isles and wider turns for large trucks.

The total amount of the change order is \$87,265. Funds were allocated for this work through a budget amendment that was presented and approved on May 6, 2019. Your approval is needed to proceed with this work.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Change Order No. 1

Date of Issuance: 07-22-2019

Effective Date:

Owner:

Owner's Contract No.:

Currituck

County

Contractor: Hatchell Concrete Inc

Contractor's Project No.:

Engineer:

Engineer's Project No.:

Joe Anlauf

Project:

Contract Name:

OSWWTP

The Contract is modified as follows upon execution of this Change Order:

Description: SEE ATTACHED SCHEDULE WITH BREAKDOWN OF CHANGES

Attachments: [List documents supporting change]

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES [note changes in Milestones if applicable]
Original Contract Price: \$ 7299643.00	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. ____ to No. ____: \$ _____	[Increase] [Decrease] from previously approved Change Orders No. ____ to No. ____: Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ 7299643.00	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] [Decrease] of this Change Order: \$ 87265.00	[Increase] [Decrease] of this Change Order: Substantial Completion: 40 days Ready for Final Payment: _____
Contract Price incorporating this Change Order: \$ 7386908.00	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ days or dates

RECOMMENDED:
By: ANLAUF ENG. PLLC
Joe Anlauf
Engineer (if required)

Title: OWNER
Date: 7/24/2019

Approved by Funding Agency (if
Applicable)

By: _____ Date: _____
Title: _____

ACCEPTED:

By: _____
Owner (Authorized Signature)

Title _____
Date _____

ACCEPTED:

By: [Signature]
Contractor (Authorized Signature)

Title: PRESIDENT
Date: 6-8-2019

OSWWTP CHANGE ORDER #1

22-July-19

BREAKDOWN OF CHANGES:				
UPDATED GRAVEL DRIVE				\$30,700
NEW SOUTH ENTRANCE				\$21,450
ADDITIONAL PADS NEAR EQUIPMENT BUILDING				\$3,200
ADDITIONAL CONCRETE BOLLARDS				\$2800
SOUTH ENTRANCE (TEMP ACCESS MILLINGS)				\$23,600
NORTH ENTRANCE (TEMP ACCESS MILLINGS)				\$3,000
Additional Cost for new fence route				\$2,515
TOTAL				\$87265.00

Attachment: OSWWTP-Change Order 1 Anlauf Signed (Change Order-OSWWTP)