



**Board of Commissioners  
Agenda Packet**

**April 20, 2020**

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance
- B) Approval of Agenda

**Administrative Reports**

- A) **Albemarle Regional Health Services Covid-19 Update-Health Director, R. Battle Betts, Jr.**

**Public Comment**

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

**Administrative Reports, Continued**

- ) **Covid-19 Discussion of Current Declaration & Deadlines**

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

- A) **PB 19-17 Baxter Station:** Planned Development - Residential zoning to support 127 unit subdivision (103 single-family units; 24 duplex units) with a density of 2.37 units per acre and minimum lot size of approximately 10,000 sf with the construction on an onsite wastewater treatment plant.

**New Business**

- A) **Consideration of Personnel Policy Revisions-Sick Leave and Retiree Health Insurance**
- B) **Discussion to Consider an Exchange of Property, Grandy Road**
- C) **Consent Agenda**
  - 1. Approval Of Minutes for March 16, 2020
  - 2. Budget Amendments
  - 3. Surplus Resolution-Booking Station, Detention
  - 4. Banking-Signature Resolution, Soil & Water Conservation
  - 5. Consideration of Waze Connected Citizens Program
  - 6. Parks and Recreation Records Disposal Request

**Special Meeting - Ocean Sands Water & Sewer District Board**

OSWSD-Budget Amendment

**Adjourn Special Meeting**

**Adjourn**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2782)

**Agenda Item Title:** Albemarle Regional Health Services Covid-19 Update-Health Director, R. Battle Betts, Jr.

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Reason for Request:**

Commissioners will receive an update on Coronavirus case activity in the Albemarle region. Albemarle Regional Health Services Director, Battle Betts, and staff will be available to review case counts, state and local protocols and safety measures, trends and projections.

**Potential Budget Affect:** N/A

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2775)

**Agenda Item Title:** Covid-19 Discussion of Current Declaration & Deadlines

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:** Ben Stikeleather

**Board Action:** Discussion

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**Brief Description of Agenda Item:**

**Reason for Request:**

To review and discuss the County's emergency protocols in place to slow the spread of the Coronavirus.

**Potential Budget Affect:** n/a

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 2568

**Agenda Item Title:** PB 19-17 Baxter Station:

**Submitted By:** Tammy Glave – Planning & Community Development

**Item Type:** Legislative

**Presenter of Item:** Tammy Glave

**Board Action:** Action

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**Brief Description of Agenda Item:**

Planned Development - Residential zoning to support 127 unit subdivision (103 single-family units; 24 duplex units) with a density of 2.37 units per acre and minimum lot size of approximately 10,000 sf with the construction on an onsite wastewater treatment plant.

**Planning Board Recommendation:** Denial

**Staff Recommendation:** Denial

**TRC Recommendation:** Denial



**STAFF REPORT  
PB 19-17 BAXTER STATION  
REZONING  
PLANNED DEVELOPMENT- R  
BOARD OF COMMISSIONERS  
OCTOBER 21, 2019**

### APPLICATION SUMMARY

<b>Property Owner:</b> Jarvis Harvest LLC 701 Blue Point Dr Wilmington NC 28411	<b>Applicant:</b> Allied Properties LLC Justin Old 417 Caratoke Highway Unit D Moyock NC 27958
<b>Case Number:</b> PB 19-17	<b>Application Type:</b> Rezoning to PD-R
<b>Parcel Identification Number:</b> 0009-000-025A-0000	<b>Existing Use:</b> Cultivated Farmland
<b>Land Use Plan Classification:</b> Rural	<b>Parcel Size (Acres):</b> 53.43
<b>Moyock Small Area Plan Classification:</b> Full Service	<b>Zoning History:</b> AG (2013) A (1989)
<b>Current Zoning:</b> AG	<b>Proposed Zoning:</b> PD-R
<b>Request:</b> The applicant is requesting a Planned Development-Residential zoning to support a 127 unit subdivision (103 single-family units; 24 duplex units) with a density of 2.37 units per acre and minimum lot size of approximately 10,000 sf with the construction on an onsite wastewater treatment plant.	

### ADEQUATE PUBLIC FACILITIES – SCHOOLS<sup>1</sup>

School	2019-2020 Actual Capacity <sup>2</sup>	2021-2022 Actual Capacity <sup>3</sup>	Committed Capacity <sup>3</sup>	Proposed Capacity Changes
				Number of Students
Moyock Elementary	106%	96%	123%	+32
Shawboro Elementary	85%			
Central Elementary	75%			
Moyock Middle		81%	95%	+10
Currituck Middle				
Currituck High		85%	105%	+18
JP Knapp Early College				

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

<sup>2</sup> Capacity percentages are based on 2019-2020 classroom standards and August 2019 ADM

<sup>3</sup> Capacity percentages are based on the 2021-2022 classroom standards and August 2019 ADM

**SURROUNDING PARCELS**

	Land Use	Density (units/ac)	Avg Lot Size	Zoning
North	Low density residential, commercial	.39 (15 lots across from proposal)	2.6 ac	AG, GB, C-MXR
South	Residential (Hidden Oaks)	1.81	.25 ac	C-SFM
East	Residential (Baxter Lane Estates)	.61	.98 ac	C-SFM
West	Vacant	0	5.19 ac	GB

**DEVELOPMENT OPTIONS**

	Density (units/acre)	Maximum # of Units	BOC Action Required
<b>Option 1 By Right in AG Zone</b>	.44 (w/ 60% open space)	23	Approval of major subdivision
<b>Option 2 Rezone to C-SFM</b>	1.0	53	1. Rezone to C-SFM 2. LUP map automatically revised to Full Service 3. Approval of major subdivision
<b>Option 3 Rezone to PD-R (Applicant's Request)</b>	3.0 (2.37)	160 (127)	1. Rezone to PD-R 2. LUP map automatically revised to Full Service 3. Approval of Planned Development

**REQUEST****NARRATIVE**

The applicant is requesting a Planned Development-Residential (PD-R) zoning designation to support a 127 unit subdivision (103 single-family units; 24 duplex units). A planned development zoning district is defined by a master plan and a terms and conditions document. The density for the project is 2.37 units per acre and minimum lot size of approximately 10,000 sf. An on-site wastewater treatment plant will serve the project.

The maximum residential density allowed in a PD-R is referenced to the land use classifications from Future Land Use Map of the 2006 Land Use Plan. **A PD-R project in Full Service can have up to 3 dwelling units per acre; a PD-R project in Limited Service can have up to 1.5 dwelling units per acre.** There is **not a reference of density for a PD-R project for either Rural or Conservation** classification because Rural and Conservation areas typically do not have the infrastructure to support a higher density development.

Preferred uses in the Rural classification include very low density, dispersed development associated directly with farm uses. Residential dwellings associated with farm activity typically employ on-site water supply (e.g. individual wells) and waste disposal (i.e. septic systems). Areas meeting this intent of this classification are appropriate for or presently used for agriculture, forestry, and other similar uses. Population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres. In addition, any development in the Rural Areas would be served by individual on-site water and septic. If the rezoning is approved, that act will automatically revise the Future Land Use Map from the 2006 Land Use Plan. This property will be reclassified from Rural to Full Service.

The Moyock Small Area Plan designates this property as Full Service.

Moyock Elementary School is at capacity and the county's middle and high schools are at or over the 2021 committed capacity. Should the board choose to amend the 2006 CAMA Land Use plan and approve the project, a phasing schedule with the maximum number of single-family/duplex building permits allowed per calendar year may be established. There is no phasing plan submitted as part of the Terms and Conditions.

Staff has compatibility concerns between this development and the surrounding developments. While lot size may be "identical to those that were recently approved in adjoining neighborhoods", lot size is not the only factor to compare. Among other factors, it is also important to compare densities and the proposed 2.37 units per acre far exceed those of surrounding developments:

- a. Hidden Oaks: Density 1.81 units per acre with lot sizes similar to those proposed.
- b. Baxter Lane Estates: Density .61 units per acre with the average lot size of .98 of an acre.
- c. 15 Lots with frontage along Baxter Lane density: .39 units per acre with an average lot size of 2.66 acres.

The connectivity index score of 1.45 as shown is below the UDO requirement of 1.6 for a PD-R (UDO Section 5.6.4). It is staff's opinion that the connectivity index score cannot be reduced because the developer has not demonstrated that it is not possible to meet the minimum score due to topographic conditions, natural features, existing road configuration, or adjacent existing development patterns. (UDO Section 5.6.4.C) With an undeveloped lot, without any of the above restrictions, the development can be designed to meet the minimum connectivity index score. This is another indication that the property may be better suited to be zoned C-SFM as the adjoining subdivisions are able to meet the connectivity index score. A project zoned SFM has a minimum connectivity score of 1.2. There are no wetlands on the property. The only major drainage feature currently on the property is the ditch that runs along Baxter Lane. The property slopes from 7-8 feet in the northwestern corner to 5-6 feet in the southeastern corner so topography should not be an issue for street design.

The purpose and intent of community form standards like the connectivity index score adopted by the Board of Commissioners is to require developments to meet certain minimum design standards within communities. The applicant's engineer stated that "the only way to improve the connectivity index score is through additional street stubs to adjacent properties". A different solution would be to reduce the number of cul-de-sacs or dead ends by a redesign of the street layout. A street stub to Baxter Lane Estates is not allowed since because Baxter Lane Estates has open space designated on the area next to this project. A street connection is not allowed through the open space. There is a planned connection to Hidden Oaks. The applicant offered a street stub to the railroad right-of-way as part of a resolution for this issue. This is not a preferred option because it creates another railroad crossing when one is available on Baxter Lane. If the board allows for that street stub, staff suggests that railroad encroachment agreements be in place prior to submittal of preliminary plat and the cost of the improved crossing bonded until the crossing is installed.

Baxter Lane Ditch is a major drainage way that runs along Baxter Lane and outlets to Shingle Landing Creek. This ditch drains Baxter Station, Windswept Pines, properties along Baxter Lane and acreage west of NC 168. The improvements to this ditch will need to be adequately sized to handle the changed upstream drainage patterns from Windswept Pines stormwater management. At the end of NCDOT maintenance on Baxter Lane, there is an undersized culvert and a drainage way leading the Shingle Landing Creek with numerous blockages. This undersized culvert and blocked drainage way may impact proper drainage of not only this project but other areas that are served by this outlet ditch.

The on-site wastewater plant is located near the frontage along the railroad track. With the general information provided with the application, it appears there is adequate space for an on-site wastewater treatment facility to be constructed. At preliminary plant, the applicant will need to have a soil study completed along with approved plans for the on-site treatment facility. Albemarle Regional Health Department supports consulting engineers' proposal to construct a wastewater treatment plant or connect to an existing wastewater treatment if available due to the questionable soil conditions of the project area.

It should be noted that adjoining subdivisions are zoned Conditional Single-Family Mainland (C-SFM). Once adequate public facilities are addressed, staff would support a conditional rezoning from Agricultural (AG) to SFM if all UDO, LUP, and Moyock Small Area Plan standards are met. A LUP map amendment will still be required to change the classification from Rural to Limited or Full Service, but can take place simultaneous with the rezoning. The density allowed will then be more compatible with the adjoining Baxter Lane Estates and closer to compatible with the lots on the opposite side of Baxter Lane. Staff cannot speak to lot size similarities without knowing the average lot size for this development. The average lot size appears to be approximately 10,600 sf. A rezoning to C-SFM would reduce the number of units allowed on the property, but it would also address compatibility and UDO inconsistency as outlined above.

## COMMUNITY MEETING

A community meeting was held on April 22, 2019 at 4:30 pm at the Moyock Library. There were 12 people from the community in attendance. The engineer reviewed the proposed development plan and the approval process. The comments received at the meeting included traffic concerns, drainage concerns, property values regarding duplexes, build-out schedule, keeping tree buffer, Baxter Lane ditch improvements, and wastewater treatment. A summary of the community meeting is provided in the packet.

## CONDITIONS

The Technical Review Committee recommends denial of the rezoning to a PD-R district. However, should the board decide to approve the PD-R zoning, staff recommends the following conditions be adequately addressed:

1. The Terms and Conditions document be incorporated into this request. (attached)
2. Assure that adequate public facilities are available to serve the development. (i.e. schools, fire/EMS, law enforcement, etc.)
3. Address incompatibility issues with adjoining communities.
4. Redesign street/lot layout to meet the minimum connectivity index score.

## 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 PD-R district.\* The following land use plan policy is relevant to the request and it is staff's opinion there is conflict with this policy as outlined above.

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 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 PD-R 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. The following small area plan policies are relevant to the request and it is staff's opinion that there are conflicts with these policies as outlined above.

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.
Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location.

## Drainage and Utilities

### County Engineer Comments

The ditch along Baxter Lane will be a key component for this project. We are aware of downstream restrictions that may impact proper drainage of this area.

## RECOMMENDATION

### Technical Review Committee

The Technical Review Committee recommends denial of the rezoning subject to the following:

1. It is incompatible with the 2006 Land Use Plan and the surrounding communities as outlined above.



2. The minimum connectivity index score is not met and the developer has not demonstrated that it is not possible to meet the minimum score due to topographic conditions, natural features, existing road configuration, or adjacent existing development patterns. The minimum score can be met with internal street/lot layout redesign.
3. Adequate public facilities are not present to service this request. (i.e. schools, etc.)

## RECOMMENDATION

### Planning Board

The Planning Board recommends denial of the rezoning subject to the following:

1. It is incompatible with the 2006 Land Use Plan and the Moyock Small Area plan because of incompatibility with surrounding subdivisions and neighborhoods and because schools are at capacity and the request is not reasonable and not in the public interest for the same reasons.

## CONSISTENCY AND REASONABLENESS STATEMENT

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

This PD-R zoning request is inconsistent with the 2006 Land Use Plan because the PD-R request is incompatible with the surrounding communities as outlined above.

A PD-R rezoning is not reasonable and not in the public interest because of compatibility concerns, non-compliance with standards in the UDO, and the fact that adequate public facilities are not present to service this request. However, the 2006 LUP map amendment is compatible 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.

If the Board of Commissioners approves this request, a consistency and reasonableness statement must be made regarding the 2006 Land Use Plan in order to amend that Land Use Plan. Examples include:

*"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."*

Alternately, assuming adequate public facilities have been addressed, staff will support a new C-SFM rezoning application which would afford compatibility with surrounding developments which are zoned C-SFM and AG. A C-SFM rezoning would be considered reasonable and in the public interest because the SFM district is intended to "accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place stress on the county's educational infrastructure." A variety of use types are allowed in the SFM district including single-family dwellings and duplexes.



## TERMS AND CONDITIONS

Terms and conditions shall be approved as part of a planned development rezoning. No condition shall be less restrictive than the standards of the parallel general use zoning district. While staff does not support a rezoning to a PD-R district, if the Board of Commissioners approves the request, the Terms and Conditions document (attached) shall be incorporated into the approval.

### Summary of Developer's Terms and conditions:

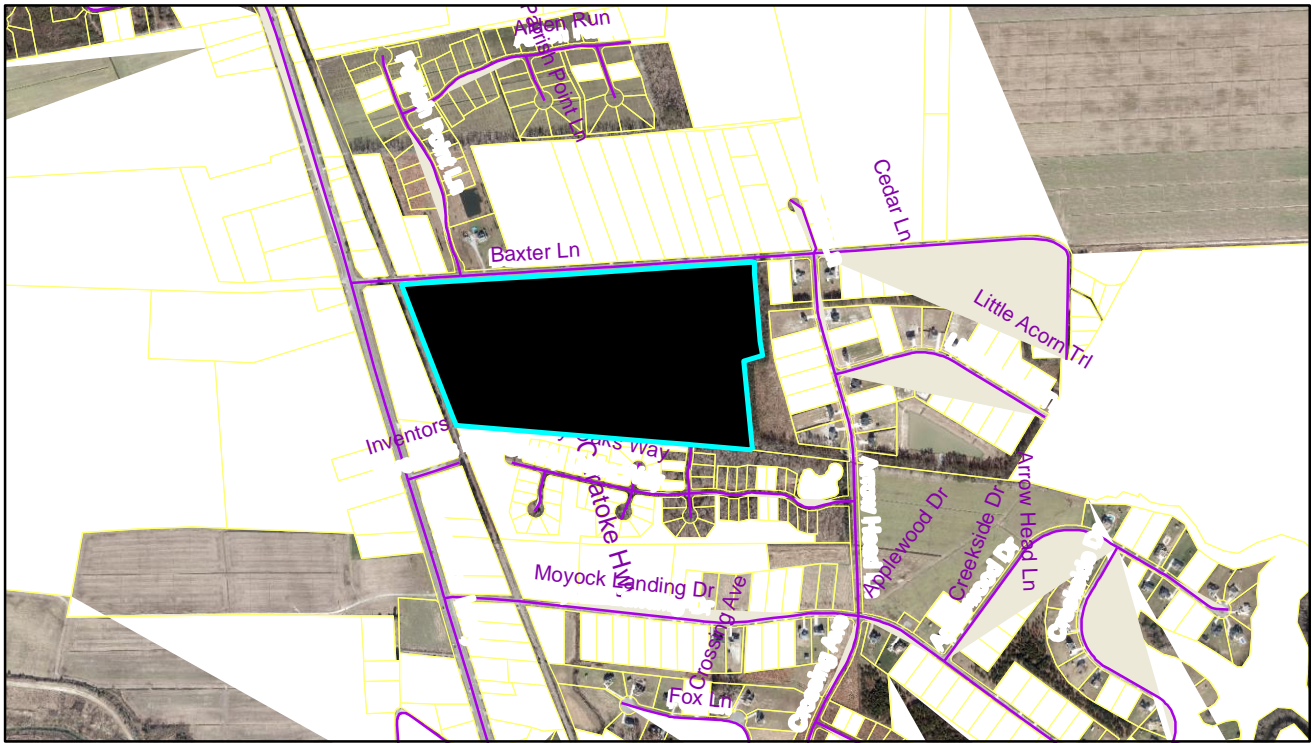
- Use: PD-R Subdivision
- Improvements to be made to Baxter Lane ditch
- Minimum of 2 phases
- Master plan and Terms & Conditions document incorporated into approval
- Housing styles conform to models presented.
- Transportation
  - 3 connections to Baxter Lane
  - Main entrance includes deceleration Lane
  - Connection to Hidden Oaks.
  - Curb and gutter to NCDOT standards, with sidewalks.
- Potable Water
  - Supplied by Currituck County 8" main
  - Looped through site and connected to Hidden Oaks.
  - Adequate flow and pressure for fighting fires
- Wastewater
  - On-site WWTP
  - If off-site becomes available and the applicant desires to connect, an amended PD-R will be required.
- Stormwater Management
  - Improve major drainage way that runs along Baxter Lane (widen, deepen, and laying back slopes) at Phase 1.
  - Conveyed to on-site retention ponds to handle 100 year storm event though a combination of curbs with inlets, stormwater pipes, and open vegetated swales.
- Provisions Related to Environmental Protection and Monitoring
  - Installation and management of stormwater system as well as landscape areas throughout the development.
  - Association will be formed that will assume responsibility for management of facilities, including Baxter Lane ditch from railroad track to eastern property boundary

TABLE A

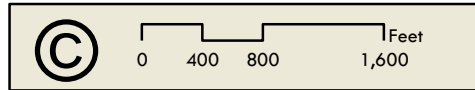
DEVELOPMENT STANDARDS & SETBACKS

STYLE:	<u>SIMPLEX</u>	<u>DUPLEX</u>
Min Lot Size:	10,000	12,500
Min. Lot Width:	65'	75'
Typ. Lot Width:	65'	80'
Front Setback:	20'	20'
Side Setback:	10'	10'
Rear Setback:	30'	30'
Corner Side Setback:	20'	20'
Maximum Setback:	N/A	N/A
Maximum Height:	35'	35'
Maximum Bldg. Size:	4,800 SF	4800 SF
Maximum Lot Coverage:	45%	45%

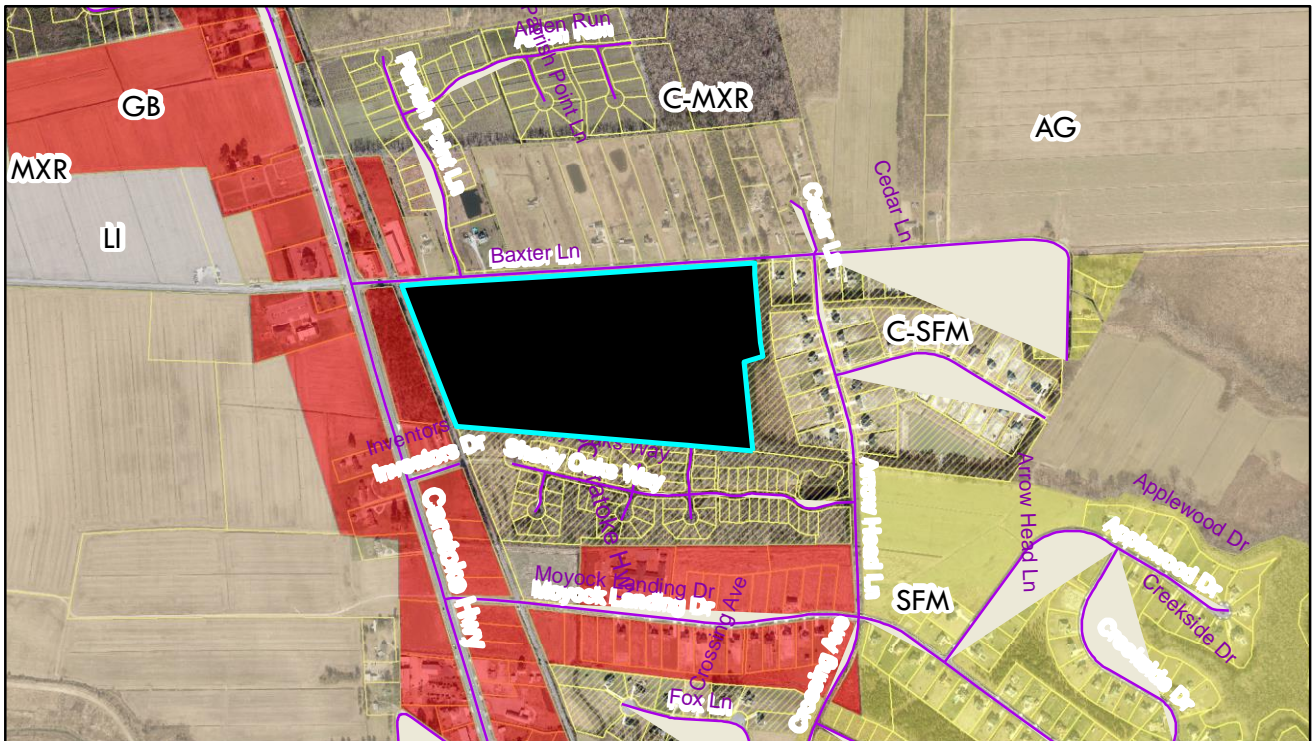
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
 Board of Commissioners: [www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)



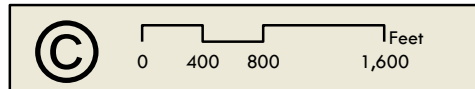
PB 19-17 Baxter Station  
PD-R Rezoning  
2016 Aerial Photography



Currituck County  
Planning and  
Community Development

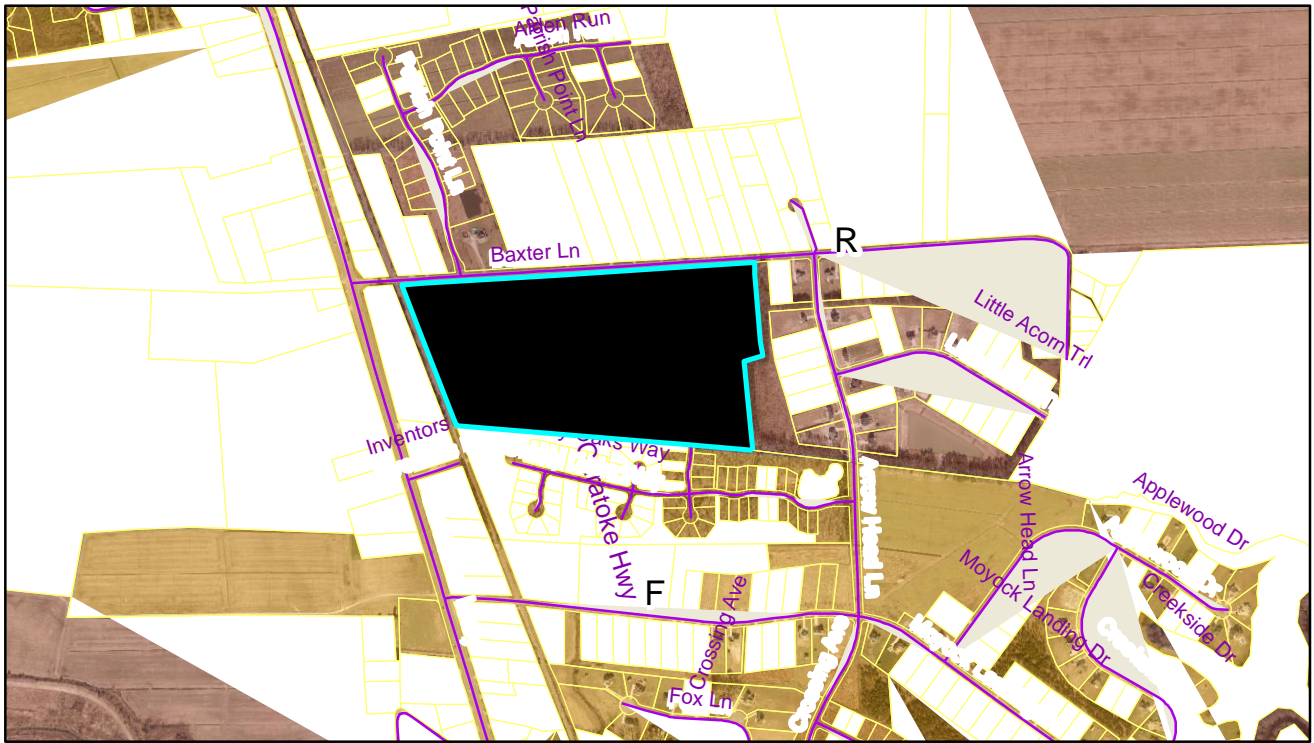


PB 19-17 Baxter Station  
PD-R Rezoning  
Zoning Map

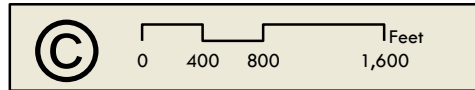


Currituck County  
Planning and  
Community Development

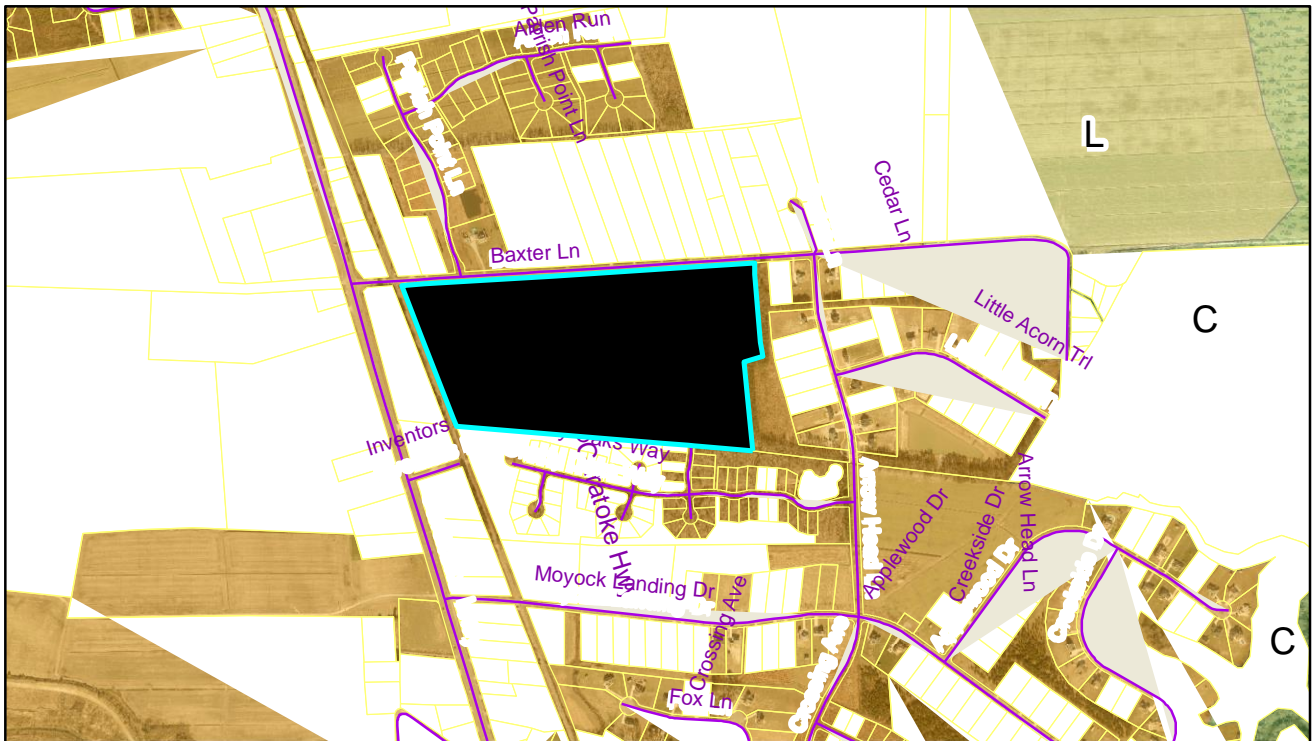




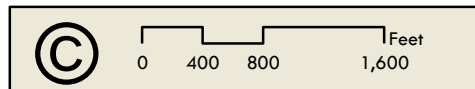
PB 19-17 Baxter Station  
PD-R Rezoning  
2006 LUP Classification



Currituck County  
Planning and  
Community Development

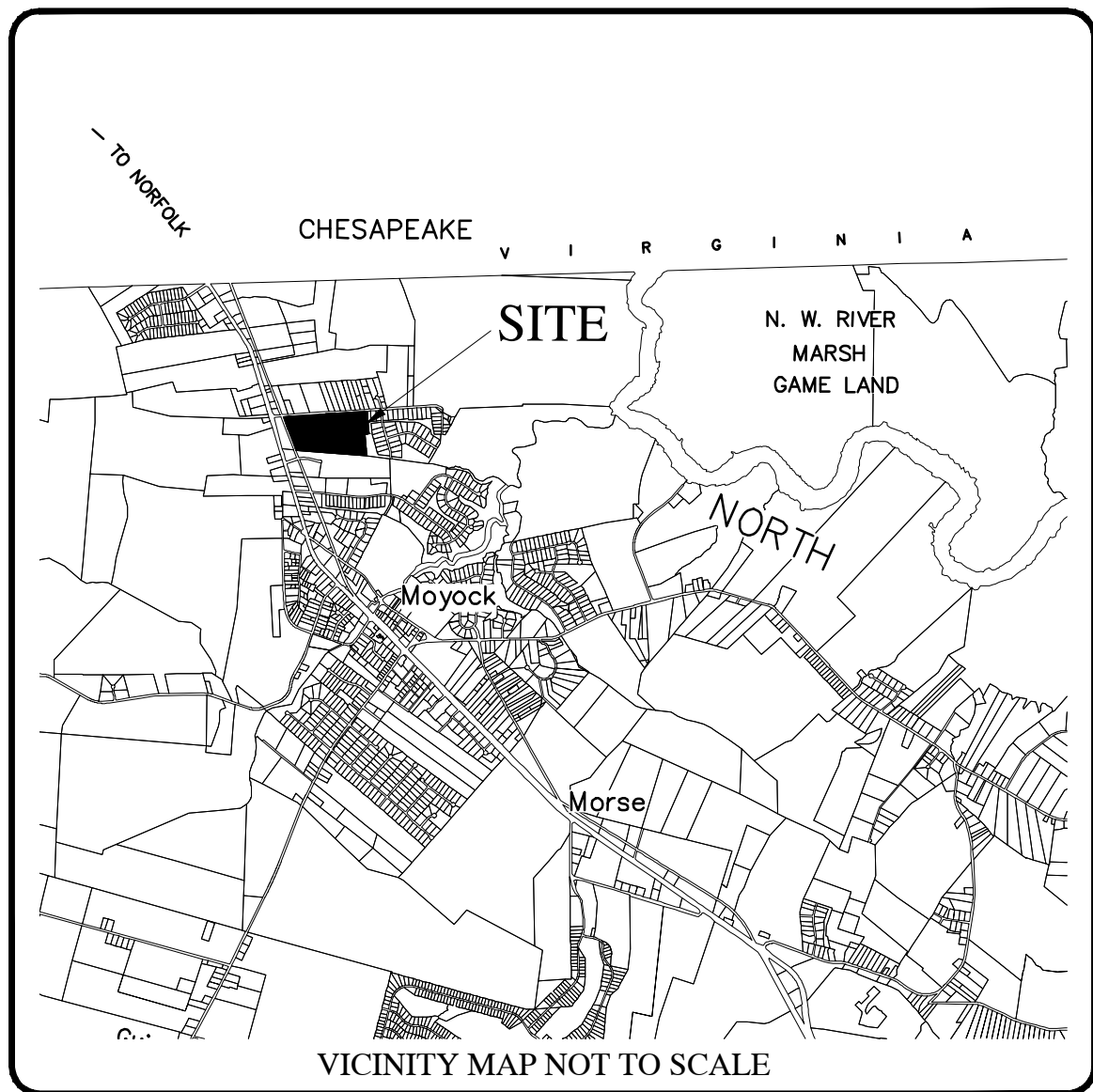


PB 19-17 Baxter Station  
PD-R Rezoning  
Moyock SAP



Currituck County  
Planning and  
Community Development

PB 19-17 Baxter Station  
Planned Development Rezoning  
10/21/19 BOC Mtg  
Page 10 of 10



# BAXTER STATION

## PLANNED DEVELOPMENT - RESIDENTIAL

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## PRELIMINARY MASTER PLAN

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CURRITUCK COUNTY

### GENERAL DEVELOPMENT NOTES

1. **PROPERTY OWNER:** JARVIS HARVEST, LLC  
701 BLUE POINT DR.  
WILMINGTON, NC 28411
2. **APPLICANT:** ALLIED PROPERTIES, LLC  
417-D CARATOKE HIGHWAY  
MOYOCK, NC 27958
3. **PROPERTY DATA:** ADDRESS: BAXTER LANE, MOYOCK, NC 27958  
PIN: 0009-000-025A-0000  
RECORD: D.B.1421, PG: 801  
ACREAGE: 53.43 ACRES
4. **ZONING:** EXISTING: AGRICULTURAL (AG)  
PROPOSED: PLANNED DEVELOPMENT - RESIDENTIAL (PD-R)

<u><b>SHEET</b></u>	<u><b>DESCRIPTION</b></u>
<b>1</b>	<b>COVER SHEET &amp; DEVELOPMENT NOTES</b>
<b>2</b>	<b>MASTER PLAN WITH OFF-SITE WWTP FACILITY</b>
<b>3</b>	<b>UTILITIES PLAN WITH OFF-SITE WWTP FACILITY</b>
<b>4</b>	<b>MASTER PLAN WITH ON-SITE WWTP FACILITY</b>
<b>5</b>	<b>UTILITIES PLAN WITH ON-SITE WWTP FACILITY</b>

[illegible]

**PRELIMINARY**  
**DO NOT USE FOR**  
**CONSTRUCTION**

DATE: 6/14/19	SCALE: 1" = 100'
DESIGNED: BPG	CHECKED:
DRAWN: KFW	APPROVED: BPG
SHEET:  1 OF 5	
CAD FILE: 467100SK1A	
PROJECT NO: 4671	

COVER SHEET

DEVELOPMENT NOTES

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COVER SHEET  
DEVELOPMENT NOTES

CD  
BAXTER STATION PD-R  
CURRITUCK COUNTY  
IMOYOCK TOWNSHIP  
NORTH CAROLINA  
PRELIMINARY MASTER PLAN

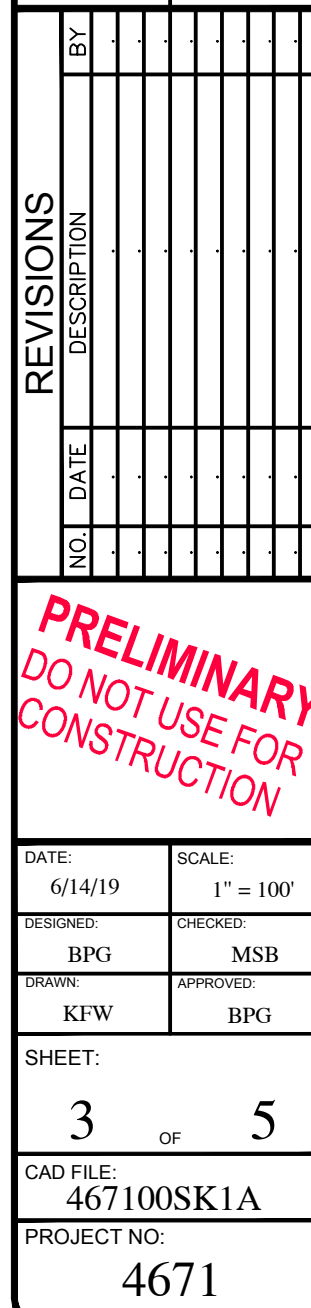
**BISSELL**  
PROFESSIONAL GROUP  
Engineers, Planners, Surveyors  
and Environmental Specialists

Bissell Professional Group  
Firm License # C-906  
10000 North Carolina Highway  
P.O. Box 1068  
Kitty Hawk, North Carolina 27949  
Phone (252) 261-1780  
FAX (252) 261-1780











**AREA DATA**

TOTAL DEVELOPMENT AREA	53.52 AC.
TOTAL LOT AREAS	27.99 AC.
SINGLE FAMILY LOTS	103
DUPLEX UNITS	24
RIGHT-OF-WAY AREA	6.90 AC.
OPEN SPACE AREA	16.24 AC. (30.34%)
WASTEWATER FACILITY AREA	2.40 AC.

**GRAPHIC SCALE**

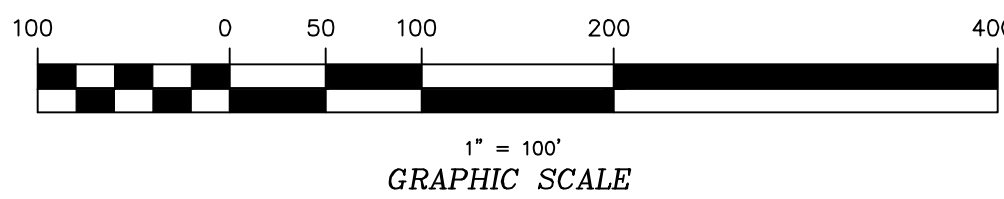
1" = 100'

**TYPICAL SITE PLAN**

MINIMUM LOT SIZE = 10,000 S.F.  
MINIMUM LOT WIDTH = 65'  
MAXIMUM HEIGHT: 2 STORES  
SCALE 1" = 40'

[illegible]



[illegible]

**PRELIMINARY**  
**DO NOT USE FOR**  
**CONSTRUCTION**

CAD FILE:  
467100SK1B

PROJECT NO:  
4671

UTILITIES PLAN WITH  
ON-SITE WWTP FACILITY

MOYOCK TOWNSHIP  
CURRITUCK COUNTY  
NORTH CAROLINA

**BISSELL**  
PROFESSIONAL GROUP

Engineers, Planners, Surveyors  
and Environmental Specialists

Bissell Professional Group  
Firm License # C-396  
10001 North Carolina Highway  
P.O. Box 1068  
Rt.176 Oak, North Carolina 27949  
Tel. (252) 261-1760  
Fax (252) 261-1760





## 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:** Mark Bissell, Bissell Professional Group  
 Justin Old, Allied Properties LLC

**From:** Tammy D. Glave, CZO  
 Senior Planner

**Date:** July 11, 2019

**Re:** PB 19-17 Baxter Station – Planned Development Request

The following comments have been received for the July 11, 2019 Technical Review Committee meeting. Please provide necessary corrections prior to July 22, 2019 in order to be placed on the August 13, 2019 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

#### **Planning (Tammy Glave, 252-232-6025)**

Reviewed with comments:

1. Until recently zoning map amendments 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 Fost, effective May 6, 2019, placed emphasis on the 2006 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 PDR district signifies a discrepancy between the two plans.
  - a. Planned Development – Residential (PD-R) is not allowed on property with a Rural designation in the 2006 Land Use Plan (UDO Sections 3.7.2.B and 3.7.3). A 2006 Land Use Plan (LUP) map amendment by the Board of Commissioners would be required to change the Rural designation of the property to Full Service. We do agree that “there is no corresponding maximum density for the Rural Service Area”, but that is not an oversight, it is simply not allowed. The UDO restricts density in the Rural Service Area by not allowing a planned development in that classification.
  - b. The PD zoning district designation, the master plan, and the terms and conditions document shall be consistent with the LUP, and any applicable functional plans and small area plans adopted by the county. (UDO Section 3.7.2.E)
  - c. Preferred uses in the Rural classification included *very low density*, dispersed development associated directly with farm uses. Residential dwellings associated with farm activity typically employ on-site water supply (e.g. individual wells) and waste disposal (i.e. septic systems). *Areas meeting this intent of this classification are appropriate for or presently used for agriculture, forestry, and other similar uses.* Population densities are generally very low and *development density is anticipated at no more than 1 unit per 3 acres.* In addition, any

development in the Rural Areas would be served by *individual on-site water and septic*.

2. Schools are at or over the 2021 committed capacity in Moyock in the elementary and high school groups.
3. Compatibility issues with surrounding development are a concern. While lot size may be “identical to those that were recently approved in adjoining neighborhoods”, lot size is not the only factor to compare. Among other factors, it is also important to compare densities and the proposed 2.37 units per acre far exceeds those of surrounding developments:
  - a. Hidden Oaks: Density 1.9 units per acre with lot sizes similar to those proposed.
  - b. Baxter Lane Estates: Density .65 units per acre with the average lot size of .98 of an acre.
  - c. 15 Lots “stripped out along Baxter Lane” density: .39 units per acre with an average lot size of 2.66 acres.
4. Revise reference in Conversion Schedule “Duplex lots, if market conditions warrant, maybe converted to conventional single-family dwellings at the rate of 1.5 single-family lots per one duplex.” PD-R district allows no more than 85% of a maximum single housing type. At 127 units proposed, 19 would have to remain a different housing type, not all single-family dwellings.
5. The connectivity index score of 1.45 as shown is below the UDO requirement of 1.6 (UDO Section 5.6.4). It is staff’s opinion that the connectivity index score cannot be reduced because the developer has not demonstrated that it is not possible to meet the minimum score due to topographic conditions, natural features, existing road configuration, or adjacent existing development patterns. (UDO Section 5.6.4.C) With an undeveloped lot, without any of the above restrictions, the development can be designed to meet the minimum connectivity index score. The purpose and intent of community form standards like the connectivity index score adopted by the Board of Commissioners is to require developments to meet certain minimum standards within communities. A text amendment to the UDO to lower the index score for the PD-R district will be required.
6. Remove all references for off-site wastewater connection from the plan set and Terms and Conditions document since off-site wastewater connection is not available at this time. If off-site wastewater connection is desired and becomes available in the future, an amended application, plan, Terms and Conditions document, etc. is required.
7. It should be noted that the surrounding subdivisions used in comparison by the applicant are zoned Single-Family Mainland (SFM). Staff would support a rezoning from Agricultural (AG) to SFM if all UDO, LUP, and Moyock Small Area Plan standards are met. A LUP map amendment will still be required to change the classification from Rural to Limited or Full Service, but can take place simultaneous with the rezoning. The density allowed will then be compatible with the lots in Baxter Lane Estates and closer to compatible with the lots on the opposite side of Baxter Lane. Staff cannot speak to lot size similarities without knowing the average lot size for this development. The average lot size appears to be approximately 10,600 sf?

At preliminary plat/use permit submittal, the development will be reviewed for compliance with subdivision and development regulations, some of which are:

8. Please call out the easement for future connection for the street stub/sidewalks if not installing to the property line. (UDO Section 5.6.5.B and 5.6.10)
9. Call out 5’ non access easements on corner lots on the street with the most traffic. (UDO Section 10.3.3)
10. Call out how pedestrian crossings will be delineated. (UDO Section 5.6.10)

11. Call out the sight triangles for the main entrance. (UDO 10.3.4)
12. Call out the planting easements for street trees.

### Recommendations

13. Consider aligning the main entrance to the subdivision with the main entrance of Windswept Pines across Baxter Lane. It is more compatible to align the main subdivision entrance with another main subdivision entrance across the street than with a single-family dwelling across the street, particularly at night.

### **Currituck County Building and Fire Inspections (Ron Schaecher, 252-232-6024)**

Approved with corrections:

#### Inspection Comments

1. Cluster mail box units must be accessible (accessible route, reach ranges)
2. Accessible routes must be provided to all amenities such as pools, boardwalks, piers, docks and other amenities within the development. Plans must be designed to the 2018 NC Building Code design loads and structures must meet ADA requirements.
3. Curb cuts at vehicular traffic areas and pedestrian crossings must be ADA compliant and have detectable warning devices installed.
4. Soil engineering reports for footings will be required for lots that have fill placed on them where the footings do not rest at a minimum of 12" below grade on undisturbed natural soil. Site preparation, the area within the foundation walls shall have all vegetation, top soil and foreign material removed.
5. Compaction testing will be required for slabs and thickened footing areas that exceed 24" of fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to ensure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches for clean sand or gravel and 8 inches (203 mm) for earth.
6. Mark fire hydrants locations in the center of road/street with blue reflectors.

#### Fire Comments

7. Needed Fire Flow for construction is determined by the ISO method.
8. No new construction can occur that creates a Needed Fire Flow greater than the available fire flow on site.
9. Fences/barriers must not impede the fire hydrant access to site.
10. Gates/entrances to sites must be 20' clear width.
11. Fire apparatus must not have to back up on an access road greater than 150' without a turnaround as indicated in appendix D of the NC Fire Code. The backing of 150' should be measured in a straight line.
12. Fire apparatus access must be at least 20' wide 13' 6" in height. Maximum slope shall not exceed 10%.
13. All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.
14. By general statue parking is not allowed within 15' of a fire hydrant. (FDC)
15. Mark fire hydrants locations in the center of road/street with blue reflectors.

#### Subdivisions

16. Fire hydrants must be within 500' of all road frontages.
17. Cul-de-sacs must be 96' in width curb to curb at the center of the cul de sac.
18. Dwellings greater than 4800 sq. ft. and/or greater than 2 stories will be calculated using the ISO commercial method.
19. Dwellings 4800 sq. ft. and no greater than 2 stories may use set-backs as indicated in the ISO method to determine Needed Fire Flow.

**Currituck County Engineer (Eric Weatherly 252-232-6035)**

Reviewed with comment:

1. The ditch along Baxter Lane will be a key component for this project. We are aware of downstream restrictions that may impact proper drainage of this area.

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

Reviewed with comment:

1. GIS will assign addresses during the Preliminary Plat review cycle. Please submit proposed street names for review.

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

Reviewed with comment:

1. The county will be accepting a fee-in-lieu of recreation and park area dedication.

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

Reviewed with comment:

1. A major drainage way (Baxter Lane Ditch) runs down Baxter Lane and outlets to the NW River. This drainage way is responsible for draining Baxter Station and acreage west of 168.

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

Reviewed without comment.

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

Reviewed with comment:

1. NOTE: DUE TO PROPOSED SMALL LOT SIZES AND QUESTIONABLE SOIL CONDITIONS FOR SUB-SURFACE WASTEWATER SYSTEMS FOR EACH LOT THAT MAKES UP THIS PROPOSED SUB-DIVISION ; CURRITUCK COUNTY HEALTH DEPT. SUPPORTS CONSULTING ENGINEERS' PROPOSAL TO CONSTRUCT A WASTEWATER PACKAGE PLANT OR CONNECT TO A EXISTING WASTEWATER TREATMENT PLANT IF AVAILABLE TO PROVIDE WASTEWATER TREATMENT AND DISPOSAL FOR PROPOSED LOTS. \*CONSULT WITH KEVIN CARVER RS AT 252-232-6603.

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

Reviewed without comment.

**US Post Office (Moyock)**

Please contact the post office regarding method of mail delivery.

**Comments Not Yet Received from:**

Currituck County Water Department (Yama Jones, 252-232-2769)

NC Department of Transportation (Caitlin Spear, 252-331-4737)

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

- 3 - full size copies of revised plans
- 1 – 8.5 x 11" reduced copy
- 1- PDF digital copy of all revised or new documents and plans.

## TERMS & CONDITIONS

### BAXTER STATION PLANNED DEVELOPMENT

These Terms & Conditions shall be incorporated into the Master Plan approval for the Baxter Station PD-R:

1. Conditions related to approval of the application for the PD conditional zoning classification:
  - a) Improvements shall be made to the existing Baxter Lane ditch that fronts this property by the Developer as part of the first phase of the development including widening and laying back side slopes and putting the ditch on proper grade.
  - b) The development will be completed in a minimum of two phases, as shown on the Master Plan.
  - c) The development will be connected to a central wastewater treatment and disposal system, either an on-site facility or off-site facility, and to the Currituck County water system. Fire protection will be provided in accordance with the UDO Standards and the N.C. Fire Code.
2. The Master Plan including the density, dimensional standards and development standards that are shown on the Master Plan drawings and in this accompanying document shall be incorporated into the approval and adhered to by the Developer.
3. The housing styles shall conform to the example model home drawings that are and included as an attachment to this document. Variations shall be provided and permitted in colors, materials, and architectural detailing that are compatible with the design concept.
4. Transportation, potable water, wastewater, and stormwater management will be addressed in accordance with the following paragraphs:
  - a) Transportation: Three connections will be made to Baxter Lane. The main entrance will include a deceleration lane. Connectivity will be provided to N. Heritage Tree Manor (Hidden Oaks) to the south.

Roadways will be laid out generally as shown on the Master Plan and will be designed with a curb and gutter section per NCDOT subdivision standards, and will have sidewalks.

- b) Potable Water: Water will be supplied by Currituck County via an existing 8" main that will be extended along Baxter Lane and will be tapped and looped through the site and connected to an existing main at Hidden Oaks. Fire protection will be provided in accordance with UDO Standards and the applicable ISO standards. The water system will be modeled to demonstrate



adequate flow and pressure for fighting fires while meeting the maximum day domestic demand.

- c) Wastewater: A wastewater collection system will be constructed by the Developer and managed by either Currituck County or a privately owned wastewater utility that will be regulated by the North Carolina Utilities Commission. If off-site wastewater service becomes available (either a new Regional System or Currituck County) the development may connect to one of those utilities, generally as shown on the Master Plan. Land has also been set aside for the construction of a centralized wastewater treatment and disposal facility if it becomes necessary to construct a facility on-site. If so, the facility will be designed and constructed in accordance with NCDEQ Standards and approved by NCDEQ and regulated by the Utilities Commission.
- d) Stormwater Management: An existing major drainage way runs along the edge of Baxter Lane along the frontage of this property, which is in need of improvement. The developer will commit to widening and deepening and laying the slopes back on this ditch to carry an appropriate design storm based on modeling on both on and off-site stormwater that currently flows and will flow thru this ditch section. Those improvements will be completed in connection with the first phase of the Baxter Station development.

On-site stormwater will be managed by constructing a series of stormwater ponds that will be interconnected and retain and slow release stormwater primarily to the Baxter Lane ditch. In addition to modeling and retaining stormwater to the UDO and stormwater model annual standard of the difference between run-off from the 10 year developed condition and run-off from a two year wooded condition site, the stormwater will also be modeled for the 100 year storm event and property line berms constructed as necessary to manage the 100 year storm without adversely impacting neighboring properties.

Stormwater will conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open vegetated swales.

- 5. Provisions Related to Environmental Protection and Monitoring: There are no wetlands on this site subject to the jurisdiction of the US Army Corps of Engineers, nor is there any vegetation that needs to be protected. The site has been farmed for many years.

The main environmental protection and monitoring that will be associated with this development will be the installation and management of stormwater system, as well as lawn and landscape areas throughout the development.

As Association will be formed that will be responsible for management of these facilities, including the Baxter Lane ditch that runs from the railroad track to the eastern property boundary of the development.

6. Other Provisions: None at this time



**TABLE A**  
**DEVELOPMENT STANDARDS & SETBACKS**

<b>STYLE:</b>	<b><u>SIMPLEX</u></b>	<b><u>DUPLEX</u></b>
Min Lot Size:	10,000	12,500
Min. Lot Width:	65'	75'
Typ. Lot Width:	65'	80'
Front Setback:	20'	20'
Side Setback:	10'	10'
Rear Setback:	30'	30'
Corner Side Setback:	20'	20'
Maximum Setback:	N/A	N/A
Maximum Height:	35'	35'
Maximum Bldg. Size:	4,800 SF	4800 SF
Maximum Lot Coverage:	45%	45%

## Preliminary Building Elevations

(Actual construction is expected to be similar, though not identical, to these  
representative housing styles.)

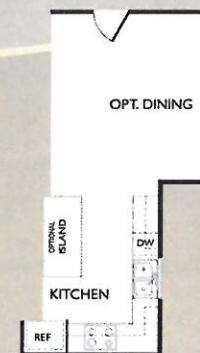
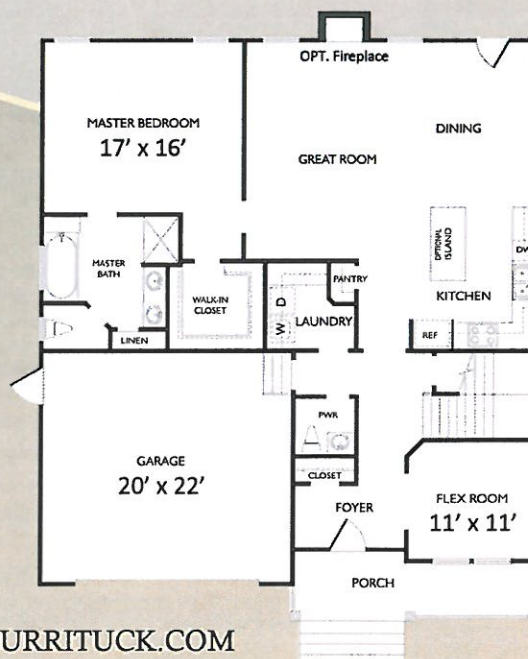
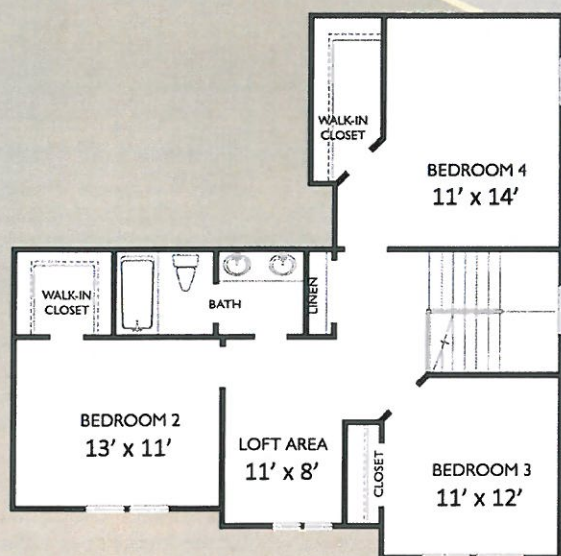




First Floor - 1,546 sq.  
Second Floor - 809 sq.  
Total Heated - 2,355 sq.  
Garage - 440 sq.  
Opt. Dining Room - 55 sq.



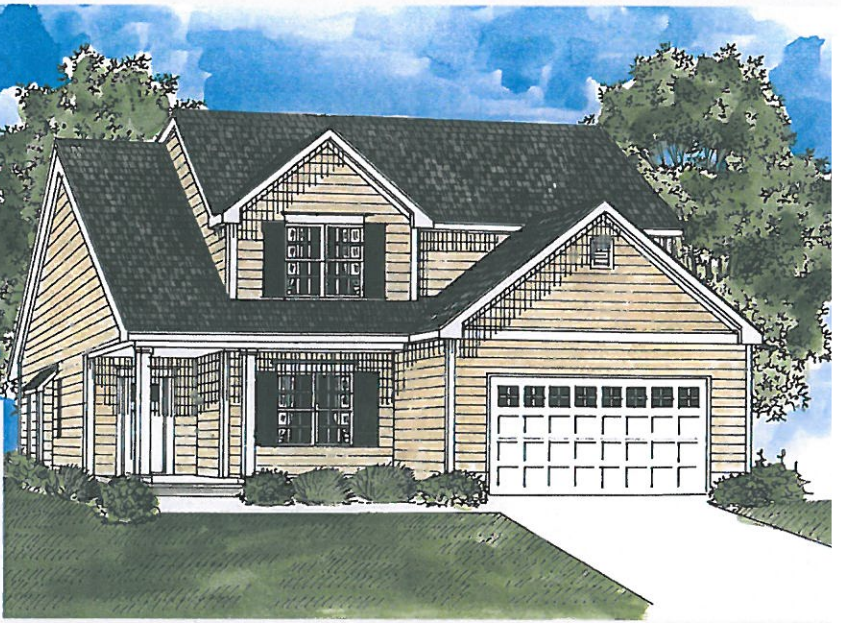
*Shown with side load garage, craftsman columns and decorative gables*



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.





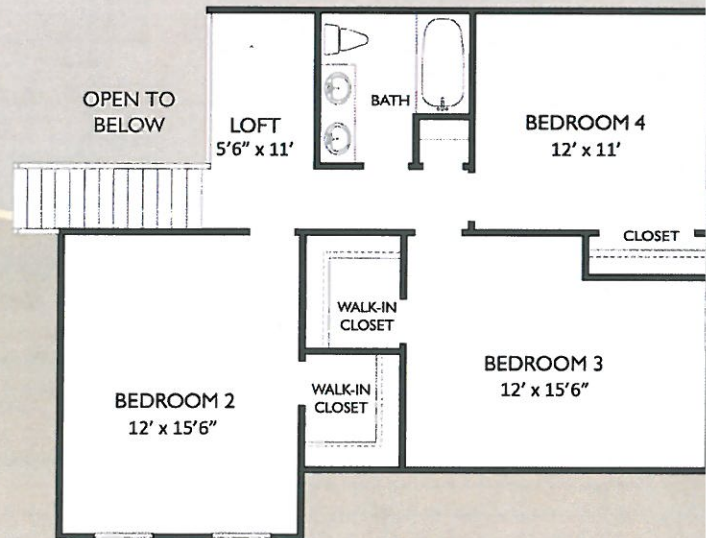
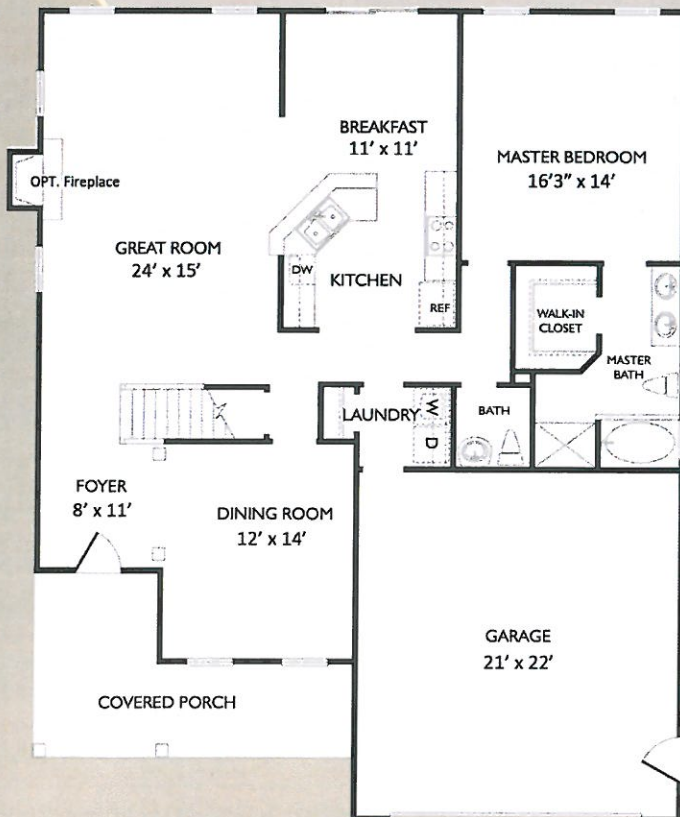
Standard Elevation



Elevation B

# THE MELINA

First floor - 1,494 Sq. F.  
 Second Floor - 784 Sq. F.  
 Total Heated - 2,278 Sq. F.  
 Garage - 462 Sq. F.

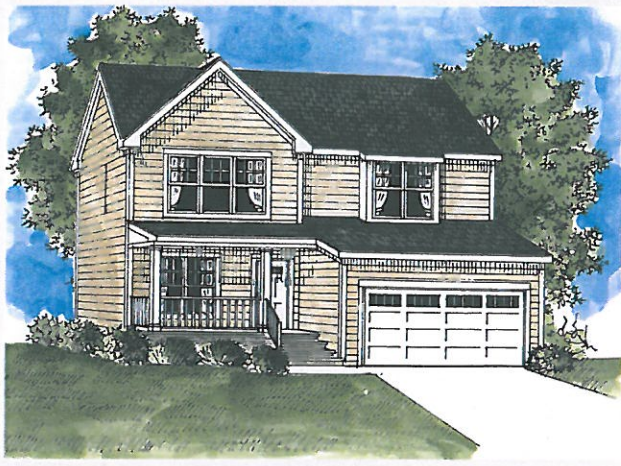


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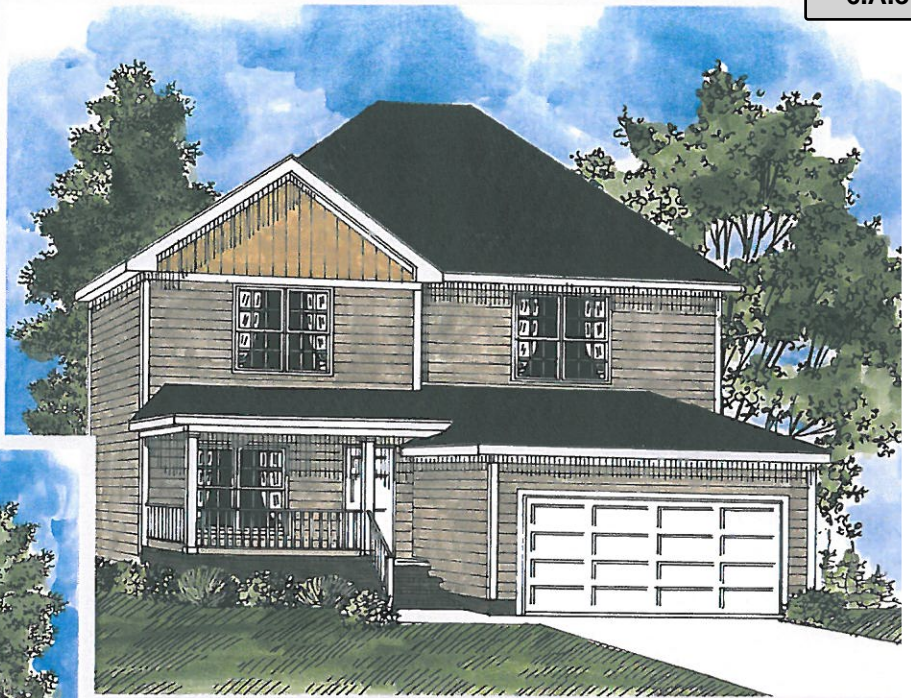
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Attachment: 5 Prelim. Bldg. Elevations (PB 19-17 Baxter Station)





Elevation B



Shown with decorative gable option.



OPT. MASTER BATH

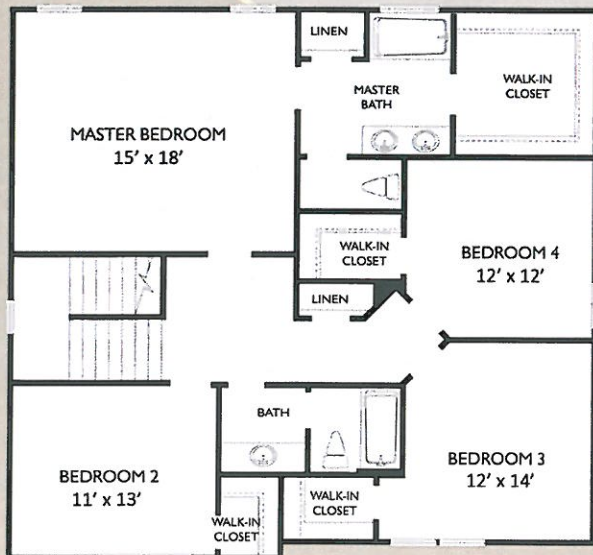
# THE AVINGTON

First Floor - 982 sq

Second Floor - 1,262 sq

Total Heated - 2,244 sq

Garage - 440 sq

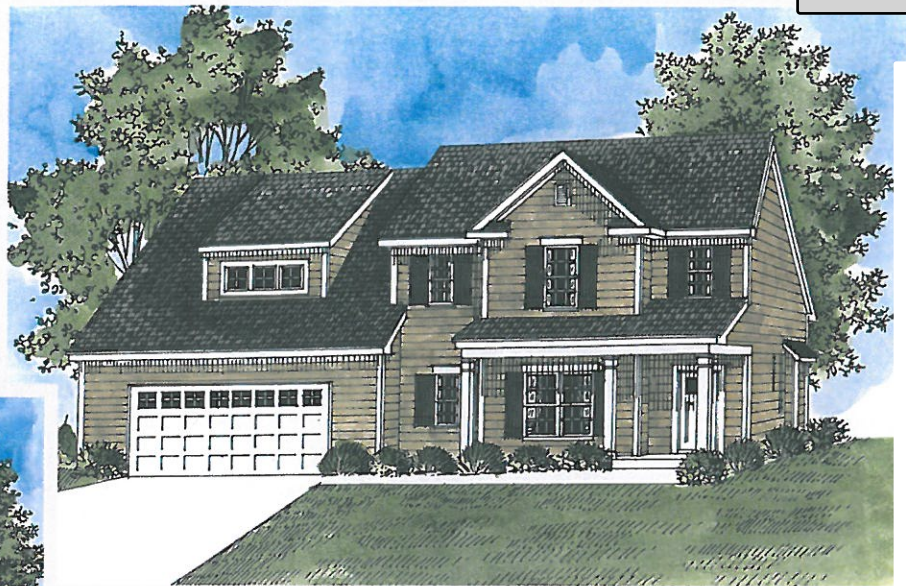


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Attachment: 5 Prelim. Bldg. Elevations (PB 19-17 Baxter Station)





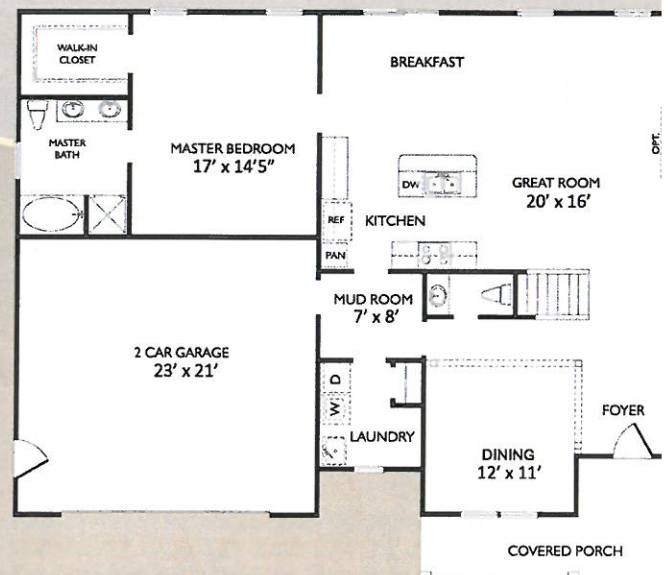
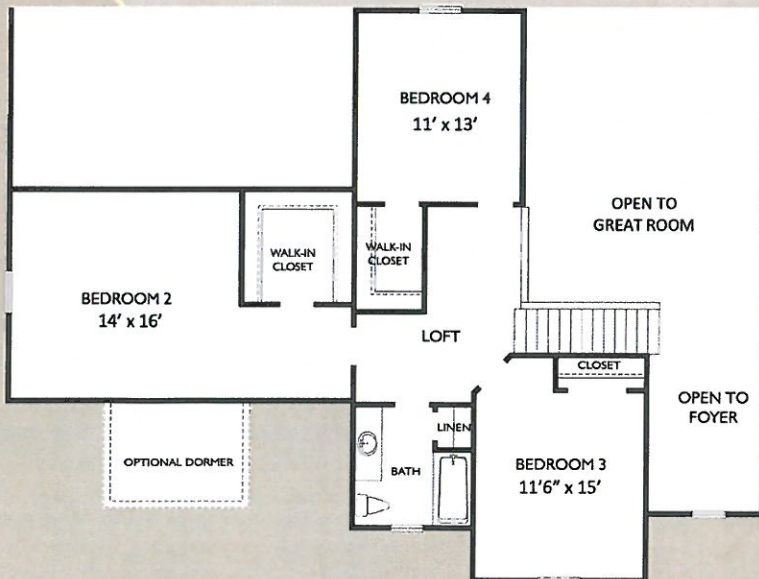
Shown with optional dormer

# 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



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Attachment: 5 Prelim. Bldg. Elevations (PB 19-17 Baxter Station)

## CONSISTENCY WITH COMPREHENSIVE PLAN BAXTER STATION

The proposed zoning is from AG to PD-R, with a sketch plan limiting density to approximately 2.58 units per acre. This request is for approximately 53.52 acres along Baxter Lane just off Caratoke Highway to provide new single-family planned development including a duplex section. 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. **2014 Moyock Area Small Area Plan ("MSAP"):**

The 2014 MSAP "is used to assist staff and the Board of Commissioners in guiding growth as well as planning for future county improvements to infrastructure and services." MSAP, p. 1. The plan guidance materials indicate that it was intended to:

"supplement the [2006] Land Use Plan to more specifically address the needs and issues of the [Moyock] study area over the next 10 years. The policies and guidance given in this plan are consistent with the Land Use Plan and other county policies and documents. This plan will establish a new focus for growth and development. The Board of Commissioners and staff will use the SAP to make recommendations about development proposals and other county land use policy decisions. This plan is a vital tool for staff in day to day decision making and in assisting the public with development proposals."

MSAP, p. 7. The MSAP Future Land Use Map "should be used in conjunction with the entire plan." MSAP, p. 30. The fact that the site is designated Full Service on the MSAP Future Land Use Map, will have County water available, is located close to 168, and is adjacent to a Full Service Area on the MSAP and 2006 LUP all support the requested density for the site.

The MSAP designates this area as Full Service Area, with densities up to 3 units per acre. This is significant because only several portions of the MSAP include Full Service; the majority of the plan is Rural Area and Conservation Area. MSAP p. 30. The Full Service designations "are focal points in the community where high amounts of activity occur ...[and] ... a broad range of infrastructure and service investments ... will be made available by the public and/or private sectors." These investments may include centralized water and sewer. MSAP p. 31. "[P]lanned commercial and residential areas with diversity in housing types is preferred. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surrounding land uses." MSAP p. 31.

Activity centers are located in full service designations, and are anticipated to be destination hubs for activity in the surrounding community. MSAP p. 32. This property is also almost adjacent to the largest Activity Center on the MSAP, the Employment Center, across Hwy 168. This center includes planned corporate parks, and supporting residential use is encouraged.

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



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

Policy CC 2 - Encourage non-residential and mixed use development that incorporates building and site design to enhance community appearance, promote human scale, and create a unique sense of place. This may include common themed building materials, forms, and site amenities.

## 2. 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 maximum density of 2.58 units per acre. The site is across from land zoned MXR and AG to the north, all put to residential, non-agricultural uses. To the west of the site is a General Business zoning designation, which extends along Caratoke Highway. To the east and south the land is zoned and used for residential use, zoned C-MXR and C-SFM. Directly across 168 from the property is an area proposed as G-3 and up to 12 dwelling units per acre.

**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. County water is available to be extended from Baxter Lane.

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 is consistent with the County's approach to development 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 in this area of Moyock. 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 applicant is proposing on-site stormwater improvements, centralized wastewater treatment with both off-site and on-site treatment alternatives offered, and will connect to County water available on Baxter Lane. 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 2.58 units per acre proposed.

**3. UDO:**

- A.** The proposed single-family residential use is designated in the PD-R (Planned Development – Residential) District is intended to encourage “creative design to provide a mix of different residential uses in close proximity to one another on mainland Currituck County, while at the same time providing an efficient use of open space.” UDO Sec. 3.7.3(A).
- B.** This district includes dimensional standards for single-family detached development, including the minimum district area of 50 acres, the maximum housing type, and buffers. UDO Sec. 3.7.3(B). Maximum density is established in the master plan for these districts, and may not exceed 3 units per acre in Full Service areas or 1.5 units per acre for Limited Service areas. 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 is thus consistent with the UDO.



## Baxter Station PD-R

### A. Statement of Planning Objectives for the District:

Baxter Station is a 53.52 acre tract of land located on Baxter Lane directly across Caratoke Highway from one of the proposed main entrances to the Currituck Station Mega Site. It is surrounded on three sides by existing residential development and on the fourth side by a railroad tract and commercial frontage on NC 168. The location and setting make it ideal for the development of a residential planned development, with lot sizes mirroring those in the recently developed Hidden Oaks Subdivision directly to the south. There is also an opportunity for an alternative housing type that is not currently available in the Moyock area, which is the duplex development.

The objective of this project is to develop an attractive community of single family and duplex lots with large expanses of open space that provide opportunities for active and passive recreation, and particularly connected by walking paths and multi-use trails. Multiple options are being proposed for wastewater treatment and disposal from this development.

The ways in which these goals and objectives will be achieved is shown graphically on the Master Plan, and is further described in the following paragraphs:

1. Two housing options are proposed, which are attractively designed single-family homes similar to those developed in neighboring Hidden Oaks, and upscale attractive duplex houses.
2. The Community will be pedestrian friendly, with open spaces and greenways connected by sidewalks and multi-use paths. There will be ponds and other large outdoor recreation areas.
3. Details of the Master Plan are shown on the drawings and supplemented by the information included on subsequent pages in this supplemental report, including development acreages, types and land uses, and residential density. Open spaces are also identified with tentative improvements shown.
4. The general location of an onsite wastewater treatment facility is shown, as well as two tentative force main routes for a possible off-site wastewater connection if one becomes available. The off-site wastewater solution is the preferred alternative for this development.
5. An existing 8" water main that runs along Baxter Lane will be extended in front of the property, and will be tapped to provide potable water for the development, generally as shown on the Preliminary Utilities Plan.
6. An overview of stormwater management facilities is provided on the plan, with more details provided in the Terms & Conditions section.

7. Solid waste management will be provided door to door using rollout trash containers.

**B. Densities/Intensities**

1. The proposed density for this development is 2.37 units per acre for the alternative that includes a wastewater treatment facility, and 2.58 units per acre for the off-site wastewater alternative.
2. The consistency with County plans is addressed in a separate attachment.
3. Compatibility with surrounding areas: The property is surrounded on three sides by existing residential development. To the north are residential lots stripped out on Baxter Lane and the recently developed Windswept Pines Subdivision. To the east is Baxter Lane Estates Subdivision which has been completed recently, and to the south is the Hidden Oaks Subdivision which is nearing completion. Both Hidden Oaks and Baxter Lane Estates have dedicated open space areas adjacent to the proposed development, ranging in width from 50' to more than 200' in width. An additional buffer is being proposed around the periphery of Baxter Lane Estates to increase separation to existing development.

To the west is the Chesapeake and Albemarle railroad and then commercial frontage along Caratoke Highway.

Lot sizes are identical to those that were recently developed in Hidden Oaks, and no land use compatibility issues are anticipated.

**C. Development Phasing Plan**

The community is proposed to be phased, with 2 phases being proposed for development as shown on the Master Plan drawings. The plan shows water and sewer infrastructure, open space and amenity areas which are associated with each development phase.

**D. Conversion Schedule**

Duplex lots, if market conditions warrant, maybe converted to conventional single-family dwellings at the rate of 1.5 single-family lots per one duplex lot. Also, if an off-site wastewater facility is utilized, the area set aside for an on-site utility system may be converted to open space so that an additional eleven (11) dwelling units can be developed, as shown on the alternative development plans.

**E. Onsite Public Facilities**

The developer will design and construct wastewater collection sewers, a pump station, water distribution mains, stormwater management facilities, roadways, sidewalks and multi-use paths throughout this development. These facilities are shown on the Master Plan.

All rights-of-way and easements necessary for the construction, use and ongoing maintenance of these facilities will be dedicated in accordance with applicable county, state and federal regulations.

**F. Street Standards**

The general street layout is shown on the Master Plan drawing. Pavement widths will be 27 feet from back-of-curb to back-of-curb, per NCDOT standards.

Roadways are being designed to accommodate emergency service vehicles in accordance with applicable standards, including the North Carolina Fire Code.

**G. Planned Development Terms & Conditions**

A Terms and Conditions document is attached on the following pages.







**4671 Baxter Station****Community Meeting Minutes****Monday, April 22, 2019****Scheduled Time/Place: 4:30pm, Moyock Library, Moyock, NC****Meeting Began at 4:35 pm**

**Attendees: Justin Old, Representing the Developer**  
**Tammy Glave, 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:

<b>Comments from the Community</b>	<b>How Addressed</b>
Traffic is increasing on Baxter Lane. Are there any plans to improve the road?	NCDOT periodically does traffic counts and uses the results to determine when improvements are needed.
A light is needed at the intersection of Baxter Lane and Highway 168.	The road to the West across from Baxter Lane will become one of the main entrances to the Currituck Station according to the County's master plan. It is our understanding that a traffic light will eventually be provided at that intersection, but the timing will be up to NCDOT.
Please make sure there is no drainage impact on Hidden Oaks.	Drainage is being directed to the North toward two large stormwater ponds located adjacent to the canal that runs along Baxter Lane.
There is a drainage issue at the end of the road that will connect to the new development.	There is some standing water now after a rain fall, but that is because the final lift of asphalt has not yet been installed, which should clear up that problem.
How many duplexes will there be?	We are showing 15 lots, or 30 total duplex units on the master plan



What will be the values of the duplexes?	We are anticipating approximately \$225,000 sale price. They will be two-story, upscale units.
What is the build-out schedule?	We anticipate a build-out in approximately three years if market conditions continue to be strong.
Will the tree buffer remain?	The existing tree buffer will remain and we are proposing additional buffer on the Baxter Station side.
Really like the buffer. How wide will it be?	The buffer at Hidden Oaks ranges from 50' to more than 100'. A 50' buffer is being proposed at Baxter Station, so the minimum total buffer should be 100' between lots.
How will the Baxter Lane ditch be improved?	The ditch will be widened, deepened as necessary to put it on a positive grade along Baxter Lane, and then the side slopes laid back at a 3 to 1 slope for ease of future maintenance.
Where will the ponds overflow?	They will overflow directly to the Baxter Lane ditch which runs east to an outlet at Moyock Creek.
We are concerned about traffic on Heritage Tree Manor. Can speed bumps be installed?	We don't believe that NCDOT will allow speed bumps to be installed on what will become a state road. However, we are providing a Tee intersection with a stop sign about 200' into the project.
Houses will be two stories?	Most houses will be two story.
Will there be sidewalks?	There will be sidewalks on both sides of the street as well as a walkway through the central park area.
How will wastewater be handled?	We are planning to put in a pump station and force main to connect to an off-site wastewater treatment plant, either the Moyock treatment plant owned by Currituck County or another plant. The county may also require us to look at an on-site wastewater treatment option.

The main part of the meeting ended at approximately 5:20 PM; several of the community members stayed to look at the maps and further discuss the details of the development, until about 5:45 PM.



## Planned Development Application

**OFFICIAL USE ONLY:**

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

**Contact Information**
**APPLICANT:**

Name: Allied Properties, LLC  
 Address: 417 Caratoke Hwy., Unit D  
Moyock, NC 27958  
 Telephone: (252) 435-2718  
 E-Mail Address: jold@qhoc.com

**PROPERTY OWNER:**

Name: Jarvis Harvest, LLC  
 Address: 701 Blue Point Dr.  
Wilmington, NC 28411  
 Telephone: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

**Property Information**

Physical Street Address: Baxter Lane, Moyock, NC  
 Location: Moyock, NC  
 Parcel Identification Number(s): 0009000025A0000  
 Total Parcel(s) Acreage: 53.43  
 Existing Land Use of Property: \_\_\_\_\_

**Request**

Current Zoning of Property: \_\_\_\_\_

Proposed Zoning District

- ☒ Planned Development – Residential (PD-R)  
☐ Planned Development – Mixed (PD-M)  
☐ Planned Development – Outer Banks (PD-O)

Amendments

- ☐ Amended Master Plan  
☐ Amended Terms and Conditions

**Community Meeting**

Date Meeting Held: April 22, 2019 Meeting Location: Moyock Library

**Planned Development Request**

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 master plan, terms and conditions document, 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 planned development so authorized and shall be submitted to the Technical Review Committee.

By: JARVIS HARVEST, LLC  
Charles T. Busby, Manager

6/27/19  
 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.

Planned Development Application  
 Page 5 of 7

Revised 7/1/2018

Attachment: 10 Signed Application (PB 19-17 Baxter Station)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2778)

**Agenda Item Title:** Consideration of Personnel Policy Revisions-Sick Leave and Retiree Health Insurance

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

### **Brief Description of Agenda Item:**

#### **Reason for Request:**

The Board is being asked to consider revisions to the personnel policy:

Revisions to employee sick leave related to Covid-19 (Art. 6, Sec. I)

Revision to health insurance policy for retirees (5 employees affected, if adopted) (Art. 7, Sec. C)

Revised language is included in agenda packet documents.

**Potential Budget Affect:** Sick leave policy-N/A Retiree Health Insurance-Total for five employees: \$14,540/yrly

**Is this item regulated by plan, regulation or statute?**

**Manager Recommendation:**



- C. Except in cases of emergency, Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or an employee must call the immediate supervisor at or prior to their schedule starting time for that day. Sick leave may only be taken with the approval of the immediate supervisor.
- D. The employee's Department Head or the County Manager may require a statement from the physician, or other acceptable proof, that the employee was unable to report for work as a condition of approving sick leave. At the expiration of an authorized sick leave period of 90 days or more, the employee's Department Head or County Manager may require a fitness-for-duty examination at the County's expense, to determine whether the employee is able to resume normal duties.
- E. Unused sick leave is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employee's Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and an additional month is credited for any part of twenty (20) days unused sick leave left over.
- F. Employee must notify County of any unused sick leave earned from another North Carolina governmental agency. The total number of days accepted as transferred will be added to the record after completion of the six months probationary period. Verification of accumulated sick leave must be received in writing from the previous employer.
- G. Employees who retire or resign with the County shall lose all sick leave credits. No employee shall be paid for any accrued sick leave if the employee leaves employment for any reason.
- H. During a National State of Emergency in effect for the 2019 Novel Coronavirus (COVID-19) employees can take sick leave for any reason. Sick leave will be advanced in situations where an employee does not have an accrued sick leave balance. Once the National State of Emergency is not in effect employees will be required to pay back any advanced sick leave time. Shared leave will be suspended for all reasons during the National State of Emergency. If an employee leaves employment while owing advanced sick leave the amount will be deducted from vacation and compensatory time.
- I. The Families First Coronavirus Response Act is a law which has different acts with the shared goal of providing relief to those who have been or will be adversely affected economically by the COVID-19 pandemic. The Act is effective from 4/1/2020-12/31/2020. This Act has two parts:

1. The Emergency Family and Medical Leave Expansion Act covers all employees who have been employed for thirty days. Employees may take up to 12 weeks of leave when an employee is unable to work or telework due to a need for leave to care for son or daughter under 18 years of age if the school or place of care has been closed, or the child care provider is unavailable due to an emergency with respect to COVID-19 as declared by a federal, state or local authority.

Only employees for whom Currituck County has work – whether it is work at the employee’s regular workplace or remote work (telework) – are eligible for emergency FMLA leave. If an employee has been directed to remain at home and there is no work that can be performed from home, the employee will not be eligible for emergency FMLA leave even if he or she would be unable to work because of school closures or the unavailability of their regular child care provider.

The first ten days of emergency FMLA are unpaid but an employee may choose to use any accrued paid leave during the first ten days of emergency FMLA leave. Employees may use their maximum of 80 hours of emergency paid sick leave instead of accrued leave. See below.

2. The Emergency Paid Sick Leave Act covers all employees. All full-time employees are entitled to a maximum of 80 hours of emergency paid sick leave. Part-time and temporary employees are also eligible for emergency paid sick leave and the amount of leave will be calculated on a case-by-case basis. The circumstances an employee qualifies for emergency paid sick leave are:
  - a. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
  - b. The employee has been advised by their healthcare provider to self-quarantine because they are infected with or have been exposed to COVID-19 or because they are at high risk of complications from COVID-19;
  - c. The employee is showing symptoms of COVID-19 and is seeking but has not yet received a medical diagnosis;
  - d. The employee is caring for someone subject to a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare provider to self-quarantine for COVID-19 related reasons; or
  - e. The employee is caring for his or her son or daughter because the child’s school or childcare facility has been closed or the childcare provider is no longer available because of a COVID-19 related reason.

6.6

ED: 03/16/2020 (REV)-04/20/2020 (REV)

Only employees for whom Currituck County has work – whether it is work at the employee's regular workplace or remote work (telework) – are eligible for emergency paid sick leave. If an employee has been directed to remain at home and there is no work that can be performed from home, the employee will not be eligible for emergency paid sick leave even if he or she meets one of the qualifying conditions for sick leave. This is true whether or not Currituck County has formally furloughed employees.

It is up to the employee to decide whether to use emergency paid sick leave before any other form of accrued paid leave the employee has. Currituck County may not require an employee to use accrued sick, vacation or personal leave or, for nonexempt employees only, accrued comp time before using emergency paid sick leave. Any accrued paid time off previously earned by an employee may not run concurrently with emergency paid sick leave.

Other information regarding each act, FICA deductions, etc. may found at the following link: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>.

## **Section 607 Leave without Pay**

- A. Leave without pay may be granted for up to six (6) months by the County Manager upon recommendation of the Department Head. Upon returning to duty after being on leave without pay, the employee shall be guaranteed a position of the same classification and pay. Failure to report for duty at the expiration of the leave without pay period, unless an extension has been granted, shall be considered a resignation.
- B. Vacation, holiday and sick leave credits will not be accrued during leave without pay. Longevity eligibility date will be extended by the same length of days (partial days shall revert to whole days) the employee was on leave without pay. Individual hospitalization and dental insurance provided for the employee by the employer during regular pay will not be provided as employer expense benefits during leave without pay, unless the employee is on FMLA leave or on the payroll a minimum of half the working days during the calendar month. The employee, however, may continue to be eligible for any benefit(s) under the County's group plans, subject to regulations adopted by the Board of Commissioners and the respective group carriers.
- C. The employee must apply in writing to the Department Head for leave without pay. The employee is obligated to return to work within or at the end of the time granted. Requests for leaves of absence without pay will be submitted to the County Manager as far in advance as possible.



# ARTICLE 7

## Employee Benefits

### Section 701 Insurance Benefits

- A. The County offers both medical and dental coverage, under the County's group health plan, to all regular full-time employees and regular part-time employees occupying budgeted positions. For clarification purposes, regular part-time employees are those who work a minimum of thirty hours per week. Each employee shall be enrolled for coverage in accordance with the Health Plan provisions. Coverage will begin on the first day of the month following a waiting period of thirty (30) calendar days. Effective July 1, 2017 Medical and dental coverage will terminate on the effective date of resignation. Employees who are on FMLA as of their resignation date will have individual medical and dental coverage paid for by the County.
- B. Payroll deductions shall be allowed, at the option of the employee, to provide coverage for dependents in accordance with the provisions of the County's Group Health Plan.
- C. All employees with a hire date through September 1, 2007 who are covered under the County's Group Health Plan and retiring from the County with at least ten years continuous creditable service with Currituck County and eligible for retirement benefits from the North Carolina Local Government Retirement System, are eligible for coverage under the County's Group Health Plan. ~~Employees who have left full-time employment with Currituck County and returned to full-time County service with no longer than a ten (10) day break in service are eligible to contribute accumulated vacation time to account for the break in service. This accumulated vacation time contribution will be based on an hour for hour basis not to exceed eighty hours. The County will pay a pro rata share, according to the following schedule, of a retiree's individual coverage but in no instance shall the benefit cost exceed that of an active employee:~~

**NUMBER OF YEARS OF  
CREDITABLE CURRITUCK COUNTY  
SERVICE**

**PERCENTAGE OF COUNTY'S  
PARTICIPATION IN THE PLAN**

10 yrs. but less than 15 yrs.	50% of active employee rate
15 yrs. but less than 20 yrs.	75% of active employee rate
20 yrs. or more	100% of active employee rate

All employees hired after September 1, 2007 and before January 1, 2017 who are covered under the County's Group Health Plan and retiring from the County with at least twenty (20) years of continuous creditable service with Currituck County and eligible for retirement benefits from the North Carolina Local Government Retirement System, are eligible for coverage under the County's Group Health Plan at a County participation rate of one hundred (100) percent of the active employee rate. Employees who have left full-time employment with Currituck County and returned to full-time County service with a one year or less break in service and who meet the above mentioned criteria are also eligible for coverage under the County's Group Health Plan. Employees hired on or after January 1, 2017 will not be eligible for County-paid insurance at retirement.

Retirees must accept or decline the County's Group Health Plan coverage within sixty (60) days of the day of retirement. Re-enrollment in the County's Group Health Plan after this time period is not optional.

Employee status of coverage will change when a retiree becomes eligible for Medicare. When this occurs, the County's Group Health Plan becomes secondary coverage to Medicare. Coverage will also be affected by a Health Plan provision in which retiree eligibility is amended.

## **Section 702 Unemployment Compensation**

County employees who are laid off or dismissed from the County service may apply for unemployment compensation through the local office of the North Carolina Department of Employment Security. Eligibility for unemployment compensation will be determined by the North Carolina Department of Employment Security.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2781)

**Agenda Item Title:** Discussion to Consider an Exchange of Property, Grandy Road

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Discussion

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**Brief Description of Agenda Item:**

**Reason for Request:**

Request from neighboring property owner to consider exchange/boundary shift to provide access to property located behind the county-owned parcel.

**Potential Budget Affect:** (N/A)

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**





Mapping	Search
Show All Selections	
Selection Options	Clear
Zoom to selected map feature	
Selected Parcels Feature	
Parcel ID Number	0095000039B0000
Global PIN	9911-96-2409
Number	
Apt/Unit/Suite	
Street Direction	
Street Name	GRANDY
Street Type	RD
Street Suffix	
Direction	
City	GRANDY
Subdivision	
Legal Description	OLD DUMPSTER SITE-GRANDY
Township	POPLAR BRANCH ML
Owner Name 1	CURRITUCK COUNTY
Owner Name 2	
Owner Name 3	
Billing Address	P O BOX 9
Billing Address Continued	
Billing City	CURRITUCK
Billing State	NC
Billing ZIP Code	27929
Acreage (Legal)	1
Acreage (GIS)	1.01
Tax Value: Land	45000
Tax Value: Buildings	0
Tax Value: Total	45000
Tax Value: Deferred	0
Last Sale Date	1985-12-11
Last Sale Price	0
Qualified Sale?	
Deed Book	208
Deed Page	798
Plat Cabinet	208
Plat Slide	800
Data Date	2020-03-09
Owner Name 4	
Owner Name 5	
Owner Name 6	
Owner Name 7	
Owner Name 8	
Owner Name 9	
Owner Name 10	



## CURRITUCK COUNTY NORTH CAROLINA

March 16, 2020

Minutes – Regular Meeting of the Board of Commissioners

### WORK SESSION

#### 1. 4:00 PM Cooperative Extension Report to the People

The Board of Commissioners met at 4:00 PM at the Currituck Cooperative Extension Center in Barco, North Carolina, for the annual "Report to the People" presentation. Director, Cameron Lowe, introduced Cooperative Extension staff members and reviewed the many activities and programs available through the Extension office. Positive economic impacts from 2019 noted 328 class offerings and volunteers contributing 9,300 hours of service. A variety of displays provided an opportunity for attendees to learn more about program offerings from Extension staff. A light meal was served. The recent virus outbreak of COVID-19 was discussed. Ms. Lowe reviewed cleaning recommendations published by North Carolina State University to prevent the spread of the virus, and County Manager, Ben Stikeleather, presented recommendations the county should consider to reduce the risk of public and employee exposure to the Covid-19 virus. County Attorney, Ike McRee, and Emergency Management Director, Mary Beth Newns were also present and they, along with Mr. Stikeleather, answered questions and clarified both legal and safety aspects of the recommendations. Commissioners agreed safety measures should be implemented, and Mr. Stikeleather said he would present the recommendations at the regular meeting for Board action. Following discussion, Commissioners thanked Ms. Lowe and Extension staff for their efforts and hard work. The work session concluded at 5:30 PM.

#### 6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met in regular session at 5:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

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.

Communication: Minutes for March 16, 2020 (Approval Of Minutes for March 16, 2020)

**A) Invocation & Pledge of Allegiance**

Commissioner Mary Etheridge offered the Invocation and led the Pledge of Allegiance.

**B) Approval of Agenda**

Commissioner Payment moved for approval of the agenda. The motion was seconded by Commissioner Jarvis. The motion carried.

Approved agenda:

**Work Session**

4:00 PM Cooperative Extension Report to the People

**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) **Consideration and Action: PB 90-07 Pine Island, Phase 5:** Request for a preliminary plat/use permit for a 23 lot Planned Unit Development on Audubon Drive, Tax Map 128, Parcel 2H, Poplar Branch (Beach) Township.

**New Business**

- A) **Consideration of An Ordinance Amending Section 2-97 of the Currituck County Code of Ordinances to Increase the Number of Consecutive Terms a Member of an Authority, Board or Commission May Serve**
- B) **Airport Hangar Lease Agreement**
- C) **Consideration for the Approval of a Sand Fencing Grant Program Agreement**
- D) **Resolution Opposing Proposed Rule Changes by the NC Wildlife Resources Commission to move the Boundaries of Inland Waters**



**and Coastal Waters****E) Consent Agenda**

1. Approval Of Minutes-March 2, 2020
2. Budget Amendments
3. Surplus Resolution-Communications (Radio/Tower Equip)
4. Classification Chart Revision and Salary Adjustments: Public Works Director, Sheriff

**Recess Regular Meeting****Special Meeting of the Tourism Development Authority**

Budget Amendment-TDA

**Adjourn Special Meeting and Reconvene****Closed Session**

Closed Session Pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to Preserve the Attorney-client Privilege in the Matter Entitled 85 and Sunny, LLC v. Currituck County.

**Adjourn**

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

Karen Coolman, Jamie Coolman and daughter, Carley Martinette, residents at 172 Old Jury Road, Moyock, talked about flooding issues at their property they believe are related to construction of a new subdivision on a neighboring property. Photos of the Coolman's property displayed on the overhead first showed their property under dry conditions followed by more recent pictures of flooded conditions. Photos of the neighboring construction area, which showed standing water at the property boundary from a recent rain event, were used to demonstrate the source of the water that is causing their flooding issues. Ms. Martinette read a statement describing health problems for their horses due to the standing water and the family's efforts to ease flooding by bringing in large amounts of fill.

Board members clarified some of the points presented with the Coolmans, and staff discussed challenges related to the inability to require an upstream or downstream analysis

when considering new subdivisions. County Manager, Ben Stikeleather, said a prior inspection had taken place at the site and County Engineer, Eric Weatherly, presented his thoughts as to what is causing the flooding. Laurie LoCicero, Planning and Community Development Director, used the overhead and displayed the adjoining subdivision plat for Board reference and noted the original conditions within the property prior to development. Commissioners and staff discussed the possibility that when subdivision construction began, water that used to drain onto the site was no longer able to do so, resulting in flooding at properties along Old Jury Road.

Mr. Weatherly said he would meet with homeowners to see what could be done to help improve drainage on Old Jury Road. Following discussion, Commissioners directed county staff to visit and assess the area, determine where the water was coming from, and develop a plan for drainage improvements that homeowners and the subdivision developer could use to alleviate the flooding on Old Jury Road.

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

### **COMMISSIONER'S REPORT**

Chairman White announced the earlier work session. He relayed some of the information presented at the Report to the People including the educational opportunities and services provided by Cooperative Extension. He discussed the success of county events and horse shows held at the Currituck County Rural Center. Chairman White said safety measures will be implemented for county facilities as a way to help prevent public and employee exposure to Coronavirus, and he shared web resources where information on Covid-19 could be found.

Commissioner Payment recently attended an Alcohol Abuse event at Moyock Middle School and explained funding for these types of educational programs is provided through the Alcoholic Beverage Control (ABC) Commission. He also commended all involved for the excellent response to a recent fire in Lower Currituck County.

Commissioner McCord also attended the alcohol abuse presentation at Moyock Middle School and said it was a good program. He congratulated fellow Commissioners on their successful primary elections. He also acknowledged responders to the recent fire call in Lower Currituck and encouraged citizens to call dispatch if they require assistance.

Commissioner J. Owen Etheridge said he attended the Crawford Township Volunteer Fire Department awards banquet and noted how impressed he was with their firefighter training efforts. He cautioned all to pray, be safe, and use common sense to protect against the COVID-19 virus.

Commissioner Jarvis reported on the recent Trillium Health advisory meeting where human trafficking was discussed. Statistics showed North Carolina is tenth in the nation for the number of trafficking victims and signs of trafficking were presented. She commended Sheriff Beickert for his outreach to educate the community about human trafficking. Commissioner Jarvis reported on the recent community recycling meeting held for Corolla homeowners and commended the County Manager for his honest conversation and professional presentation to those who attended.

### **COUNTY MANAGER'S REPORT**

Communication: Minutes for March 16, 2020 (Approval Of Minutes for March 16, 2020)

Ben Stikeleather, County Manager, reviewed a list of recommendations for implementation by the county to help slow the spread of the Corona Virus and protect citizens and employees from exposure. Mr. Stikeleather said recommendations would begin the following day and stay in effect for thirty days, with Board approval. Recommendations included the closure or restricted access for county facilities, cancellation of all scheduled public meetings and events, departmental staffing changes, and modifications to the employee sick leave policy. He said the county would remain open for business. Essential personnel such as emergency services and utilities employees would remain on duty.

Following review and discussion, Mr. Stikeleather requested Board action to approve the recommendations and revised sick leave policy included in documents distributed earlier to Commissioners. Commissioner Payment moved to accept the recommendations as presented by the County Manager. Commissioner J. Owen Etheridge seconded the motion. The motion carried unanimously.

Mr. Stikeleather confirmed modifications would begin the next day and run through April 17, 2020, and be reevaluated as needed.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<b>SECONDER:</b>	J. Owen Etheridge, Commissioner
<b>AYES:</b>	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 HEARINGS

### A. Consideration and Action: PB 90-07 Pine Island, Phase 5:

#### APPLICATION SUMMARY

<b>Property Owner:</b> Pine Island Properties, LLC 4400 Silas Creek Pkwy, Suite 302 Winston Salem, NC 27104	<b>Applicant:</b> Turnpike Properties, LLC 4400 Silas Creek Pkwy, Suite 302 Winston Salem, NC 27104
<b>Case Number:</b> PB90-07	<b>Application Type:</b> Preliminary Plat/Use Permit Phase 5B
<b>Parcel Identification Numbers:</b> 0128-000-002H-0000 (Phase 5B)	<b>Existing Use:</b> Planned Unit Development
<b>2006 Land Use Plan Classification:</b> Full Service	<b>PUD Parcel Size (Acres):</b> 366.22 <b>Phase 5B:</b> 25.15
<b>Request:</b> Preliminary Plat/Use Permit	<b>Zoning:</b> SFO with PUD Overlay
<b>PUD Number of Units:</b> 303 units <b>Phase 5B:</b> 23 units	<b>PUD Density:</b> .87 units per acre <b>Phase 5B:</b> .91 units per acre
<b>PUD REQUIRED Open Space:</b> 128.18 acres (35%) <b>Phase 5B:</b> 7.01 acres (27.9%)	<b>PUD PROVIDED Open Space:</b> 137.95 acres (37.67%) <b>Phase 5B:</b> 7.01 acres (27.9%)

#### SURROUNDING PARCELS

Communication: Minutes for March 16, 2020 (Approval Of Minutes for March 16, 2020)



	Land Use	Zoning
North	Single Family Dwellings, Hotel and National Audubon Society Property	SFO with PUD Overlay
South	Single Family Dwellings and National Audubon Society Property	SFO with PUD Overlay
East	Single Family Dwellings and Atlantic Ocean	SFO with PUD Overlay
West	National Audubon Society Property	SFO with PUD Overlay

The applicant is requesting preliminary plat/use permit approval for a 23 lot residential subdivision within the Pine Island Planned Unit Development (PUD). On September 16, 2019, the Board of Commissioners approved an amended sketch plan/use permit for Pine Island PUD to allow Phase 5B (Lot 4R) to be developed as 23 single-family dwelling lots on condition that the side setbacks shall be a minimum of 15' on the proposed lots. The applicant is proposing 15' side setbacks for principal structures. The property is located adjacent to the Atlantic Ocean, south of the Hampton Inn in Corolla. Paved sidewalks are proposed within the subdivision and connections will be made to the existing sidewalk along NC12. Community water access is available on the North and South of the property and each owner of oceanfront property may construct a private beach access way. A cabana is proposed at the northern end of the property.

A community meeting was not required for this application; community meetings are not required for plats of less than 50 lots.

INFRASTRUCTURE	
<b>WATER</b>	PUBLIC
<b>SEWER</b>	PRIVATE CENTRALIZED SYSTEM
<b>TRANSPORTATION</b>	PEDESTRIAN: PROPOSED SIDEWALK WILL CONNECT TO PATH ALONG NC1 CONNECTIVITY SCORE: MINIMUM = 1.2 PROPOSED = 1.5
<b>STORMWATER/DRAINAGE</b>	REVIEWED BY SOIL AND STORMWATER MANAGER.
<b>LIGHTING</b>	NONE PROPOSED.
<b>LANDSCAPING</b>	STREET TREES WILL BE REQUIRED.
<b>PARKING</b>	ADEQUATE PARKING WILL BE PROVIDED ON EACH LOT AS WELL AS AT THE PROPOSED CABANA AMENITY.
<b>COMPATIBILITY</b>	THE USE IS COMPATIBLE WITH THE 2006 LAND USE PLAN.
<b>RECREATION AND PARK AREA DEDICATION</b>	A FEE-IN-LIEU WILL BE PROVIDED. THE FEE WILL BE BASED ON THE ASSESSED VALUE AT THE TIME OF FINAL PLAT.
<b>RIPARIAN BUFFERS</b>	CAMA REGULATIONS APPLY TO OCEANFRONT LOTS.

## 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.

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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. Side setbacks shall be a minimum of 15' for principal structures.
  - b. A fee in lieu is required and shall be paid prior to final plat.

## 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 STAFF FINDINGS

The use will not endanger the public health or safety.

PRELIMINARY APPLICANT FINDINGS:

1. THE USE CONFORMS TO ADJACENT LAND USES.
2. APPROPRIATE CONSIDERATIONS TO THESE COMPONENTS WILL BE GIVEN DURING DESIGN OF CONSTRUCTION DRAWINGS.
3. THE PROPOSED DEVELOPMENT WILL BE SERVED BY A NEW ROADWAY MEETING NCDOT STANDARDS AND WATER/SEWER MEETING STATE REGULATIONS.

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

PRELIMINARY APPLICANT FINDINGS:

1. The proposed use will not injure the values of adjoining or abutting properties and will complement the adjoining existing uses.
2. The proposed single family dwelling lots are equivalently sized (actually larger) to the adjoining subdivision and offer similar amenities.

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

Preliminary Staff Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The proposed use is consistent with the policies of the plan, including:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.

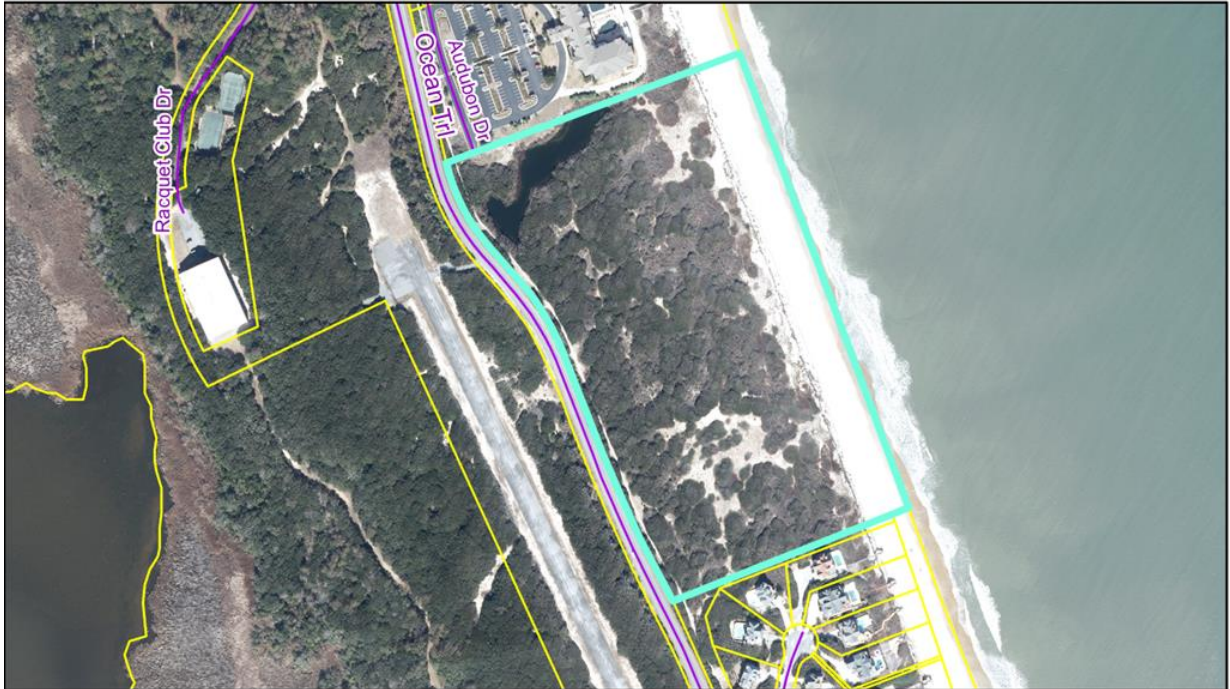
POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment.

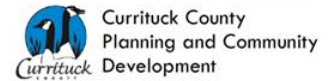
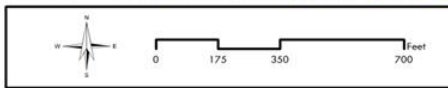
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

PRELIMINARY STAFF FINDINGS:

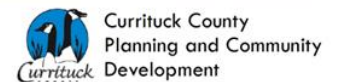
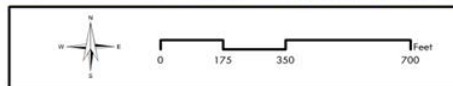
1. The proposed use will not exceed the county's ability to provide adequate public facilities. Utility services are proposed for the site, wastewater and water capacity are available, and on-site stormwater management is proposed to address additional run-off.



Pine Island PUD Phase 5B  
Preliminary Plat/Use Permit  
Aerial

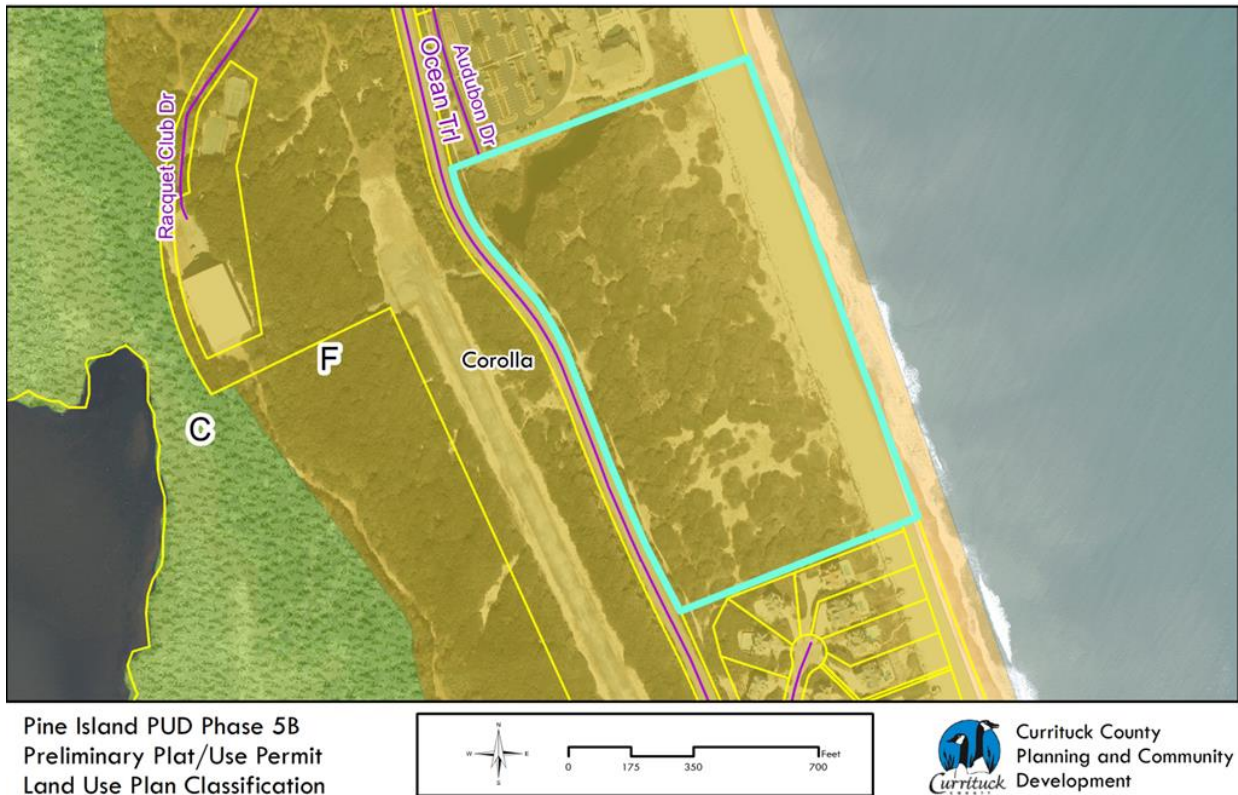


Pine Island PUD Phase 5B  
Preliminary Plat/Use Permit  
Zoning



Communication: Minutes for March 16, 2020 (Approval Of Minutes for March 16, 2020)





Parties to testify were sworn in and Planner, Jennie Turner, reviewed the request which was continued from the February 17, 2020 meeting of the Board of Commissioners. Ms. Turner used the overhead and displayed an aerial of the subdivision location and plat. Findings of fact, conditions of approval, and setback exemptions and encroachments were reviewed and discussed by the Board.

John Morrison, Attorney representing the applicant, addressed the Board of Commissioners. He confirmed the applicant is agreeable to a fifteen foot setback with allowable encroachments as described.

Gregory Bourne of Kitty Hawk, licensed Real Estate Appraiser, was questioned by Mr. Morrison about his qualifications and experience performing appraisals in the area. Mr. Bourne discussed the methods used to develop his assessment of the subject property. Mr. Bourne's findings determined the development would not impact the value of neighboring properties and would be in harmony with the area in which it is located. Mr. Bourne responded to questions posed by the Board.

When asked, Project Engineer Mike Strader, said the applicant would be amenable to installing a wooden walkway on the western side of the subdivision. Mr. Morrison confirmed agreement as long as the walkway could get CAMA (Coastal Area Management Act) approval, which would be required.

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

Chairman White moved to approve PB 90-07, Pine Island Phase 5B 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).

#### Conditions of Approval:

The application complies with all applicable review standards of the UDO.

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 including:

- Side setbacks shall be a minimum of 15' for principal structures and allows structures as referenced by Planning staff (Jennie Turner) and agreed to by the applicant.
- A fee in lieu is required and shall be paid prior to final plat
- Additionally, on the south end of the proposed development, an approved wooden walkover will be installed for guests provided the applicant can get CAMA approval and any other permits required to construct the walkway.

The use will not endanger the public health or safety. The use conforms to adjacent land uses and consideration will be given through site plan design.

The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located. The use will compliment adjoining existing uses and the proposed single-family dwelling lots are equivalently sized to the adjoining subdivision and offer similar amenities.

The use will be in conformity with the Land Use Plan or other officially adopted plans. The 2006 Land Use Plan (LUP) classifies this site as Full Service within the Corolla subarea. The proposed use is consistent with the policies of the plan, including:

- Policy HN1-Currituck County shall encourage development to occur at densities appropriate for the location
- Policy HN3-Currituck county shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl. This proposed subdivision meets Open Space Developments that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment.

The use will not exceed the county's ability to provide adequate public facilities. Utility services are proposed for the site, wastewater and water capacity are available, and on-site stormwater management is proposed to address additional run-off.

Commissioner McCord seconded the motion and the motion carried, 7-0.

<b>RESULT:</b>	<b>MOTION PASSED-ITEM APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Chairman
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	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

A recess was called at 7:40 PM, following the Public Hearing. The meeting was reconvened at 7:48 PM.

## NEW BUSINESS

### A. Consideration of An Ordinance Amending Section 2-97 of the Currituck County Code of Ordinances to Increase the Number of Consecutive Terms a Member of an Authority, Board or Commission May Serve

County Attorney, Ike McRee, reviewed the ordinance amendment that had been discussed originally at the Board of Commissioners retreat to increase the number of consecutive terms a member of a county advisory, board or committee may serve from two to three, two-year terms.

Commissioner J. Owen Etheridge moved for approval. The motion was seconded by Commissioner Beaumont. The motion carried, 7-0.

Prior to the vote, Mr. McRee reviewed for Commissioner Mary Etheridge a provision in the ordinance that prohibits Commissioners from serving on an advisory for a set period of time after leaving office.

### AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 2-97 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO INCREASE THE NUMBER OF CONSECUTIVE TERMS A MEMBER OF AN AUTHORITY, BOARD OR COMMISSION MAY SERVE

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

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

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

PART I. Section 2-97 of the Code of Ordinances, Currituck County, North Carolina is amended to read as follows:



**Sec. 2-97. Consecutive terms of office.**

- (a) No person who has been appointed to ~~two~~ three consecutive terms as a member of any authority, board or commission shall be eligible for reappointment to the same board for the next consecutive term.
- (b) Appointees who are being appointed to completely new positions; unexpired terms from which incumbents are removed; or unexpired terms for which there are vacancies at the present time are deemed to be appointed to fill unexpired terms and shall be eligible to serve ~~two~~ three consecutive terms after the expiration of the unexpired term.
- (c) If a person who has served ~~one~~ two full terms is reappointed to a ~~second~~ third term and then resigns during the ~~second~~ third term, that person is not eligible for reappointment during the next consecutive term.
- (d) If a person is nominated to a board by an at large county commissioner or county commissioner of one district, and serves ~~two~~ three consecutive terms, the same person cannot be reappointed to the same board, even if ~~he or she is~~ they are nominated by a different county commissioner.
- (e) If a board has certain criteria for membership, such as income guidelines, but also has different criteria for other members, such as educational, professional or income guidelines, a member who has served ~~two~~ three consecutive terms in one capacity cannot be reappointed to the same board to serve in a different capacity.

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

PART III. This ordinance is effective immediately upon adoption.

ADOPTED this 16th day of March, 2020.

\_\_\_\_\_  
Bob White, Chairman  
Board of Commissioners

ATTEST:

(COUNTY SEAL)

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	J. Owen Etheridge, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	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. Airport Hangar Lease Agreement**

Communication: Minutes for March 16, 2020 (Approval Of Minutes for March 16, 2020)

William Nelson, Currituck County Airport Manager, presented for consideration a hangar lease agreement document, and explained a party is interested in building a hangar at the airport. Mr. Nelson said it is a good opportunity for the county, resulting in an increase in property tax from the housing of two aircraft and perhaps the ability to secure additional Division of Aviation grant funding.

Commissioner Jarvis moved for approval of the Airport Ground Lease Agreement. The motion was seconded by Commissioner Beaumont. The motion carried, 7-0.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Selina S. Jarvis, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	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. Consideration for the Approval of a Sand Fencing Grant Program Agreement

Ben Stikeleather, County Manager, reviewed the grant program that would allow oceanfront property owners and homeowner's associations to apply to receive sand fencing for dune protection and preservation. Cost of fencing will be absorbed by the county and would require proper installation at the grantees expense for the purpose of dune protection and preservation.

Chairman White moved for approval. The motion was seconded by Commissioner McCord. The motion carried, 7-0.

### GRANT AGREEMENT

This Grant Agreement made, entered into and effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2020 by and between COUNTY OF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the "County"), and \_\_\_\_\_, ("Grantee").

### WITNESSETH:

WHEREAS, pursuant to N.C. Gen. Stat. §153A-449 a county may contract with and appropriate money to any person 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-438 a county may expend public funds to finance the acquisition, construction, reconstruction, extension, maintenance, improvement or enlargement of groins, jetties, dikes, moles, walls, sand dunes, vegetation, or other types of works or improvements that are designed for controlling beach erosion, for protection from hurricane floods, or for preserving or restoring facilities and natural features that afford protection to the beaches and other land areas of the county and to the life and property of the county; and

WHEREAS, Grantee desires to install sand fencing located at

\_\_\_\_\_  
 \_\_\_\_\_(address and parcel number; if Grantee is POA describe area of coverage) by installing the appropriate amount of sand fencing in order to extend, maintain and enlarge the sand dunes for protection from hurricane floods and to preserve and restore those sand dunes to afford protection to a portion of the beach and property located landward of the beach; and

NOW, THEREFORE, for valuable consideration and the mutual covenants exchanged between the parties hereto, it is agreed as follows:

1. To assist Grantee with the cost to purchase and install the sand fencing located at:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

County agrees to award a grant to Grantee for the cost of the sand fencing and Grantee agrees to pay for the installation of the fencing.

2. Grantee agrees that Grantee will use grant funds only for the purpose of purchasing the amount of sand fencing needed to install along the landward side of the beach front sand dunes located at the property referenced above.
3. PERFORMANCE CRITERIA

In order to be eligible for the full amount of the Grant, the Grantee must fulfill the following requirements:

- 3.1 Installation of sand fencing requires an exemption letter from the CAMA Local Permit Officer. Grantee shall be responsible for contacting the Currituck County CAMA LPO Officer located in the Corolla office at 1123 Ocean Trail, Corolla, North Carolina to obtain the specifications and conditions required prior to installation of any sand fencing.
- 3.2 Grantee shall order and pay for the total cost of the sand fencing to include poles and connections.
- 3.3 Grantee assumes responsibility for the proper installation of the sand fence and any associated costs with said installation.
- 3.3 Grantee shall complete the installation of fencing by \_\_\_\_\_.
- 3.4 Upon completion of the sand fence installation, Grantee shall notify the Currituck County CAMA LPO Officer County and request an inspection of the fence.

4. DISBURSEMENT OF GRANT

- 4.1 The CAMA LPO Officer will inspect the property for sand fence installation within two weeks of notification of the completed installation by Grantee. An inspection report shall be provided to the Grantee to use in submittal for reimbursement.
- 4.2 Grantee shall submit the inspection report provided by the CAMA LPO Officer that the fence has been installed in conformity of the Coastal Area Management Act together with



a copy of the invoice for material, to the Currituck County Finance Department, 153 Courthouse Road, Currituck, NC 27929 for reimbursement of the cost of the sand fence material

5. Grantee agrees to make a full and accurate accounting to the County of all expenditures of the grant funding.
6. Grantee shall not discriminate against any person on the grounds of race, color, national origin, sex, age, or disability in the administration of this Grant Agreement.
7. The laws of the State of North Carolina shall control and govern this Grant Agreement. Any controversy or claim arising out of this Grant Agreement shall be settled by an action initiated in the appropriate division of the General Court of Justice in Currituck County, North Carolina.
8. Grantee and County respectively bind themselves, their successors, and assigns in respect to the covenants, agreements and obligations contained in this Grant Agreement.
9. This Grant Agreement sets forth the entire agreement between Grantee and the County and supersedes any and all other agreements on this subject between the parties.

NOW, THEREFORE, for valuable consideration and mutual covenants exchanged between the parties hereto, it is agreed as follows:

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Chairman
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	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. Resolution Opposing Proposed Rule Changes by the NC Wildlife Resources Commission to move the Boundaries of Inland Waters and Coastal Waters**

County Manager, Ben Stikeleather, described the Resolution which opposes proposed boundary changes by the North Carolina Wildlife Resources Commission. Mr. Stikeleather noted the move would impact commercial fisheries and local watermen and County Attorney, Ike McRee, discussed possible constitutionality issues with the move, with one agency infringing on another. Mr. Stikeleather and Commissioners discussed prior action taken to limit resources available for commercial fishing.

Discussion concluded and Commissioner McCord moved to approve the Resolution. Commissioner J. Owen Etheridge seconded the motion. The motion carried, 7-0.

#### **RESOLUTION OF THE BOARD OF COMMISSIONERS OPPOSING PROPOSED RULE CHANGES BY THE NC WILDLIFE RESOURCES COMMISSION TO MOVE THE BOUNDARIES OF**

**INLAND WATERS AND COASTAL WATERS**

**WHEREAS**, many of our citizens earn their livelihoods through commercial fishing activities; and,

**WHEREAS**, many of our residents and visitors enjoy fishing and water sports for recreational purposes; and,

**WHEREAS**, the NC Wildlife Resources Commission seeks to change the boundaries of Inland Waters and Coastal Waters in North Carolina; and,

**WHEREAS**, these proposed changes would disrupt and confuse the public in their commercial and recreational use of our waters; and,

**WHEREAS**, the Coastal Area Management Act (CAMA) provides protections for our waters and wetlands; and

**WHEREAS**, we object to any of our waters being removed from the protection of existing coastal management, water quality, and habitat conservation programs;

**WHEREAS**, the recent acts of the NC Wildlife Resources Commission are causing confusion for local citizens and conflict among regulatory agencies;

**NOW THEREFORE, BE IT RESOLVED** by the Currituck County Board of Commissioners, does hereby express its opposition to the rule making actions of the NC Wildlife Resources Commission in 2019 and described by WRC Executive Director Gordon Myers on or about January 29, 2020; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are transmitted to our Representative and our Senator in the NC General Assembly and to Governor Roy A. Cooper, III to let them know of our opposition to the actions of the NC Wildlife Resources Commission.

**ADOPTED** this 16<sup>th</sup> day of March, 2020.

ATTEST:

\_\_\_\_\_  
Robert M. White, Chairman

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Kevin E. McCord, Commissioner
<b>SECONDER:</b>	J. Owen Etheridge, Commissioner
<b>AYES:</b>	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

**2769 : Classification Chart & Salary Revisions-Sheriff**

Prior to considering Consent Agenda, Commissioner J. Owen Etheridge moved to pull the Classification Chart and salary revision item so the Board could hold discussion on the portion related to the Sheriff's salary. Commissioner Payment seconded the motion. The motion carried, 7-0, and the item was open for discussion.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	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

### **Motion to approve Sheriff salary increase**

County Manager, Ben Stikeleather, reviewed for Commissioners a request to include the Sheriff in the career development plan that had been established for law enforcement officers in the last budget. Mr. Stikeleather said Sheriff's pay increase related to the career development plan, plus longevity pay, would result in an annual salary of \$107,367. Mr. Stikeleather responded to questions posed by Commissioners and when asked about other elected officials, said those salaries are established by the Board and the number presented reflects the maximum salary with all of the career development increases included. He clarified an earlier increase in the Sheriff's salary was due to a 2% cost of living raise.

Discussion followed. Commissioner Mary Etheridge said she could not see giving a \$19,000 increase at this time and it should be handled during budget sessions. She voiced concerns with unknown problems due to Coronavirus and noted a current pay study underway for county employees.

Commissioner McCord discussed the career development plan within for Sheriff Deputies, and said he has an issue with the number two ranked employee making more than the highest ranking member of the department. He said the average salary listed online for North Carolina Police Chiefs and Sheriffs is \$105,000.

Mr. Stikeleather reviewed the modifications made to the Sheriff's office career development plan that were implemented in the 2019 budget, and he presented Sheriff's salaries in areas comparable to Currituck County. Currituck County having no municipalities was also considered.

Commissioner Beaumont disagreed with Commissioner McCord's idea that supervisors must make more than those who report to them, and suggested that the Board may have voted differently if the Sheriff had been included during budget discussions of the revised career development plan. Commissioner Beaumont suggested tabling the issue to revisit at budget time and to see what develops with Coronavirus.

Chairman White noted the Sheriff's years of service, training and experience, and with no municipalities, his department serving as the basis for all law enforcement in the county. Commissioner Jarvis discussed the work Sheriff Beickert been credited with by other organizations, naming his efforts to fight human trafficking and his work with juvenile offenders.

Mr. Stikeleather explained several options the Board could consider as it related to establishing the Sheriff's salary and the Chief Deputy's salary was reported to



Commissioners. Discussion of longevity and issues with retention were also discussed, and staff responded to additional questions posed by Commissioners.

Chairman White suggested a lower salary could be considered. Commissioner Beaumont restated his position that it is a budget discussion and said the County will be stressed financially this year. Commissioner Beaumont moved to table the item until budget discussions. Commissioner Mary Etheridge seconded. The motion failed, with Commissioners Beaumont and Mary Etheridge voting in favor and Chairman White and Commissioners Payment, J. Owen Etheridge, Jarvis and McCord opposed.

Mr. Stikeleather was asked for a figure with longevity removed, and he said the salary would be \$95,047.

Commissioner Payment moved to look at the Sheriff's increase excluding longevity at this time and hold further discussion at budget meetings. The increase at this time will be 8%, with longevity portion to be looked at a later date. The salary would be set at \$95,047 with an effective date of March 30, 2020.

The motion was seconded by Commissioner Jarvis. The motion carried on a vote of 5-2, with Commissioner Beaumont and Commissioner Mary Etheridge opposed.

<b>RESULT:</b>	<b>APPROVED [5 TO 2]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<b>SECONDER:</b>	Selina S. Jarvis, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
<b>NAYS:</b>	Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner

### E) Consent Agenda

The Sheriff's salary discussion concluded and Commissioner J. Owen Etheridge moved to approve the remaining Consent Agenda items. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	J. Owen Etheridge, Commissioner
<b>SECONDER:</b>	Selina S. Jarvis, Commissioner
<b>AYES:</b>	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-March 2, 2020

#### 1. Minutes for March 2, 2020

#### 2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50795-590007	Shingle Landing Park	\$ 205,000	
50795-590005	Veteran's Park Dock Improvement		\$ 11,003
50795-594500	Soccer Fields		\$ 2,233
50510-590002	Shooting Range		\$ 32,424
50512-590000	Incinerator		\$ 3,454
50512-594500	Animal Shelter		\$ 3,270
50796-590012	Carova Park - FY 2018		\$ 1,448
50380-481000	Investment Earnings		\$ 151,168
		\$ 205,000	\$ 205,000
<b>Explanation:</b>	County Governmental Construction (50) - Increase appropriations for Shingle Landing Park after bids evaluated. This will be funded through residual funds from closed projects for the Veteran's Park Dock Improvements, Baseball/Softball and Soccer Fields, Shooting Range, Incinerator, Animal Shelter and Carova Park with additional funds from investment earnings.		
<b>Net Budget Effect:</b>	County Governmental Construction Fund (50) - Increased by \$151,168.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10640-532000	Supplies		\$ 175
10640-553000	Dues & Subscriptions	\$ 175	
10796-590000	Capital Outlay		\$ 2,762
10796-532000	Supplies	\$ 2,762	
		\$ 2,937	\$ 2,937
<b>Explanation:</b>	Cooperative Extension (10640); Currituck County Rural Center (10796) - Transfer funds for increases in dues and for computer upgrades that fall below the capital outlay threshold.		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		

Communication: Minutes for March 16, 2020 (Approval Of Minutes for March 16, 2020)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-516000	Repairs & Maintenance	\$ 8,209	
10460-545000	Contracted Services		\$ 7,500
10460-590000	Capital Outlay		\$ 8,209
10490-545000	Contracted Services Other	\$ 2,000	
10490-545003	Contracted Services CRT/Jail	\$ 5,500	
		\$ 15,709	\$ 15,709

**Explanation:** Public Works (10460); Court Facilities (10490) - Transfer funds for repairs and increased contracts for the remainder of the year.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10490-545003	Contracted services	\$ 37,085	
10380-484001	Insurance Recovery		\$ 37,085
10490-545003	Contracted services	\$ 5,000	
10460-592000	Projects		\$ 5,000
		\$ 42,085	\$ 42,085

**Explanation:** Public Works (10460); Judicial Building (10490) - Increase appropriations to record insurance funds for Judicial building damages.

**Net Budget Effect:** Operating Fund (10) - Increased by \$37,085.

Communication: Minutes for March 16, 2020 (Approval Of Minutes for March 16, 2020)



		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
63838-516000	Repairs & Maintenance	\$ 5,000	
63838-590000	Capital Outlay		\$ 5,000
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

**Explanation:** Solid Waste (63838) - Transfer funds for roof repairs at the transfer station scale house.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10535 502000	Salaries		\$ 69,000
10535 502100	Salaries - Overtime	\$ 69,000	
		<u>\$ 69,000</u>	<u>\$ 69,000</u>

**Explanation:** Communications (10535) - Transfer funds for overtime due to scheduling and position vacancies.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10410-514000	Travel	\$ 1,000	
10410-514500	Training & Education	\$ 1,000	
10410-561000	Professional Services		2,000
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

**Explanation:** Administration (10410) To transfer funds for additional training for remainder of fiscal year.

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

Communication: Minutes for March 16, 2020 (Approval Of Minutes for March 16, 2020)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
67878-545000	Contract Services		\$ 10,000
67878-532000	Supplies	\$ 4,000	
67878-516000	Repairs & Maintenance	6,000	
		<u>\$ 10,000</u>	<u>\$ 10,000</u>
<b>Explanation:</b>	Mainland Central Sewer (67878) - Transfer funds for supplies and pumps for the YMCA lift station.		
<b>Net Budget Effect:</b>	Mainland Central Sewer Fund (67) - No change.		

### 3. Surplus Resolution-Communications (Radio/Tower Equip)

RESOLUTION			
<p><b>WHEREAS,</b> THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be disposed of-not sellable.</p>			
<u>County</u>	<u>Description</u>	<u>Serial Number</u>	<u>Original Cost</u>
2743	RADIO TOWER IN JARVISBURG (UPGRADES)		5,422.00
3820	FIRE/RESCUE QUANTAR BASE/REPEATER STATIO	448CWF0017	10,641.50
3959	FIRE & RESCUE REPEATER SYSTEM		9,952.00
3960	FIRE/RESCUE SAT RECEIVER VOTER SYSTEM		
4133	MTR 2000 SHERIFF DEPT REPEATER STATION	474CXT0163	21,510.75
4451	MOYOCK TOWER REPEATER	780TEY0715	14,898.85
<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>ALL TO BE DISPOSED OF NO LONGER WORKING UNSELLABLE</b> </div>			
<p><b>NOW, THEREFORE, BE IT RESOLVED,</b> that the Board of Commissioners of the County of Currituck reserves the tight to reject any and all bids.</p>			
<p><b>ADOPTED,</b> this 16th day of March, 2020.</p>			

### 4. Classification Chart Revision and Salary Adjustments: Public Works Director, Sheriff

Communication: Minutes for March 16, 2020 (Approval Of Minutes for March 16, 2020)

**RECESS REGULAR MEETING**

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

**SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY**

The Currituck County Board of Commissioners sat as the Tourism Development Authority in a Special Meeting during a recess of the 6:00 PM regular meeting of the Board of Commissioners. The Special 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.

**F. Budget Amendment-TDA**

Ben Stikeleather, County Manager, reviewed the budget amendment that would provide funding to replace the horse fencing located on the beach at the northern terminus of Highway 12.

Chairman White moved for approval and Commissioner Beaumont seconded the motion. The motion carried, 7-0.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-590000	Capital Outlay	\$ 41,925	
15320-415000	Occupancy Tax		\$ 41,925
		<u>\$ 41,925</u>	<u>\$ 41,925</u>
<b>Explanation:</b>	Occupancy Tax - Tourism Related (15447) - Increase appropriations to allocate \$50,625 for replacement of the horse fence in Corolla from the vehicle access gate on the ocean front west to the cattle grate located at the north end of NC 12. This project does not include the section of the fence from the vehicle access gate extending into the ocean that will be repaired by the Corolla Wild Horse Fund. Funding will come from Occupancy Tax that will include \$9,000 previously approved to camping platforms that will not be used for that project.		
<b>Net Budget Effect:</b>	Occupancy Tax Fund (15) - Increased by \$41,925.		



<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Chairman
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	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 SPECIAL MEETING AND RECONVENE

There was no further business and Commissioner Mary Etheridge moved to adjourn. Commissioner McCord seconded the motion and the motion carried, 7-0. The meeting of the Tourism Development Authority adjourned at 8:30 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	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

### CLOSED SESSION

- 1. Closed Session Pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to Preserve the Attorney-client Privilege in the Matter Entitled 85 and Sunny, LLC v. Currituck County.**

Chairman White reconvened the regular meeting of the Board of Commissioners and moved to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the attorney-client privilege in the matter entitled 85 and Sunny, LLC v. Currituck County. Commissioner McCord seconded the motion. The motion carried and the Board of Commissioners entered Closed Session.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Chairman
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	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

#### Motion to Adjourn Meeting

Discussion continued following Closed Session. Ben Stikeleather, County Manager, reported that Auto One-Stop, a used car business in the county, had begun the process to apply for a new Use Permit after revocation of the one previously issued.

Chairman White talked about requiring applicants to have an attorney present during quasi-judicial proceedings. County Attorney, Ike McRee, explained although an individual can represent themselves, companies risk being construed as practicing law without a license. He said the same burden would also be required of an opposing side as it relates to testimony to the findings of fact.

Mr. Stikeleather discussed concerns raised by county staff over the developer's wastewater plan for the Fost Tract, a large subdivision approved for the northern part of the county. The plan is to install a 60,000 gallons per day (gpd) septic waste disposal system, in lieu of a community treatment plant. After talking with the North Carolina Department of Health and Human Services (DHHS), Mr. Stikeleather found the proposed system for the Fost Tract would be more than double the size of anything else permitted in the state. Mr. Stikeleather described the approval process for these types of septic systems through DHHS and asked the Board if they wanted the item brought back to the Board to discuss these concerns. Commissioners chose not to bring the item back.

There was no further discussion and Commissioner Beaumont moved to adjourn. Commissioner McCord seconded the motion. The motion carried and the meeting was adjourned.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul M. Beaumont, Commissioner
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	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 # 2773)

**Agenda Item Title:** Budget Amendments

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Reason for Request:**

Various departmental requests to move funds for operating purposes.

**Is this item regulated by plan, regulation or statute?** No

**Planning Board Recommendation:**

**Potential Budget Affect:** Various, please see attachments

**Manager Recommendation:** Further Consideration



nber

20200110

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
10790-545000	CONTRACTED SERVICES	\$ 5,000	
10790-514000	TRAVEL		\$ 200
10790-514800	FEES PAID TO OFFICIALS		\$ 1,000
10790-516000	REPAIRS & MAINTENANCE		\$ 1,000
10790-532001	LIBRARY MATERIALS		\$ 2,800
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

**Explanation:** Library (10790) - Transfer funds for increased contracts for the remainder of this fiscal year.

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

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

Attachment: BudAmends\_Apr 20\_General Meeting (Budget Amendments)

nber

20200111

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
10550-545000	Contracted Services		\$ 500
10550-532000	Supplies	\$ 500	
		<u>\$ 500</u>	<u>\$ 500</u>

**Explanation:** Airport (10550) - Transfer funds for safety supplies for the airport for the remainder of the year.

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

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

Attachment: BudAmends\_Apr 20\_General Meeting (Budget Amendments)

nber

20200112

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
10512-516000	Vehicle Maintenance	\$ 4,000	
10512-590000	Capital Outlay		\$ 4,000
		<u>\$ 4,000</u>	<u>\$ 4,000</u>

**Explanation:** Animal Services and Control (10512) - Transfer funds for vehicle maintenance.

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

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

Attachment: BudAmends\_Apr 20\_General Meeting (Budget Amendments)



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20200113

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
10606-514000	Travel		\$ 300
10606-514500	Training & Education		\$ 1,300
10606-545000	Contracted Services	\$ 1,600	
		<u>\$ 1,600</u>	<u>\$ 1,600</u>

**Explanation:** Soil & Water Conservation (10606) - Transfer budgeted funds for removal of three beaver dams.

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

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

Attachment: BudAmends\_Apr 20\_General Meeting (Budget Amendments)

Number

20200114

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
10795-516200	Vehicle Maintenance	\$ 1,314	
10795-576009	Soccer		\$ 1,064
10795-576011	Adult Volleyball		\$ 250
		<u>\$ 1,314</u>	<u>\$ 1,314</u>

**Explanation:** Parks and Recreation (10795) - Transfer budgeted funds for unanticipated vehicle maintenance.

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

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

Attachment: BudAmends\_Apr 20\_General Meeting (Budget Amendments)

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20200115

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
10796-590000	Capital Outlay		\$ 3,000
10796-532000	Contracted Services	\$ 3,000	
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

**Explanation:** Currituck County Rural Center (10796) - Transfer funds for contract purchases that were below the capital thresholds.

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

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

Attachment: BudAmends\_Apr 20\_General Meeting (Budget Amendments)



number

20200116

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
220548-516115	Buildings & Grounds	\$ 5,000	
220548-536115	Personal Protect Equip		\$ 5,000
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

**Explanation:** Knotts Island Fire Services (220548) - Transfer budgeted funds for electrical upgrades and air compressor for the SCBA room at the Knotts Island Fire Station.

**Net Budget Effect:** Knotts Island Fire District Fund (220) - No change.

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

Attachment: BudAmends\_Apr 20\_General Meeting (Budget Amendments)

number

20200117

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
10460-514000	Travel		\$ 3,100
10460-514500	Training & Education		\$ 3,400
10460-516400	Equipment Maintenance		\$ 2,400
10460-516200	Vehicle Maintenance	\$ 5,000	
10460-516000	Repairs & Maintenance	\$ 3,900	
		<u>\$ 8,900</u>	<u>\$ 8,900</u>

**Explanation:** Public Works (10460) - Transfer funds to repair a Public Works truck and for other maintenance for the remainder of this fiscal year.

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

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

Attachment: BudAmends\_Apr 20\_General Meeting (Budget Amendments)

Number

20200118

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
10981-502100	Salaries - Overtime	\$ 20,000	
10981-503500	Temporary Salaries	\$ 6,000	
10981-505000	FICA Expense	\$ 1,989	
10981-507000	Retirement Expense	\$ 3,822	
10981-532000	Supplies	\$ 15,000	
10981-557000	Customer Refunds	\$ 10,000	
10330-445100	FEMA - Public Assistance		\$ 56,811
		<u>\$ 56,811</u>	<u>\$ 56,811</u>

**Explanation:** Disaster Recovery (10981) - Increase appropriations to record costs associated with COVID19 pandemic.

**Net Budget Effect:** Operating Fund (10) - Increased by \$56,811.

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



number

20200119

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
52606-545001	Hurricane Matthew/Snag & Clear	\$ 14,760	
52330-448201	NC Dep Ag - Hurricane Matthew		\$ 14,760
		<u>\$ 14,760</u>	<u>\$ 14,760</u>

**Explanation:** Hurricane Matthew (52606) - Increase appropriations to record amendment 02-2020 for Stream Debris Removal Program contract 17-175-4005.

**Net Budget Effect:** Multi-year Grant Fund (52) - Increased by \$14,760.

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

Attachment: BudAmends\_Apr 20\_General Meeting (Budget Amendments)

number

20200120

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2020, 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>
10550-592000	Airport Projects		\$ 30,000
10550-590000	Capital Outlay	\$ 14,000	
10550-545000	Contracted Services	\$ 16,000	
		<u>\$ 30,000</u>	<u>\$ 30,000</u>

**Explanation:** Airport (10550) - Transfer budgeted funds from Airport projects to purchase mower for the airport property and to contract services for operations for the remainder of this year.

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

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

Attachment: BudAmends\_Apr 20\_General Meeting (Budget Amendments)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2776)

**Agenda Item Title:** Surplus Resolution-Booking Station, Detention

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Reason for Request:**

Surplus of old equipment-Booking station at Detention facility

**Potential Budget Affect:** Minimal return if sellable-govdeals

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**



## RESOLUTION

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

County Asset Tag	Description	Serial Number
6886	Booking Station w/ Full Hand Scanner	AAV248000310

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

**ADOPTED,** this 20th day of April, 2020.

\_\_\_\_\_  
Robert M. White  
County of Currituck, Board of Commissioners

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

(Seal)

Attachment: Surplus Resolution-Detention-Booking Station (Surplus Resolution-Booking Station, Detention)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2777)

**Agenda Item Title:** Banking-Signature Resolution, Soil & Water Conservation

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Reason for Request:**

As the Administrator for the department, Sherry Harris needs to be added as a signator to the Soil & Water Conservation account.

**Potential Budget Affect:** N/A

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**

MOYOCK OFFICE  
250 Caratoke Hwy, Moyock, NC 27958

### BANK RESOLUTION BY GOVERNMENT ENTITY

**SECRETARY'S CERTIFICATE.** I certify that I am the secretary of COUNTY OF CURRITUCK ('Entity'), a government entity in good standing under the laws of North Carolina. The following is an accurate copy of resolutions adopted by the Entity's governing body at a meeting properly called and held on May 14, 2019, at which a quorum was present. Such resolutions have not been amended or revoked, and they do not conflict with any provision of any document by which the Entity is bound:

RESOLVED, that TOWNEBANK ('Bank') is designated a depository of funds for the Entity;

RESOLVED, that any prior resolutions remain in effect except as changed by those adopted today. The Entity ratifies all transactions purportedly done on its behalf with the Bank before these resolutions were delivered to the Bank. Any change(s) to these resolutions will take effect only after the Bank has received written certification of the change(s) and has had reasonable time to act on the change(s);

RESOLVED, that the Entity agrees to be bound by the Bank's Commercial Deposit Account Agreement for each account permitted by these resolutions;

RESOLVED, that the Bank is authorized to honor, pay, and charge the Entity's account(s) for any item purporting to have been signed on behalf of the Entity with a facsimile signature that resembles a specimen the Entity has certified to the Bank, no matter by whom or by what means the actual or purported signature may have been made;

RESOLVED, that the persons named below, whose manual and/or facsimile signatures are provided next to their respective names, are authorized to perform the powers listed based on number(s) following their respective names. The Bank has no duty to inquire into any power before executing it, even if the power benefits the signer individually. The required number of signatures immediately follows the description of that power;

**Powers:**

1. Open and close deposit accounts, sign account agreements, and sign contracts for deposit-related or other services. Signatures required: 1
2. Sign and authorize checks, drafts, withdrawal slips, and any other orders for the payment of money, whether by paper, electronic, or any other means, even if payable to the signer or used to discharge or reduce any obligation of the signer. Signatures required: 1
3. Borrow money by signing promissory notes, checks, drafts, credit agreements, agreements for letters of credit, and any other contracts that obligate the Entity to repay funds. Signatures required: 0
4. Assign, endorse, discount, transfer, mortgage, or pledge any of the Entity's property as collateral for any obligation, direct or indirect, absolute or contingent. Signatures required: 0
5. Lease, have access to, and terminate leases for safe-deposit boxes. Signatures required: 0
6. Give releases, waivers, receipts, and notices of all kinds that relate in any way to any relationship of the Entity with the Bank. Signatures required: 0

RESOLVED, that the secretary of the Entity is directed to certify and deliver a copy of these resolutions to the Bank, the signature cards bearing the genuine signatures of the persons named below, and any other documents that the Bank requires.

**AUTHORIZED PERSONS.** The names and genuine signatures, manual or facsimile, of the authorized persons, and the powers granted to them are as follows:

Name BRIDGET T BRINKLEY	Title Financial-Budget Assistant
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**Powers**

Signature

Facsimile Signature

Name SHERRY P HARRIS	Title Administrator/authorized Signer
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**Powers**

Signature

Facsimile Signature

Name SANDRA S HILL	Title Finance Officer
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**Powers**

Signature

Facsimile Signature

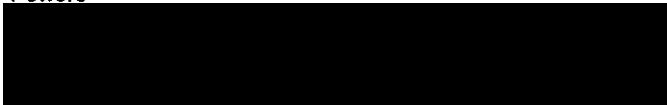
INITIALS \_\_\_\_\_



Name  
BENJAMIN STIKELEATHER

Title  
County Manager

Powers



Signature

\_\_\_\_\_

Facsimile Signature

\_\_\_\_\_

IN WITNESS WHEREOF, I have signed this certification on the date shown by my signature and have affixed the Entity's seal.

COUNTY OF CURRITUCK

By \_\_\_\_\_  
, CORPORATE SECRETARY

(Corporate Seal)

Date \_\_\_\_\_

Attachment: Banking Signature Resolution-Soil & Water\_Redacted (Banking Signature Resolution)

INITIALS \_\_\_\_\_



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2772)

**Agenda Item Title:** Consideration of Waze Connected Citizens Program

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

The Waze Connected Citizens Program (CCP) is a free, two-way transportation data exchange program that provides real-time, anonymous, proprietary incident and slow-down information directly from drivers while partners provide real-time and advance information on construction, crash & road closure data. Emergency Management is requesting consent of the Board of Commissioners to execute an agreement which will enable Currituck County to participate in this program. Additional documents are included in the agenda packet for review.

**Is this item regulated by plan, regulation or statute?**

**Manager Recommendation:** Approval



**Website:** <https://www.waze.com/ccp> and Visual Overview <https://www.youtube.com/watch?v=z-VjPesrMs>

### Overview

The Waze Connected Citizens Program (CCP) is a free, two-way data exchange empowering public sector decisions to achieve concrete community impact. In this program Waze provides real-time, anonymous, proprietary incident and slow-down information directly from drivers while partners provide real-time and advance information on construction, crash & road closure data. Registration, through their online portal, requires us ("Organization") to execute an agreement, which is attached, by being granted full legal authority to bind the entity identified in the application ("Organization") to the Agreement of this program. We are asking consent from the Board of Commissioners to execute this agreement which will enable us to participate in the program.

### Benefits

Partners:

- Improve situational awareness as the county receives real-time incident information, as well as providing it, faster than other reporting methods
- Pinpoint where an incident occurs which can increase response and clearing times
- Provide public safety personnel (EM-911, Sheriff and Fire-EMS) with an additional tool to increase awareness/intelligence capabilities
- Share information pertaining to major traffic incidents/events and road closures with motorists
- Increase community synergy and involvement

Waze:

- Share enhanced, real-time data to improve community awareness, decision-making and safety

### Additional Information

- What does Waze ask for in return? That partners share data about road closures (both planned & real-time), traffic incidents (construction, accidents, etc.) and major traffic events (parades, flooded streets, VIP visits, emergencies, etc.)
- Current number of local governments utilizing the platform: Over 1,000 + other public sector partners (including NC-DOT)
  - Dare County is actively looking to come on-board this same program which we think is an additional benefit since our counties are intertwined in multiple facets
- Identified users will be trained on the system before full implementation



## Waze Connected Citizens Program Data Upload Tool and Waze Traffic Data API (the “Program”) Additional Terms

Last Modified: August 15, 2019

Your use of the Waze Connected Citizens Program Data Upload tools, the Waze Traffic Data API and any other Google’s service that allows you to access Waze data are subject to the [Google Terms of Service](#), the [Google APIs Terms of Service](#), and these additional terms (the “**Waze Connected Citizens Program Additional Terms**”). Together, the Google Terms of Service, the Google APIs Terms of Service, and the Waze Connected Citizens Program Additional Terms are the “**Agreement**.” If you use the API or Waze data as an interface to, or in conjunction with, other Google products or services, then the terms for those other Google products or services also apply.

**1. Authority to Accept Terms.** If you are accepting this Agreement on behalf of a government entity, a company, or other entity, you represent and warrant that: (a) you have full legal authority to bind that agency, company, or entity to this Agreement; (b) you have read and understand this Agreement; and (c) you and your agency, company, or entity agree to this Agreement. If you don’t have the legal authority to bind your agency, company, or entity, please do not accept this Agreement.

## 2. Data Licenses.

### 2.1. To Google.

- (a) License Grant. When you upload data using the Waze Connected Citizens data upload tools (the “**Waze Upload Tools**”) or actively provide the data to Google in any other way, you grant Google a royalty-free, non-exclusive, worldwide license to use the uploaded data in connection with Google products and services for (i) the duration of the applicable intellectual property rights in that data, or (ii) the maximum period permitted by applicable law if (ii) is shorter than (i).
- (b) Rights. You represent and warrant that you have and will retain all necessary rights to provide that license to Google.

### 2.2. To You.

- (a) License Grant. When you use the Waze Traffic Data API (the “**Waze API**”) or access Waze data via any other Google service, Google grants you a royalty-free, non-exclusive license to do the following, subject to the [Google APIs Terms of Service](#) and the Waze Connected Citizens Program Additional Terms:
  - (i) internally use the Waze API or other Google services provided to you to access Waze’s traffic data;
  - (ii) internally use that Waze traffic data in your traffic management infrastructure and crisis response centers, solely to improve traffic conditions; and
  - (iii) incorporate and distribute real-time Waze traffic data in a consumer-facing traffic incident notification service that you own and control.
- (b) License Restrictions.
  - (i) You may only use the Waze API or Waze data in the geographical areas covered by the data you uploaded or provided to Waze.
  - (ii) You may only use the Waze API or Waze data as long as you are licensing your data to Google under Section 2.1.
  - (iii) You will not, and will not permit a third party to do any of the following, except with Google’s express prior written consent:
    - (A) use the Waze APIs, Waze data, or the Waze Upload Tools in any manner not expressly authorized by this Agreement (for example, you must not scrape the Waze Upload Tools and data);
    - (B) distribute or publish aggregated or historic Waze data or any analyses of the Waze data; or
    - (C) use Waze data to create a product or service that performs the same or similar functions as the Waze service (for example, you must not use the Waze API or Waze data to create a navigation app).

(iv) Your services that use the Waze data must not (and must not make it reasonably possible for third parties (other than your Google-approved subcontractors) to):

- (A) incorporate Waze data into third-party products or services; or
- (B) use Waze data for any commercial purpose.

### 2.3 Sublicensing.

- (a) Google may sublicense the license rights in Section 2.1 to (i) its affiliates; and (ii) users (to the extent necessary to permit them to use Google products and services).
- (b) You may sublicense the license rights in Section 2.2 to the sublicensees authorized in writing by Google (without further right to sublicense), subject to the following:
  - (i) you must have written agreements with your authorized sublicensees that are no less protective of Google and the Waze data than this Agreement;
  - (ii) you must not charge your authorized sublicensees a fee to access the Waze data;
  - (iii) your authorized sublicensees may exercise the sublicensed rights only in connection with your consumer-facing traffic incident notification service; and
  - (iv) you will remain liable for your authorized sublicensees' acts and omissions.

### 2.4 Attribution.

- (a) By You. When you use Waze data in your service(s), you will provide attribution to Waze in accordance with the [Waze Connected Citizens Program Attribution Guidelines](#).
- (b) By Google. When Google uses your road closure or traffic incident data in Google products or services, Google will provide attribution to you consistent with its attribution to similarly-situated licensors, subject to form factor or technical limitations (including space-constricted displays and text or voice-based results).
- (c) Brand Features Licenses. Each party grants the other a royalty-free, non-exclusive, worldwide license to use their brand features, only in connection with its attribution obligations in Section 2.4 and, if approved, its publicity rights under Section 4.4 (Publicity). All goodwill, rights, and benefits those brand features will inure solely to the brand features owner's benefit, and the brand features owner will retain all rights in those brand features.

### 2.5 Retention of Rights. As between the parties:

- (a) you retain all rights in your uploaded data; and
- (b) Google retains all rights in (i) the Waze API, Waze data, Waze Upload Tools or any other related Google service ; (ii) all Google products and services, and (iii) any content created, submitted, or used in connection with the Google products and services, including (A) user-generated content (for example, Waze user corrections to, or verifications of, your uploaded data); and (B) Google-created content (for example, the Google quality control team's corrections to your uploaded data).

### 2.6 No Other Restrictions. Nothing in this Agreement:

- (a) requires either party to use the other party's data;
- (b) restricts either party from using content it obtains elsewhere; or
- (c) restricts either party from exercising any rights it has at law (including under the U.S. Copyright Act).

## 3. Privacy Policy.

Because neither party will disclose any personal information to the other under this Agreement, the Google Privacy Policy (referenced in the Google Terms of Service and the Google APIs Terms of Service) does not apply.

## 4. Confidentiality; Publicity.

**4.1 Definition. "Confidential Information"** means information that one party (or an affiliate) discloses to the other party under this Agreement, and that is marked as confidential or would normally be considered confidential information under the circumstances. It does not include information that is

independently developed by the recipient, is rightfully given to the recipient by a third party without confidentiality obligations, or becomes public through no fault of the recipient.

**4.2 Confidentiality Obligations.** Subject to Section 4.3 (Public Records Exception), the recipient will not disclose the other party's Confidential Information, except to employees, affiliates, agents, or professional advisors ("**Delegates**") who need to know it and who have a legal obligation to keep it confidential. The recipient will use the other party's Confidential Information only to exercise rights and fulfill obligations under this Agreement. The recipient will ensure that its Delegates are also subject to the same non-disclosure and use obligations. The recipient may disclose Confidential Information when required by law after giving reasonable notice to the discloser, if permitted by law.

**4.3 Public Records Exception.** If you are a government entity, the following will apply, subject to applicable law:

(a) Notice Requirement. If a government entity receives a public records disclosure request, you will promptly (and in any event within five days) provide to Google a written notice specifying the details of the disclosure request, including the requester's identity, the requested records, and the legal deadline to disclose the records.

(b) Disclosure of Public Records. A government entity may disclose the requested records on the legal deadline for disclosure as required by the applicable public records disclosure law, but only if: (1) Google does not obtain a court order enjoining the disclosure, (2) the government entity reasonably determines that the requested records are not exempt from disclosure, and (3) the government entity is otherwise legally required by an applicable public records disclosure law to comply with the disclosure request.

**4.4 Publicity.** Subject to Section 4.3, neither party may make any public statement regarding the Connected Citizens Program without the other's written approval, except that the parties may publicly reference a government entity's participation in the Connected Citizens Program. Each party will promptly review and respond to the other party's approval requests.

**5. No Indemnity Obligations.** Neither party will have indemnity obligations under the Agreement. The second sentence in the Google Terms of Service section titled "Business uses of our Services" and the Google APIs Terms of Service section titled "Indemnification" will not apply under this Agreement.

**6. Termination.** Either party may terminate this Agreement for convenience on 60 days' written notice to the other party. On termination of this Agreement for any reason (contractual or otherwise): (a) each party will stop providing data to the other party; (b) you will stop using the Waze API, Waze Data, and Waze Upload Tool; and (c) the following Sections will survive (along with any other sections that under their terms or by implication ought to survive): the [Google Terms of Service](#); all defined terms; Sections 2.1, 2.3(a), 2.4(b), 2.4(c), 2.5, 2.6, 3, 4, 5, 6, and 7.

## **7. General.**

**7.1 Affiliates, Consultants, and Contractors.** Google may use its affiliates, consultants, and contractors in connection with the performance of its obligations and exercise of its rights under this Agreement, provided that those parties are subject to the same obligations as Google.

**7.2 Force Majeure.** Neither party will be liable for failure or delay in performance to the extent caused by circumstances beyond its reasonable control.

**7.3 No Agency.** This Agreement does not create any agency, partnership, or joint venture between the parties.

**7.4 Amendments.** Any amendment must be in writing, signed by both parties, and expressly state that it is amending this Agreement.

**7.5 Government Entities.** If you are a government entity, the following will apply:

**(a) Governing Law.**

(i) For government entities (other than United States federal government entities), the [Google Terms of Service](#) section regarding governing law and venue is deleted.

(ii) For United States federal government entities, the [Google Terms of Service](#) section regarding governing law and venue is deleted and replaced with the following:

"This Agreement will be governed by and interpreted and enforced in accordance with the laws of the United States of America without reference to conflict of laws. Solely to the extent permitted by federal law: (A) the laws of the State of California (excluding California's conflict of laws rules) will apply in the absence of applicable federal law; and (B) any dispute arising out of or relating to this Agreement or the Services will be litigated exclusively in the federal courts of Santa Clara County, California, and the parties consent to personal jurisdiction in those courts."

**(b) U.S. Government Restricted Rights.** All access or use of the Waze API, Waze data, and Waze Upload Tools by or for the United States federal government is subject to the "U.S. Government Restricted Rights" section in the [Legal Notices for Google Maps/Google Earth and Google Maps/Google Earth APIs](#).

**7.6 Conflicting Languages.** If this Agreement is translated into any other language, and there is a discrepancy between the English text and the translated text, the English text will govern.

**7.7 Communication.** You agree to receive communications from Google, including service announcements, administrative messages, offers and other information in connection with the Program and your use of the API via email, SMS, and other channels. You may opt out of some of those communications.





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2774)

**Agenda Item Title:** Parks and Recreation Records Disposal Request

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Reason for Request:**

Request to dispose of records pursuant to Records Retention Schedule.

**Potential Budget Affect:** N/A

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**

Currituck County Parks and Recreation  
153 Courthouse Rd. Suite 306  
Currituck, NC 27929

04-09-20

Dear Board of Commissioners,

I would like permission to destroy 156 Facility Rental Agreement's prior to June 30<sup>th</sup> 2016.  
Facility rental agreements are: Picnic shelter rentals, stage rentals, and park rentals.  
Also 27 months of Copies of Credit Card Reports prior to June 30<sup>th</sup> 2016.

Thank You,  
Angelia

Angelia Siddle  
Recreation Assistant  
County of Currituck  
Currituck County Parks and Recreation  
Phone: 252-232-3007 Ext. 4123  
Fax: 252-453-0124  
Email: [Angelia.Siddle@currituckcountync.gov](mailto:Angelia.Siddle@currituckcountync.gov)  
Website: [www.currituckgovernment.com](http://www.currituckgovernment.com)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2779)

**Agenda Item Title:** OSWSD-Budget Amendment

**Submitted By:** Leeann Walton – County Manager

**Presenter of Item:**

**Board Action:** Action

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**Brief Description of Agenda Item:**

**Reason for Request:**

Transfer within existing line items (see backup)

**Potential Budget Affect:** (\$0 net effect)

**Is this item regulated by plan, regulation or statute?** No

**Manager Recommendation:**

Number OS2020006

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Ocean Sands Water and Sewer Authority, at a meeting on the 20th day of April 2020, 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>
60808-533601	System Supplies		\$ 4,000
60808-532001	Supplies	\$ 2,000	
60808-553001	Dues/Subscriptions	\$ 2,000	
		<u>\$ 4,000</u>	<u>\$ 4,000</u>

**Explanation:** Ocean Sands Water and Sewer (60808) - Transfer for operations for the remainder of this fiscal year.

**Net Budget Effect:** Ocean Sands Water and Sewer District Fund (60) - No change.

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

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

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

Attachment: BudAmends\_OSWSD\_Apr 20 (Special Meeting-OSWSD-Budget Amendment)