



CURRITUCK COUNTY NORTH CAROLINA

October 2, 2017
Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Corolla Off-Road Area Road Maintenance Discussion

The Board of Commissioners attended a 5 PM work session in the Conference Room of the Historic Courthouse to hear information presented by County Engineer, Eric Weatherly, on roads maintenance in the 4-wheel drive beach area in Carova. Will Creef, Soil and Stormwater Technician, also attended. Mr. Weatherly used a powerpoint and showed a map of the Carova Beach Road Service District, noted the locations of the eleven miles of roads currently being maintained, and displayed before and after photos of road and ditch repair projects already completed. He described challenges working with Coastal Area Management Act (CAMA) and the Army Corp of Engineers related to permitting or mitigation in some circumstances. He reviewed funding by way of Occupancy Tax and tour operator fees, reviewed current costs and projected additional costs for maintenance as roads are added to the program.

County Attorney, Ike McRee, discussed the legal aspects for creating service districts and County Manager, Dan Scanlon, explained there is no tax assessment on residents because only right-of-ways are included in the district and not properties.

After discussion, the Board asked Mr. Weatherly to provide comments, feedback and recommendations that arise from the next Carova Beach Road Service District Advisory Board meeting. Commissioners will revisit and discuss options when additional repair priorities have been established by the Advisory. Commissioners requested a copy of the powerpoint presentation. With no further discussion the work session was concluded.

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met at 6:00 PM on Monday, October 2, 2017, in the Board Meeting Room of the Historic Courthouse located at 153 Courthouse Road, Currituck, North Carolina, for a regular meeting.

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

Chairman Hanig called the meeting to order at 6:00 PM.

A) Invocation & Pledge of Allegiance-Reverend Dawne Hollis-Custer, Currituck Charge-United Methodist Churches

Reverend Dawne Hollis-Custer attended to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Chairman Hanig amended the agenda to remove ordinance Items A and B under New Business. A Closed Session to preserve Attorney-client privilege was added to the agenda to take place after the Special Meeting of the Ocean Sands Water and Sewer District Board.

Commissioner Gilbert moved for approval with the changes. Commissioner Payment seconded the motion. The motion carried unanimously.

Approved agenda:

Work Session

5:00 PM Corolla Off-Road Area Road Maintenance Discussion

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Reverend Dawne Hollis-Custer, Currituck Charge- United Methodist Churches

B) Approval of Agenda

Public Comment

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

Public Hearings

A) **Public Hearing and Action: PB 94-49 The Currituck Club PUD - Sketch Plan/Use Permit Amendment:** Request to amend the sketch plan/use permit for The Currituck Club Planned Unit Development (PUD). The property is located at 475 Yaupon Lane, Tax Map 127E, Parcel OPEN003 in the Poplar Branch Beach Township.

New Business

A) Consideration of an Ordinance Amending Section 10-66 of the Currituck County Code of Ordinances to Clarify Required Tire Air Pressure for Motor Vehicles Operating on the County's Ocean Beach **REMOVED FROM CONSIDERATION**

B) Consideration of an Ordinance Amending the Currituck County Code of Ordinances by Adding a Section Regulating Excessive and Unsafe Digging on the County's Ocean Beach **REMOVED FROM CONSIDERATION**

C) Board Appointments

1. Ocean Sands North/Crown Point Watershed District Advisory

D) Consent Agenda

1. Approval Of Minutes for September 18, 2017
2. Budget Amendments
3. Asset Surplus Resolution-Tourism & Sheriff's Department
4. Surplus Resolution and Authorization for Retiring Deputies Robert McIntosh and Melinda McIntosh to Purchase their Service Revolvers.
5. Resolution Authorizing Conveyance of County Property to Ocean Sands Water and Sewer District

E) Commissioner's Report

F) County Manager's Report

Special Meeting of the Ocean Sands Water and Sewer District Board

Approval of Project Ordinance

Resolution Accepting Conveyance of Real Property from Currituck County for Wastewater Treatment and Disposal

Adjourn Special Meeting

Closed Session: Pursuant to G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege. **Added as amendment to agenda**

Adjourn

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

No one was signed up nor wished to speak at Public Comment.

PUBLIC HEARINGS

A. Public Hearing and Action: PB 94-49 The Currituck Club PUD - Sketch Plan/Use Permit Amendment:

APPLICATION SUMMARY

Property Owner: The Currituck Club Property Owner's Association, Inc. (TCCPOA) 619 Clubhouse Drive Corolla, NC 27927	Applicant: The Currituck Club Property Owner's Association, Inc. (TCCPOA) by: Heidi Corsello, General Manager
Case Number: PB 94-49	Application Type: Amended Sketch Plan/Use Permit
Parcel Identification Number: 127E-000-OPEN-0003 (475 Yaupon Lane/"Surf Shack")	Existing Use: The Currituck Club Oceans Subdivision Common Open Space
Land Use Plan Classification: Full Service	Parcel Size (Acres): .82
Request: Approve Amended Sketch Plan/Use Permit to establish allowable uses	Zoning: SFO w/ PUD Overlay

SURROUNDING PARCELS

	Land Use	Zoning
North	RESIDENTIAL (SPINDRIFT)	SFO
South	CURRITUCK COUNTY PUBLIC BEACH ACCESS	SFO-PUD OVERLAY (PINE ISLAND)
East	RESIDENTIAL (OCEANS SUBDIVISION)	SFO
West	COMMERCIAL (CURRITUCK CLUB)	SFO-PUD OVERLAY (CURRITUCK CLUB)

On August 7, 2017 the Board of Commissioners approved a zoning map amendment to expand the PUD Overlay to include parcel 127E-000-OPEN-0003 (475 Yaupon Lane/"Surf Shack"). The applicant is requesting an approved Amended Sketch Plan/Use Permit to establish allowable uses on the

parcel. The subject parcel was platted as part of The Currituck Club Oceans Subdivision (A Private Access Open Space Subdivision) and is owned by TCCPOA. The applicant is requesting open space designation. Additionally, the applicant has proposed conditions on use of the parcel.

The Amended Sketch Plan and Use Permit establish uses of property located within a PUD overlay and ensure compliance with standards of the UDO. The Currituck Club PUD is restricted to a maximum density of 3 dwelling units per acre, a minimum of 35% open space set-aside, and a maximum of 10% land area occupied by commercial development.

A request for violation investigation was filed on behalf of Pine Island Property Owner's Association on August 29, 2016. The investigation request pertained to the use of the property at 475 Yaupon Lane (the "Surf Shack" property). Staff issued a Letter of Determination on February 3, 2017 stating the use of the "Surf Shack" is in violation of the UDO because it is inconsistent with uses allowed in Open Space. The UDO allows structures for active or passive recreational purposes in Open Space areas. The "Surf Shack" was determined to be a commercial facility that rents recreational equipment and sells snacks and drinks; however, it is not a structure used for recreational purposes. TCCPOA initiated this request in order to pursue a legislative remedy to the letter of determination.

The County previously issued building permits for construction on the subject parcel. A review of those approvals reveals that Staff likely reviewed the applications and approved permits based on the assumption and belief that the property was part of the Currituck Club PUD (TCCPUD). Although the property was owned by The Currituck Club developer and is currently owned by The Currituck Club POA, it was not part of the Currituck Club PUD. *(On August 7, 2017 the BOC approved the PUD overlay zoning map amendment.)*

In 2000, a permit was issued for a "Valet Hut" and in 2010 a permit was issued to expand the existing trolley stop (a covered seating area) by attaching an unheated commercial building for bathrooms, vending, storage, sales and valet services for Currituck Club Owners and Guests.

Staff reviewed open space uses in other PUDs, discussed existing permits and historic use of the property with the applicant, and determined that inclusion of the Surf Shack parcel into The Currituck Club PUD allows for uses consistent with those existing in neighboring PUDs. The County has historically granted flexibility to management of PUDs and specifically when related to allowable open space area uses within PUDs. Most existing PUDs on the Currituck County Outer Banks have a type of recreational facility or accessory facility with commercial components located in open space areas. It is Staff's position that inclusion of the "Surf Shack" parcel into The Currituck Club PUD allows the County to extend similar flexibility in allowing continued use of the existing amenities.

A major factor in Staff's February 3, 2017 Letter of Determination centered on the realization and verification that the parcel **was not** a part of The Currituck Club PUD and therefore **was not subject to the historical flexibility granted to PUDs with regard to open space, recreation and accessory uses.**

In light of the applicant's amended application received July 10, 2017 requesting continued open space designation and compatible uses instead of commercial allocation and including conditions on the use of the property, Staff considers the application to be consistent with the intent of open space uses and believes the proposed uses are consistent with historically permitted uses in PUD open space areas.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

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

1. The application complies with all applicable review standards of the UDO.
2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. The designation of the property shall remain open space.

- b. The use of the property shall be limited to Active or Passive Recreation Uses such as picnic/eating areas, games such as horseshoes, bocce ball, corn hole, and other similar games, sail shelters, putting green, golf cart parking areas, a grill, a pool and any other similar recreational purposes. Allowable accessory uses include food and beverage sales, sales of beach related sundries and limited storage and rental of beach equipment.
- c. Improvements shall be limited to those shown on the Conceptual Site Plan dated September 25, 2017. Expansions of golf cart parking, proposed bocce ball, shuffle board courts and putting green shown on the Conceptual Site Plan are approved as to use and location.
- d. The applicant shall submit a more detailed site plan, substantially consistent with the use and location of improvements shown on the Conceptual Site Plan, to be reviewed and approved by the County's Technical Review Committee prior to construction of proposed expansions or relocation of existing structures.
- e. Required storm water features shall maintain the same level of functionality as on the existing site.
- f. Future expansion of use or structures, or future changes of use, will require an amendment to this Use Permit.
- g. On-site storage of recreational equipment is limited to existing or proposed structures shown on the Conceptual Site Plan. Temporary storage containers including but not limited to trailers or beach boxes are prohibited.
- h. Use of the property and amenities shall be limited to owners, tenants and their guests from The Currituck Club PUD, The Currituck Club Oceans Subdivision, and the Spindrift Subdivision. TCCPOA shall implement a system to identify qualified users and shall notify County staff on the system. If the system fails and does not identify qualified users, County staff will require a revision to the identification system.
- i. Hours of operation shall be limited to 6:00 am to 7:00 pm. Staff hours may exceed the hours of operation of the Surf Shack and related amenities.

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

- 1. The property has been used as a permitted guest services amenity for more than 17 years.
- 2. Approval of the application will :
 - a. allow the continued historical use of the parcel for amenities which consist of beach concessions, picnic/eating facilities, games, beach equipment rental and storage, and golf cart parking.
 - b. permit the continued use of the Surf Shack parcel while recognizing and keeping in place prior county approvals which relate to the property.
 - c. allow owners and guests in TCC to continue to enjoy a high level of service and amenities that are typical of exclusive resort communities, all of which is consistent with the County's goal of promoting tourism.
- 3. The use of the property for amenities for TCC owners and guests conforms to adjacent land uses and enhances public safety and welfare. The use of the property for amenities for TCC owners and guests reduces the number of pedestrian or vehicular trips made across NC12 to access the beach. This reduces traffic on and crossing NC12 and also reduces the need for large public parking areas on the ocean-side of NC12.

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. There are many factors which affect market value and the eventual sale price of a home, such as location, condition, size, amenities, features, improvements and upgrades, local economic conditions, the current real estate market and mortgage interest rates, among others. Real estate values are not static and don't always appreciate in a straight line. The Surf Shack amenities are existing uses and TCCPOA is not aware of any evidence to suggest that the use of those amenities by TCCPOA owners and guests has any adverse effect on real estate values of neighboring properties.
2. The current uses of the Surf Shack parcel have a positive impact on the value of the homes within The Currituck Club.
3. The use of the property as a concession stand and recreational equipment rental facility have been and will continue to be in harmony with the area because adjoining communities offer similar recreational amenities for their members and guests.
4. There are substantial vegetative buffers that separate the Surf Shack parcel from adjoining properties.
5. The approval of TCCPOA's Application will likely enhance property values because the current use of the property provides convenient, compatible and efficient recreational services to TCCPOA and two other adjoining communities, and it will permit the continued historical use of a significant and well established recreational amenity.

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

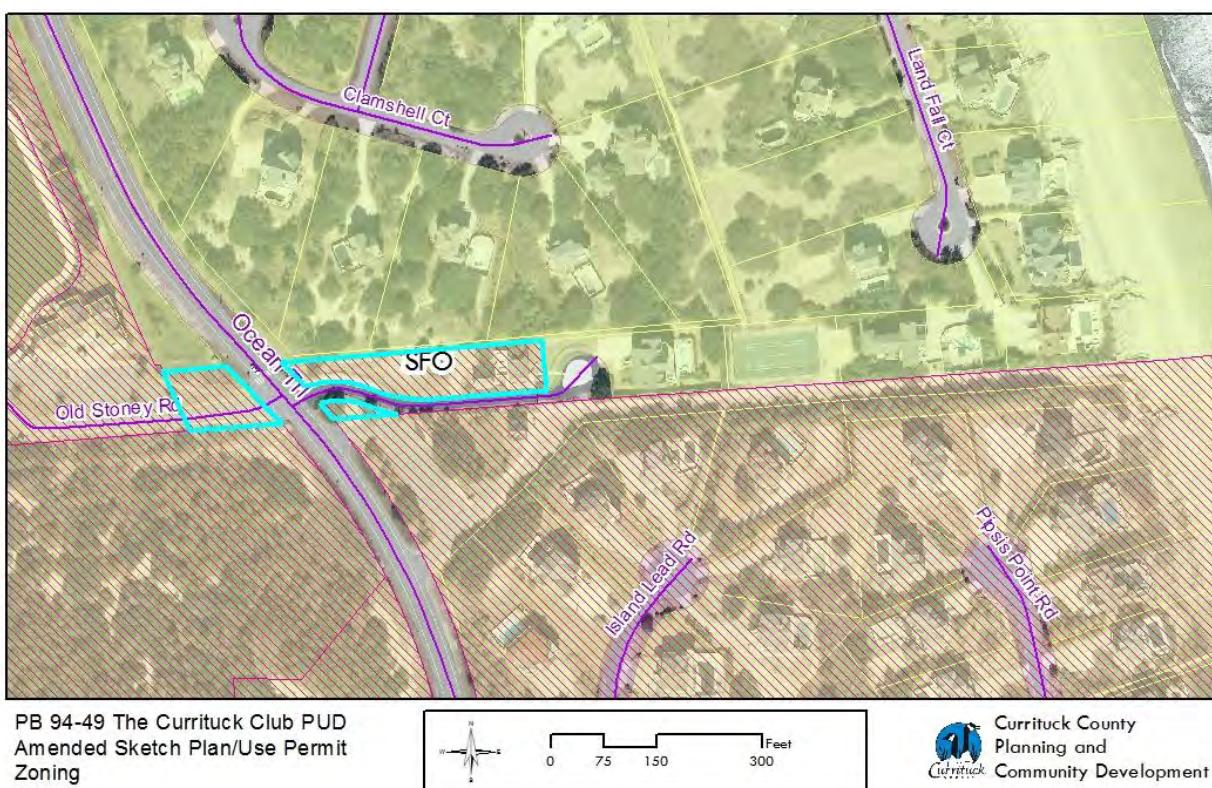
Preliminary Staff Findings:

1. The policy emphasis of the 2006 Land Use Plan (LUP) for the Corolla Sub-Area provides that reasonable development/redevelopment limits should be set which balance the property rights of the individual against legitimate concerns about public health and safety. LUP Policy HN3 states that the County shall especially encourage COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. Also, Full Service Areas are designated areas of the county where a broad range of more intense uses are preferred. Full Service Areas should preserve existing community character.
2. The Amended Sketch Plan and Use Permit establish allowable uses of property located within a PUD overlay and ensure compliance with the bulk and dimensional standards of the UDO with respect to required open space and commercial use areas.

The 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. The proposed use will not impact schools, fire and rescue, law enforcement or other county facilities.

**MEMORANDUM**

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

From: Jennie Turner, Planner II

Date: **REVISED – May 17, 2017**

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

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

Planning, Jennie Turner 252-232-6031

Reviewed

1. Revise Amended Sketch Plan Summary Development Table Calculations (overall acreage). Please confirm acreage of the requested parcels – County GIS shows 1.11 acres.²
2. What is the intended use/range of uses of the “beach club” parcel?²
3. What is the intended use of the oceanfront parcel? Why is commercial allocation requested for this parcel?²
County Comment: On July 10, 2017, the applicant removed the oceanfront parcel from the application.
4. The County has historically required parcels included in a PUD to be contiguous. Staff may not recommend inclusion of the oceanfront parcel in the PUD.¹
County Comment: On July 10, 2017, the applicant removed the oceanfront parcel from the application.
5. If the request is approved, staff will include a condition to amend the Currituck Club Oceans Subdivision Plat.²
County Comment: In light of the revised application received on July 10, 2017; Staff retracts this comment provided the designation of the property remains open space.

County Comment on Zoning Map Amendment Application¹

County Comment on Amended Sketch Plan/Use Permit Application²

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

No Comment

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

No Comment

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

Reviewed

Currituck County GIS, Harry Lee

Reviewed

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

Reviewed

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

No Comment

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

Reviewed

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

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

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

NCDOT, R Midgett 252-331-4737

No Comment

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

Reviewed

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

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

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

No Comment

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

County Attorney, Ike McRee, explained the quasi-judicial nature of the proceeding and defined "use permit". He reviewed the findings of fact required for approval of the application. All parties were sworn and legal representation introduced: Attorney Eric Remington represented The Currituck Club (TCC); Attorney George Curren represented Michael Cherry, an interested party who operates the Surf Shack; and Attorney Jamie Schwedler of Parker Poe represented the Pine Island Property Owners Association (PIPOA).

Laurie LoCicero, Planning and Community Development Director, reviewed the Use Permit application for the Surf Shack property. After the presentation, Ms. LoCicero clarified the amenities to be included on the property, its location and size. She reviewed staff conditions and confirmed that changes to the plan as presented would require Board approval.

Ms. LoCicero provided her professional and educational background and was accepted by the Board as a Land Use expert. She responded to questions posed by Mr. Remington regarding the application.

Ms. LoCicero responded to questions posed by Ms. Schwedler regarding commercial activity on the property. She confirmed use should be limited to providing services to TCC guests. A document listing possible uses for the property suggested by PIPOA members was submitted, and Ms. Schwedler questioned Ms. LoCicero on those recommendations and their inclusion or omission as conditions of the permit. She addressed the trolley service provided by TCC. Ms. Locicero said the trolley was not a consideration as a use related to the particular piece of property. Mr. Remington and

Ms. Schwedler each cross-examined Ms. LoCicero.

George Curren asked about the operation of the Surf Shack. Ms. LoCicero stated she was not aware of any complaints until 2016. She responded to specific questions regarding beach rental equipment, the use of the property, and public use of the beach.

There were no additional questions for Ms. LoCicero and Chairman Hanig called a recess at 7:22 PM. The meeting reconvened at 7:28 PM and Ms. LoCicero responded to a few questions posed by the Board related to earlier testimony.

Attorneys for the parties presented witnesses who provided sworn testimony relative to the findings of fact. During testimony, attorneys referenced supporting documents which were submitted into evidence. Objections raised during testimony were ruled on by the Chairman.

Michael Cherry, President of Lighthouse Resort Services and operator of the Surf Shack since the fall of 1997 was called to testify. During testimony, Ms. LoCicero confirmed that concessions would be allowed and that expanded food sales would need Board approval.

Heidi Corsello, General Manager of The Currituck Club, was called to testify and was established as an authorized representative to speak on behalf of TCC Property Owners Association. She responded to questions related to TCC development, past use of the Surf Shack parcel and said approval would result in the continued recreational use of the property. She said the conditions for approval were acceptable to TCC. Ms. Corsello based her opinion that the use would not endanger the public health or safety on her experience, receiving no reports of accidents or complaints since becoming General Manager in 2013, nor is she aware of accidents or complaints related to the parcel prior to her arrival. She testified about complaints TCC received regarding the operations at the Surf Shack, and Ms. Corsello recalled steps taken to remedy those complaints.

Ms. Corsello's testimony concluded at 8:43 PM and Chairman Hanig called a recess. The meeting reconvened at 8:50 PM.

Bob Godley, a Licensed Real Estate Broker for Kitty Hawk Land Company, was called to testify and was accepted as an expert witness. He said the Surf Shack parcel has not and will not injure the value of surrounding properties and will be in harmony with surrounding area. The addition of recreational amenities to the property would not change his opinion as to those findings of fact. He reviewed the data used to develop his opinion and responded to questions related to market values and his data compilation and analysis. He said any reduction in property value was market driven and not related to the Surf Shack.

M. Curtis West was called and accepted as an expert witness in real estate appraisal and land use impact studies. He reviewed the process of the land use impact study he performed and presented results based on his analysis. He noted no economic depreciation for any adjacent properties and concluded the use would not injure the value of adjoining or abutting lands. Mr. West said he last appraised property in

Currituck County in 2013, and he answered questions related to revaluations and possible impacts on data or analysis. He responded to questions about the process used for his assessment and confirmed his findings on cross-examination.

A brief recess was called by Chairman Hanig. The meeting was reconvened at 10:02 PM. Commissioner Hall was not present after recess. He did not return to the meeting and was not excused by a majority of remaining members.

Cathleen Saunders, Professional Engineer at Quible and Associates, was accepted as an expert witness. She testified as to zoning and land use of the Surf Shack property and her knowledge of the County's Unified Development Ordinance (UDO). As developer of the conceptual site plan, she concluded the site would conform with the county's Land Use Plan (LUP) and UDO. Ms. Saunders reviewed how she determined her results for the findings of fact.

Attorney Jamie Schwedler of Parker Poe, and Attorney for Pine Island Property Owners Association (PIPOA), presented a powerpoint and noted their opposition and objections to the application submitted by TCC. Citing counter-evidence to be presented related to safety, inconsistency with the LUP, increased activity and negative impacts related to the use of the property, rebuttal witnesses were called.

Diane Watkinson, President of the Pine Island POA and owner of a home located one lot from the Public Beach access, was called to testify. She testified as to the increased activity at the Surf Shack parcel over the last four to five years and discussed prior meetings with TCC representatives and the county regarding this increased activity. She responded to questions related to particular policies included in the LUP and UDO. She said Pine Island is not trying to prevent the public from traversing the dry sand. She responded to questions regarding the public beach access and its use by the Currituck Club, area density and Pine Island's close proximity to the Surf Shack parcel. Ms. Watkinson confirmed the Surf Shack was present when she purchased both of her Pine Island properties. She said the beach is overused and it is a detriment to the adjoining properties.

Ms. Watkinson responded to questions posed by the Board and explained she became aware of the increased use of the area through pictures, as well as noting impacts on her rental business.

When asked, Mr. McRee said there is no law regulating the number of people on a public beach.

On redirect, Ms. Watkinson again discussed the increased activity at the location that took place in 2013 and 2014. She discussed her rental properties and their locations and said she noticed a decrease in repeat rental activity at the house near the beach access.

Richard Hinson, a Pine Island homeowner, was called to testify. He said the use of the Surf Shack contributes to the overcrowding and answered questions related to the access. He also testified to the typically full lot, which he said is overflowing daily.

Mike Colo, Spindrift homeowner and President of Spindrift Property Owners Association (POA) was called as a witness. He testified he was authorized to speak for the Spindrift POA. Mr. Colo said he has raised the issue regarding the crowding with TCC and said repeat renters of his property have decreased over the last four years. He presented his observation as to the Surf Shack activity spilling over to the beach area. He said empty, unrented umbrellas and chairs on the beach are particularly what precipitated the complaints.

Jason Self, licensed Real Estate Broker and Certified Appraiser, was called to testify as an expert witness. He presented his process for the assessment of properties in the Pine Island community, comparing two similar properties, one near the surf shack and the other not. He presented his findings and noted negative effects on homes closer to the beach access area. He provided the types of data he used to perform evaluations. Responding to questions about analyzing effects on abutting or adjoining properties, he acknowledged the assessed properties were not adjoining the Surf Shack property, and appraisals were performed on the two Pine Island homes owned by Ms. Watkinson. Mr. Self presented his opinion that the Surf Shack commercial operation is detrimental to the value of adjoining lands. He said he based his opinion on the extended marketing time and reduced rental income as shown in the data collected.

No additional witnesses were called and no one was signed up nor wished to speak at public hearing.

Commissioner White asked that an order be written based on testimony heard tonight, to be presented at the next Commissioners meeting, and moved to approve PB 94-49, The Currituck Club: It is consistent with the Land Use Plan because it is located in the Full Service Area and is part of a planned unit development that meets the bulk and dimensional standards of the Unified Development Ordinance with respect to density, required open space and commercial use areas; it will not endanger the public health or safety because it allows the continued historical use of the parcel for amenities and reduces the number of pedestrian and vehicular trips made across NC 12; the use will not injure the value of adjoining property and will not exceed the county's ability to provide adequate public facilities. Per staff recommendations, the designation of the property shall remain open space, the use of the property shall be limited to active or passive recreation uses such as picnic eating areas, sail shelters, golf cart parking areas and allowable accessory uses to include food and beverage sales, sales of beach related sundries, and limited storage and rental of beach equipment; improvements on the property shall be limited to the expansion of the golf cart parking, which is shown on the conceptual site plan as an approved use and location, along with the rest of the staff recommendations letters (d) through (i). Omitted are recreation uses such as horseshoes, bocce ball, cornhole, and other games to leave the property as it is currently being used, and if the applicant wants to seek them at a future time they may come before the Board to do so.

The motion was seconded by Commissioner Etheridge and passed, 6-0. (Pursuant to Ch. 2, Article II, Div. 2, Sec. 2-54 and Sec. 2-74 of the Code of Ordinances, Commissioner Hall is recorded as having voted in the affirmative because he left the meeting without first being excused by a majority of remaining members present.)

Chairman Hanig called a five minute recess to allow attendees related to the hearing to exit the meeting room.

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

NEW BUSINESS

A. Consideration of an Ordinance Amending Section 10-66 of the Currituck County Code of Ordinances to Clarify Required Tire Air Pressure for Motor Vehicles Operating on the County's Ocean Beach

The agenda was amended and this item was removed from consideration.

B. Consideration of an Ordinance Amending the Currituck County Code of Ordinances by Adding a Section Regulating Excessive and Unsafe Digging on the County's Ocean Beach

The agenda was amended and this item was removed from consideration.

C) Board Appointments

1. Ocean Sands North/Crown Point Watershed District Advisory

Bryan Dagget was nominated by consensus to fill an unexpired term on the Ocean Sands North/Crown Point Service District Advisory.

Commissioner Gilbert move to accept the nominee. The motion was seconded by Commissioner White and the motion passed, 6-0. (Pursuant to Ch. 2, Article II, Div. 2, Sec. 2-54 and Sec. 2-74 of the Code of Ordinances, Commissioner Hall is recorded as having voted in the affirmative because he left the meeting without first being excused by a majority of remaining members present.)

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

D) Consent Agenda

Commissioner Gilbert moved to approve the Consent Agenda. The motion was seconded by Commissioner Payment. After a brief explanation by the County Manager regarding funds for roof repair, carried forward from last year, and the budget estimate for legal expenses through the end of the year. The motion passed, 6-0. (Pursuant to Ch. 2, Article II, Div. 2, Sec. 2-54 and Sec. 2-74 of the Code of Ordinances, Commissioner Hall is recorded as having voted in the affirmative because he left the meeting without first being excused by a majority of remaining members present.)

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

1) Approval Of Minutes for September 18, 2017

1. Minutes for September 18, 2017

2. Budget Amendments

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10980-590000	Capital Outlay	\$ 9,955	
10330-445100	FEMA - Public Assistance		\$ 9,955
		<u>\$ 9,955</u>	<u>\$ 9,955</u>

Explanation: Disaster Recovery (10980) - Increase appropriations to repair roof at the Powells Point Sr Center damaged in Hurricane Matthew.

Net Budget Effect: Operating Fund (10) - Increased by \$9,955.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
67878-545000	Contracted Services		\$ 60,000
67878-590000	Capital Outlay	\$ 60,000	
		\$ 60,000	\$ 60,000

Explanation: Mainland Sewer (67878) - Transfer budgeted funds for replacement parts for the Mainland Sewer System. Installation will be done by staff.

Net Budget Effect: Mainland Sewer Fund (67) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-513000	Utilities		\$ 1,000
10750-516200	Vehicle Maintenance		\$ 1,000
10750-531000	Fuel		\$ 3,000
10750-561000	Professional Services	\$ 5,000	
10330-430000	DSS Miscellaneous		\$ 14,400
10752-532003	Supplies - Special Adoption	\$ 12,472	
10752-553003	Dues & Sub - Special Adoption	\$ 1,500	
10390-499900	Fund Appropriate Balance	\$ 392	
10752-519700	HCCBG In Home	\$ 36	
		\$ 19,400	\$ 19,400

Explanation: SOCIAL SERVICES ADMIN (750) - Increase Professional Services to cover cost reimbursable expert witness fees and medical file review expenses for child welfare cases. PUBLIC ASSISTANCE (752) - Carry forward FY 16/17 funds and add additions FY 17/18 funds for Special Adoption funding and adjust In Home funds to the allocations received.

Net Budget Effect: Operating Fund (10) - Increased by \$14,008.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10415-561000	Professional Services	\$ 100,000	
10310-400017	Ad Valorem Taxes - 2017 Levy		\$ 100,000
		<u>\$ 100,000</u>	<u>\$ 100,000</u>

Explanation: Legal (10415) - Increase appropriations for outside legal counsel for pending lawsuits.

Net Budget Effect: Operating Fund (10) - Increased by \$100,000.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10380-481000	Investment Earnings		\$ 3,000
10420-589000	OSD Reserve	\$ 3,000	
10460-506000	Health Insurance		\$ 1,000
10460-526000	Advertising	\$ 1,000	
10650-514000	Travel		\$ 213
10650-553000	Dues & Subscriptions	\$ 213	
		<u>\$ 4,213</u>	<u>\$ 4,213</u>

Explanation: Governing Body (10420); Public Works (10460); Economic Development (10650) - Increase appropriations for unanticipated cost increases.

Net Budget Effect: Operating Fund (10) - Increased by \$3,000.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10460-590000	Capital Outlay	\$ 242,785	
10390-499900	Appropriated Fund Balance		\$ 242,785
		<u>\$ 242,785</u>	<u>\$ 242,785</u>

Explanation: Public Works Department (10460) - To carryforward roof projects from FY 2017.

Net Budget Effect: Operating Fund (10) - Increased by \$242,785.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10420-561000	Professional Services	\$ 49,500	
10310-400017	Ad Valorem Taxes - 2017 Levy		\$ 49,500
		<u>\$ 49,500</u>	<u>\$ 49,500</u>
Explanation:	Governing Body (10420) - Increase appropriations for review of Board of Education.		
Net Budget Effect:	Operating Fund (10) - Increased by \$49,500.		

3. Asset Surplus Resolution-Tourism & Sheriff's Department

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.

ASSET	YEAR	MAKE	VIN#	MILEAGE	DEPT	COLOR
6177	2006	CROWN VIC	2FAFP71W06X162082	160,809	SHERIFF	WHITE
6095	2006	CROWN VIC	2FAHP71W96X119014	114,076	SHERIFF	WHITE
6738	2008	DODGE	2B3KA43H98H206084	unknown	SHERIFF	BLACK
7002	2009	DODGE	2B3KA43T29H607840	120,508	SHERIFF	WHITE
7187	2010	DODGE	2B3AA4CT0AH161784	133,519	SHERIFF	WHITE
7350	2010	DODGE	2B3AA4CT8AH318980	139,373	SHERIFF	WHITE
7356	2010	DODGE	2B3AA4CT9AH318986	120,119	SHERIFF	WHITE
7484	2012	DODGE	2C3CDXAT4CH147915	171,963	SHERIFF	WHITE
7692	2013	DODGE RAM	1C6RR7GT5DS521772	110,654	SHERIFF	WHITE
7886	2013	Cash Register System	CRC5V3498		Tourism	
7887	2013	Cash Register System	CRC2V6861		Tourism	

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to

ADOPTED, this 2nd day of October, 2017.

 Bobby Hanig
 County of Currituck, Board of Commissioners

 Leeann Walton
 Clerk to the Board (Seal)

4. Surplus Resolution and Authorization for Retiring Deputies Robert McIntosh and Melinda McIntosh to Purchase their Service Revolvers.

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on October 2, 2017, authorized the following property listed below be declared surplus and disposed of; and

WHEREAS, Sheriff Johnson has requested that upon the retirement of Deputy Robert P. McIntosh that his duty weapon, a Glock 22 handgun, Serial #PVF935, be given to him. Mr. McIntosh has made the request to purchase same upon his retirement; and

WHEREAS, Sheriff Johnson has requested that upon the retirement of Deputy Melinda K. McIntosh that her duty weapon, a Glock 22 handgun, Serial #HES329, be given to her. Ms. McIntosh has made the request to purchase same upon her retirement.

ADOPTED this the 2nd day of October, 2017.

ATTEST:

Bobby Hanig, Chairman

Clerk to the Board of Commissioners

5. Resolution Authorizing Conveyance of County Property to Ocean Sands Water and Sewer District

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA AUTHORIZING CONVEYANCE OF COUNTY PROPERTY TO OCEAN SANDS WATER AND SEWER DISTRICT FOR CONTINUED USE AND LOCATION OF WASTEWATER TREATMENT AND DISPOSAL

WHEREAS, Currituck County owns property located at 741 and 743 Ocean Trail, Corolla, North Carolina as more particularly described in deeds recorded in Deed Book 137, Page 158 and Deed Book 231, Page 635 of the Currituck County Registry, (the "County Property"); and

WHEREAS, the County Property has and continues to be occupied by a wastewater treatment plant and disposal field operated by Ocean Sands Water and Sewer District, a body corporate and politic existing pursuant to Chapter 62A of the General Statutes of North Carolina, for the benefit of property located in Ocean Sands subdivision; and

WHEREAS, Ocean Sands Water and Sewer District has constructed improvements to the wastewater treatment facility and is preparing to finance and construct additional improvements to the wastewater treatment facility required to meet regulatory requirements and demand from its service area; and

WHEREAS, County Property has an appraised tax value in the total amount of \$1,912,100; and

WHEREAS, Section 160A-274 of the General Statutes of North Carolina authorizes Currituck County, upon such terms and conditions as it deems wise, with or without consideration, convey the County Property to another governmental entity.

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

Section 1. The conveyance of Currituck County property located at 741 and 743 Ocean Trail, Corolla, North Carolina as more particularly described in deeds recorded in Deed Book 137, Page 158 and Deed Book 231, Page 635 of the Currituck County Registry to Ocean Sands Water and Sewer District is authorized with the condition that Ocean Sands Water and Sewer District shall pay as consideration for the County Property \$1,912,100 upon demand of Currituck County.

Section 2. The appropriate Currituck County officials are directed and authorized to execute the appropriate instruments necessary to carry out the conveyance of the County Property to Ocean Sands Water and Sewer District.

Section 3. This resolution is effective upon its adoption and supersedes any prior or conflicting resolution.

ADOPTED the 2nd day of October, 2017.

Bobby Hanig, Chair
Board of Commissioners

ATTEST:

Leeann Walton,
Clerk to the Board of Commissioners

E) Commissioner's Report

Commissioner White described where the word "lobbyist" originated.

Commissioner Etheridge, a breast cancer survivor, encouraged regular checkups and recognized October as Breast Cancer Awareness Month.

Commissioner Gilbert announced several festivals on October 14, 2017: Bark in the Park at JP Knapp from 10 AM till 2 PM; Currituck Kids Scarecrow Fest at Currituck BBQ from 2-6 PM; Shawboro Ruritans Prime Rib Dinner from 4-7 PM.

F) County Manager's Report

No report.

ADJOURN

Motion to Adjourn Meeting

With there being no further business, Chairman Hanig moved to adjourn the meeting of the Board of Commissioners. There were no objections and the meeting was adjourned at 12:04 AM. (Pursuant to Ch. 2, Article II, Div. 2, Sec. 2-54 and Sec. 2-74 of the Code of Ordinances, Commissioner Hall is recorded as having voted in the affirmative because he left the meeting without first being excused by a majority of remaining members present.)

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

SPECIAL MEETING OF THE OCEAN SANDS WATER AND SEWER DISTRICT BOARD

A Special Meeting of the Ocean Sands Water and Sewer District was held immediately following the regular meeting of the Board of Commissioners for consideration of the following items:

Approval of Project Ordinance

County Manager, Dan Scanlon, reviewed the purpose for the project ordinance. Commissioner Gilbert moved for approval and the motion was seconded by Commissioner White. The motion passed, 6-0.

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

Resolution Accepting Conveyance of Real Property from Currituck County for Wastewater Treatment and Disposal

Commissioner Payment moved to approve the Resolution for conveyance of property. Commissioner Gilbert seconded the motion. The motion passed, 6-0.

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

Motion to Adjourn

There was no further business and Commissioner Gilbert moved to adjourn. Commissioner White seconded the motion. The motion passed, 6-0.

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



**DRAFT - STAFF REPORT
PB 94-49 THE CURRITUCK CLUB
BOARD OF COMMISSIONERS
OCTOBER 2, 2017**

APPLICATION SUMMARY

Property Owner: The Currituck Club Property Owner's Association, Inc. (TCCPOA) 619 Clubhouse Drive Corolla, NC 27927	Applicant: The Currituck Club Property Owner's Association, Inc. (TCCPOA) by: Heidi Corsello, General Manager
Case Number: PB 94-49	Application Type: Amended Sketch Plan/Use Permit
Parcel Identification Number: 127E-000-OPEN-0003 (475 Yaupon Lane/"Surf Shack")	Existing Use: The Currituck Club Oceans Subdivision Common Open Space
Land Use Plan Classification: Full Service	Parcel Size (Acres): .82
Request: Approve Amended Sketch Plan/Use Permit to establish allowable uses	Zoning: SFO w/ PUD Overlay

SURROUNDING PARCELS

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

STAFF ANALYSIS

On August 7, 2017 the Board of Commissioners approved a zoning map amendment to expand the PUD Overlay to include parcel 127E-000-OPEN-0003 (475 Yaupon Lane/"Surf Shack"). The applicant is requesting an approved Amended Sketch Plan/Use Permit to establish allowable uses on the parcel. The subject parcel was platted as part of The Currituck Club Oceans Subdivision (A Private Access Open Space Subdivision) and is owned by TCCPOA. The applicant is requesting open space designation. Additionally, the applicant has proposed conditions on use of the parcel.

The Amended Sketch Plan and Use Permit establish uses of property located within a PUD overlay and ensure compliance with standards of the UDO. The Currituck Club PUD is restricted to a maximum density of 3 dwelling units per acre, a minimum of 35% open space set-aside, and a maximum of 10% land area occupied by commercial development.

BACKGROUND

A request for violation investigation was filed on behalf of Pine Island Property Owner's Association on August 29, 2016. The investigation request pertained to the use of the property at 475 Yaupon Lane (the "Surf Shack" property). Staff issued a Letter of Determination on February 3, 2017 stating the use of the "Surf Shack" is in violation of the UDO because it is inconsistent with uses allowed in Open Space. The UDO allows structures for active or passive recreational purposes in Open Space areas. The "Surf Shack" was determined to be a commercial facility that rents recreational equipment and sells snacks and drinks; however, it is not a structure used for recreational purposes. TCCPOA initiated this request in order to pursue a legislative remedy to the letter of determination.

The County previously issued building permits for construction on the subject parcel. A review of those approvals reveals that Staff likely reviewed the applications and approved permits based on the assumption and belief that the property was part of the Currituck Club PUD (TCCPUD). Although the property was owned by The Currituck Club developer and is currently owned by The Currituck Club POA, it was not part of the Currituck Club PUD. *(On August 7, 2017 the BOC approved the PUD overlay zoning map amendment.)*

In 2000, a permit was issued for a "Valet Hut" and in 2010 a permit was issued to expand the existing trolley stop (a covered seating area) by attaching an unheated commercial building for bathrooms, vending, storage, sales and valet services for Currituck Club Owners and Guests.

Staff reviewed open space uses in other PUDs, discussed existing permits and historic use of the property with the applicant, and determined that inclusion of the Surf Shack parcel into The Currituck Club PUD allows for uses consistent with those existing in neighboring PUDs. The County has historically granted flexibility to management of PUDs and specifically when related to allowable open space area uses within PUDs. Most existing PUDs on the Currituck County Outer Banks have a type of recreational facility or accessory facility with commercial components located in open space areas. It is Staff's position that inclusion of the "Surf Shack" parcel into The Currituck Club PUD allows the County to extend similar flexibility in allowing continued use of the existing amenities.

A major factor in Staff's February 3, 2017 Letter of Determination centered on the realization and verification that the parcel **was not** a part of The Currituck Club PUD and therefore **was not subject to the historical flexibility granted to PUDs with regard to open space, recreation and accessory uses.**

In light of the applicant's amended application received July 10, 2017 requesting continued open space designation and compatible uses instead of commercial allocation and including conditions on the use of the property, Staff considers the application to be consistent with the intent of open space uses and believes the proposed uses are consistent with historically permitted uses in PUD open space areas.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

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

1. The application complies with all applicable review standards of the UDO.
2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. The designation of the property shall remain open space.
 - b. The use of the property shall be limited to Active or Passive Recreation Uses such as picnic/eating areas, games such as horseshoes, bocce ball, corn hole, and other

similar games, sail shelters, putting green, golf cart parking areas, a grill, a pool and any other similar recreational purposes. Allowable accessory uses include food and beverage sales, sales of beach related sundries and limited storage and rental of beach equipment.

- c. Improvements shall be limited to those shown on the Conceptual Site Plan dated September 25, 2017. Expansions of golf cart parking, proposed bocce ball, shuffle board courts and putting green shown on the Conceptual Site Plan are approved as to use and location.
- d. The applicant shall submit a more detailed site plan, substantially consistent with the use and location of improvements shown on the Conceptual Site Plan, to be reviewed and approved by the County's Technical Review Committee prior to construction of proposed expansions or relocation of existing structures.
- e. Required storm water features shall maintain the same level of functionality as on the existing site.
- f. Future expansion of use or structures, or future changes of use, will require an amendment to this Use Permit.
- g. On-site storage of recreational equipment is limited to existing or proposed structures shown on the Conceptual Site Plan. Temporary storage containers including but not limited to trailers or beach boxes are prohibited.
- h. Use of the property and amenities shall be limited to owners, tenants and their guests from The Currituck Club PUD, The Currituck Club Oceans Subdivision, and the Spindrift Subdivision. TCCPOA shall implement a system to identify qualified users and shall notify County staff on the system. If the system fails and does not identify qualified users, County staff will require a revision to the identification system.
- i. Hours of operation shall be limited to 6:00 am to 7:00 pm. Staff hours may exceed the hours of operation of the Surf Shack and related amenities.

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. The property has been used as a permitted guest services amenity for more than 17 years.
2. Approval of the application will :
 - a. allow the continued historical use of the parcel for amenities which consist of beach concessions, picnic/eating facilities, games, beach equipment rental and storage, and golf cart parking.
 - b. permit the continued use of the Surf Shack parcel while recognizing and keeping in place prior county approvals which relate to the property.
 - c. allow owners and guests in TCC to continue to enjoy a high level of service and amenities that are typical of exclusive resort communities, all of which is consistent with the County's goal of promoting tourism.
3. The use of the property for amenities for TCC owners and guests conforms to adjacent land uses and enhances public safety and welfare. The use of the property for amenities for TCC owners and guests reduces the number of pedestrian or vehicular trips made across NC12 to

access the beach. This reduces traffic on and crossing NC12 and also reduces the need for large public parking areas on the ocean-side of NC12.

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. There are many factors which affect market value and the eventual sale price of a home, such as location, condition, size, amenities, features, improvements and upgrades, local economic conditions, the current real estate market and mortgage interest rates, among others. Real estate values are not static and don't always appreciate in a straight line. The Surf Shack amenities are existing uses and TCCPOA is not aware of any evidence to suggest that the use of those amenities by TCCPOA owners and guests has any adverse effect on real estate values of neighboring properties.
2. The current uses of the Surf Shack parcel have a positive impact on the value of the homes within The Currituck Club.
3. The use of the property as a concession stand and recreational equipment rental facility have been and will continue to be in harmony with the area because adjoining communities offer similar recreational amenities for their members and guests.
4. There are substantial vegetative buffers that separate the Surf Shack parcel from adjoining properties.
5. The approval of TCCPOA's Application will likely enhance property values because the current use of the property provides convenient, compatible and efficient recreational services to TCCPOA and two other adjoining communities, and it will permit the continued historical use of a significant and well established recreational amenity.

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

Preliminary Staff Findings:

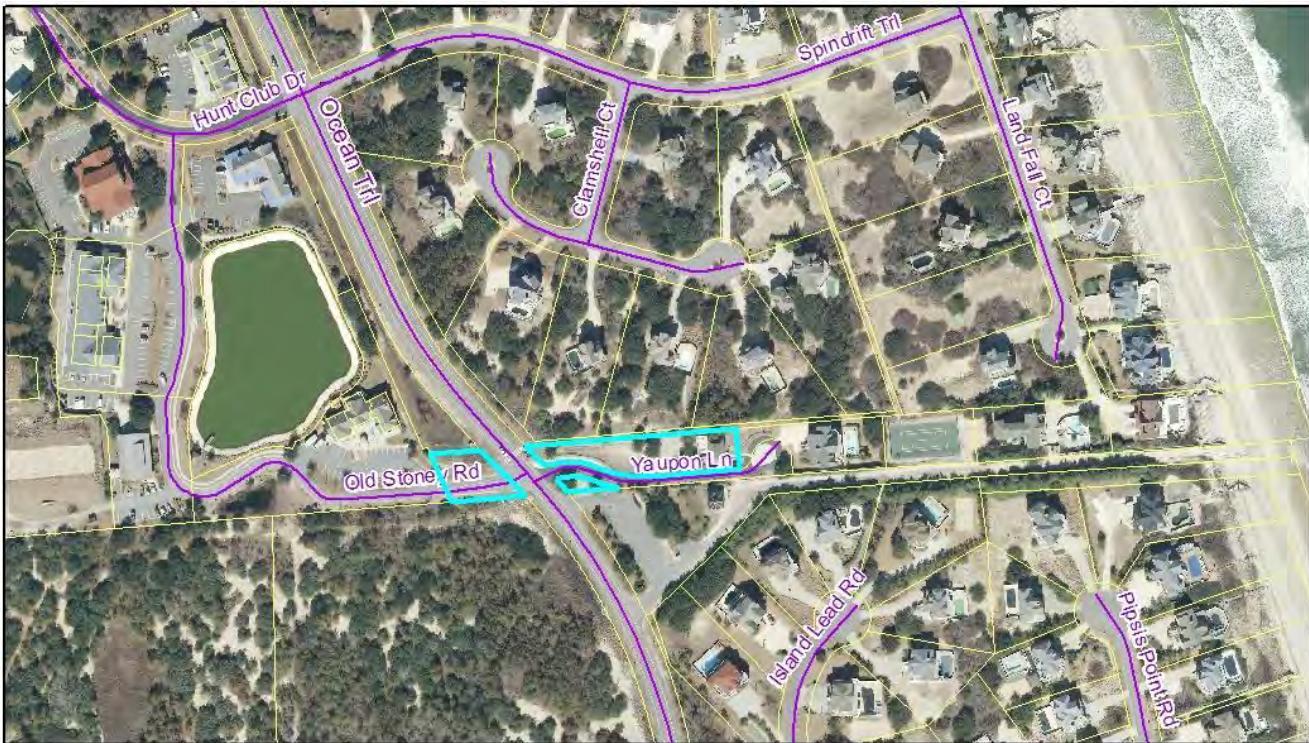
1. The policy emphasis of the 2006 Land Use Plan (LUP) for the Corolla Sub-Area provides that reasonable development/redevelopment limits should be set which balance the property rights of the individual against legitimate concerns about public health and safety. LUP Policy HN3 states that the County shall especially encourage COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. Also, Full Service Areas are designated areas of the county where a broad range of more intense uses are preferred. Full Service Areas should preserve existing community character.
2. The Amended Sketch Plan and Use Permit establish allowable uses of property located within a PUD overlay and ensure compliance with the bulk and dimensional standards of the UDO with respect to required open space and commercial use areas.

The 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.

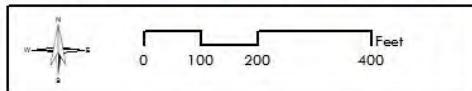
Preliminary Staff Findings:

1. The proposed use will not exceed the county's ability to provide adequate public facilities. The proposed use will not impact schools, fire and rescue, law enforcement or other county facilities.

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



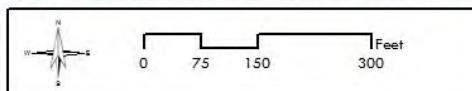
PB 94-49 The Currituck Club PUD
Amended Sketch Plan/Use Permit
Aerial Photography



Currituck County
Planning and
Community Development



PB 94-49 The Currituck Club PUD
Amended Sketch Plan/Use Permit
Zoning



Currituck County
Planning and
Community Development

MEMORANDUM

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

From: Jennie Turner, Planner II

Date: REVISED – May 17, 2017

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

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

Planning, Jennie Turner 252-232-6031

Reviewed

1. Revise Amended Sketch Plan Summary Development Table Calculations (overall acreage). Please confirm acreage of the requested parcels – County GIS shows 1.11 acres.²
2. What is the intended use/range of uses of the “beach club” parcel?²
3. What is the intended use of the oceanfront parcel? Why is commercial allocation requested for this parcel?²
County Comment: On July 10, 2017, the applicant removed the oceanfront parcel from the application.
4. The County has historically required parcels included in a PUD to be contiguous. Staff may not recommend inclusion of the oceanfront parcel in the PUD.¹
County Comment: On July 10, 2017, the applicant removed the oceanfront parcel from the application.
5. If the request is approved, staff will include a condition to amend the Currituck Club Oceans Subdivision Plat.²
County Comment: In light of the revised application received on July 10, 2017; Staff retracts this comment provided the designation of the property remains open space.

County Comment on Zoning Map Amendment Application¹

County Comment on Amended Sketch Plan/Use Permit Application²

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

No Comment

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

No Comment

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

Reviewed

Currituck County GIS, Harry Lee

Reviewed

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

Reviewed

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

No Comment

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

Reviewed

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

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

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

NCDOT, R Midgett 252-331-4737

No Comment

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

Reviewed

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

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

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

No Comment

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

ND: 4819-8697-2236, v. 1





ND: 4823-0062-7532, v. 1

ND: 4814-8909-4988, v. 1



Attachment: 2B Putting Green, Shuffleboard, Bocce Ball (PB 94-49 The Currituck Club PUD - Sketch Plan/Use Permit Amendment)



Major Subdivision Application

OFFICIAL USE ONLY:

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

Contact Information

APPLICANT:

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

PROPERTY OWNER:

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

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

Request

Physical Street Address: 475 Yaupon Lane

Parcel Identification Number(s): 127E0000OPEN0003

Subdivision Name: The Currituck Club PUD/The Currituck Club Oceans Subdivision

Number of Lots or Units: N/A

Phase: N/A

TYPE OF SUBMITTAL

- Conservation and Development Plan
- Amended Sketch Plan/Use Permit
- Preliminary Plat (or amended)
 - Type I OR Type II
- Construction Drawings (or amended)
- Final Plat (or amended)

TYPE OF SUBDIVISION

- Traditional Development
- Conservation Subdivision
- Planned Unit Development
- Planned Development

I hereby authorize county officials to enter my property for purposes of determining compliance with all applicable standards. All information submitted and required as part of this process shall become public record.

7/10/17

Property Owner(s)/Applicant*

Date

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

Community Meeting, if applicable

Date Meeting Held: April 18, 2017

Meeting Location: Rees Jones Room, The Currituck Club

Use Permit Review Standards, if applicable

PUD Amended Sketch Plan/Use Permit, Type II Preliminary Plat

Purpose of Use Permit and Project Narrative (please provide on additional paper if needed): _____
 See Exhibit A attached hereto.

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

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

See Exhibit A attached hereto.

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

See Exhibit A attached hereto.

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

See Exhibit A attached hereto.

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

See Exhibit A attached hereto.

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



Property Owner(s)/Applicant*

7/10/17

Date

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

EXHIBIT A

The Currituck Club PUD

Major Subdivision- Amended Sketch Plan/Use Permit Application
Corolla, North Carolina

Revised July 10, 2017

Table of Contents

1. Vicinity Map
2. Surf Shack Photographs
3. Project Data
4. Purpose Statement
5. Public Health and Safety
6. Harmony with Area
7. Conformity with Land Use Plan and Unified Development Ordinance
8. County's Ability to Provide Adequate Public Facilities

1. Vicinity Map.

2. Surf Shack Photographs



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



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



Picnic/Eating and Game Areas

Attachment: 4 TCC PUD Exhibit A (PB 94-49 The Currituck Club PUD - Sketch Plan/Use Permit Amendment)



Beach Equipment Rental/Storage and Picnic Areas

3. Planned Unit Development ("PUD") Data

a. Name of PUD:

The Currituck Club PUD

b. Applicant/Owner:

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

Prepared By:

Eric J. Remington
 Ward and Smith, P.A.
 P.O. Box 867
 New Bern, NC 28563-0867
 (252) 672-5460
 ejr@wardandsmith.com

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

c. Current Zoning Designation:

Single-Family Residential-Outer Banks (SFO) District

d. Proposed Zoning Designation:

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

e. Current Land Use Designation:

Institutional and Residential (Land Use Plan Map 4.1)

f. Future Land Use Plan Designation:

Full Service Area (Land Use Plan Map 11.1)

g. Area of Tract and Property Ownership

Total Acreage of Parcels: .82 Acres

Property Ownership (PIN) and Acreage:

Parcel ID No.: 127E000OPEN0003 – 0.82 acres

4. Purpose of Use Permit and Project Narrative – This Revised Amended Sketch Plan/Use Permit Application is being submitted contemporaneously with a Revised Zoning Map Amendment Application (collectively, "the Application") to update and amend the previously approved Currituck Club PUD ("TCC PUD"). This is an administrative correction to incorporate into the TCC PUD an existing Open Space Area which is owned by The Currituck Club Property Owners Association, Inc. ("TCCPOA") and used for beach concessions, picnic/eating facilities, beach equipment rental and storage, and golf cart parking amenities (the "Surf Shack"). Based on feedback and input it has received from County officials and members of neighboring communities, TCCPOA is limiting its Revised Amended Sketch Plan/Use Permit Application to only the Surf Shack parcel.

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

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

In December 2010, LRS applied for a zoning compliance permit and building permit to erect a second structure on the property. See **Exhibit 5**, County of Currituck Project Approval Packet. On January 31, 2011, the County determined that the new building and proposed use were in zoning compliance, with the permitted use of "Amenity Guest Services to Currituck Club." On February 23, 2011, County officials also determined that the new building was in compliance with the Building Code. LRS spent approximately \$80,000 to construct the second building in 2011 and has continued to operate the Surf Shack as an amenity for TCCPOA members and their guests since then. See **Exhibit 6**, Aerial Photographs.

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

5. **The Use Will Not Endanger the Public Health or Safety – TRUE** – TCCPOA's continued use of the property for recreational purposes will not endanger the public health or safety if TCCPOA's Application is approved. The property has been used as a permitted guest services amenity to TCC for more than 17 years. The Amended Sketch Plan/Use Permit Application simply asks the Board of Commissioners to formally add to the TCC PUD property which has been treated as part of the PUD for more than 17 years and authorize the continued historical use of the parcel for amenities which consist of a beach concessions, picnic/eating facilities, games, beach equipment rental and storage, and golf cart parking. It will permit the continued use of the Surf Shack parcel while recognizing and keeping in place prior county approvals which relate to the property. It also will allow owners and guests in TCC to continue to enjoy a high level of service and amenities that are typical of exclusive resort communities, all of which is consistent with the County's goal of promoting tourism.

In fact, the existing use of the property for beach concessions, picnic/eating facilities, games, beach equipment rental and storage, and golf cart parking conforms to adjacent land uses and enhances public safety and welfare. The use of the property for amenities for TCC owners and guests reduces the number of pedestrian or vehicular trips that they have to make across Hwy 12 to access the beach. This reduces traffic on and crossing Hwy 12, and also reduces the need for large public parking areas on the ocean-side of Hwy 12. The Surf Shack parcel also provides an additional access point to the beach for rescue personnel and emergency vehicles. .

- 6. 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 – TRUE** - There are many factors which affect market value and the eventual sale price of a home, such as location, condition, size, amenities, features, improvements and upgrades, local economic conditions, the current real estate market and mortgage interest rates, among others. Real estate values are not static and don't always appreciate in a straight line. The Surf Shack amenities are existing uses and TCCPOA is not aware of any evidence to suggest that the use of those amenities by TCC owners and guests has any adverse effect on real estate values of neighboring properties.

In fact, the current uses of the Surf Shack parcel have a positive impact on the value of the homes within TCC. The future Land Use Plan designates this area as a full service area. According to the Land Use Plan, it is essential that existing community character be preserved. The use of the property as a concession stand and recreational equipment rental facility have been and will continue to be in harmony with the area because adjoining communities offer similar recreational amenities for their members and guests. Also, there are substantial vegetative buffers and the County's Southern Beach Access which separate the Surf Shack parcel from adjoining properties. The approval of TCCPOA's Second Amended Sketch Plan/Use Permit Application will likely enhance property values because the current use of the property provides convenient, compatible and efficient recreational services to TCCPOA and two other adjoining communities, and it will permit the continued historical use of a significant and well established recreational amenity.

7. The Use Will Be in Conformity with the Land Use Plan and the Unified

Development Ordinance – TRUE – The proposed amendment and use permit are consistent with the policies stated in the Land Use Plan and the UDO. A site plan drawing is being submitted for review and the proposed uses which will be incorporated into the TCC PUD meet the UDO's Bulk and Dimensional standards as specified in the Transitional provisions. They also comply with the UDO's standards governing the use of open areas for passive and active recreational activities.

The Surf Shack parcel is a recreational amenity which provides facilities that are typically oriented to addressing recreational needs of residents of a neighborhood or community area. It is a private recreational facility which is only open to members and guests of specific communities and it offers food services and rental equipment for their use. It consists of a concession stand, picnic/eating facilities, games, beach equipment rental and storage, and golf cart parking areas and is similar to other beach amenities offered by neighboring communities. It is consistent with the UDO because the UDO provides that accessory uses may include club houses, recreational structures, concessions and parking. The UDO provides that recreational facilities that are reserved for use by residents of particular residential developments and their guests are an accessory use to those residential type uses and are an exception to the standards relating to the use of open space under the UDO.

The proposed amendment and use permit are consistent with the County's Land Use Plan. The Land Use Plan identifies the area as a Full Service Area, which can include non-residential uses such as the Surf Shack amenities. The Land Use Plan also promotes the clustering of business uses serving an immediate area. The Surf Shack parcel is located on both sides of Hwy 12 and the sound side portion is connected to the southern commercial area in TCC. The availability of the Surf Shack amenities to TCC owners and their guests promotes the tourism in the County by providing high quality resort services on the beach. TCCPOA is NOT seeking to operate a commercial establishment that is open to or sells memberships to the general public. Rather, the Surf Shack is a private recreational facility which is restricted to the use of members of TCCPOA and their guests, residents of the Spindrift Subdivision, and residents of the Currituck Club

Oceans Subdivision. For these reasons, the proposed Sketch Plan amendment and Use Permit are consistent with existing policies and preserve the essential character of the community which has existed for more than 17 years.

8. The Use Will Not Exceed the County's Ability to Provide Adequate Public Facilities

– **TRUE** – The Surf Shack amenities are an existing use and the structures are already in place. Utility services are active and available to the site. The proposed amendment does not require an increase in schools or any other county facilities. Fire and rescue services are available and located across the street. The property provides an additional access point for emergency crews and vehicles that may need to respond to an incident on the beach. The proposed amendment does not require any additional law enforcement facilities to be constructed. The presence of TCC personnel at the Surf Shack parcel reduces the need for County personnel to patrol the areas to limit littering. TCC personnel pick-up litter throughout the day, helping to keep the beach area clean for all local communities.

ND: 4852-2766-9835, v. 1

Response to TRC Comments – REVISED – July 10, 2017

Planning, Jennie Turner

2. What is the intended use/range of uses of the "beach club" parcel?

The Surf Shack parcel will continue to be used by TCCPOA, its lessee, successors, or assigns, and its members and their guests for recreational purposes to provide cabana, concession, and other related beach recreational services, which currently include beach umbrella, chair, body board, surf board, corn hole toss, and other similar beach recreational rental products, food and beverage sales, and beach product sales, for the use and enjoyment of owners and tenants of residences in The Currituck Club Subdivision, The Currituck Club Oceans Subdivision and the Spindrift Subdivision, and their guests. TCCPOA may request the addition of a grill, a swimming pool, and/or horse shoe pits, bocce ball courts, or other similar game areas.

TCCPOA, or its lessee, successors, or assigns, has located two buildings and related structures on the Surf Shack parcel to be used in connection with the uses stated above, but such facilities and services shall be made available for the use and enjoyment of owners, tenants and their guests from The Currituck Club Subdivision, the Currituck Club Oceans Subdivision, and the Spindrift Subdivision only, and not the general public. Qualified users of the Beach Club will be identified by the use of wrist bands or other identification means established by TCCPOA. TCCPOA, or its lessee, successors, or assigns, will operate the Surf Shack concession stand and beach equipment rental service every day during the period beginning with Friday before the Memorial Day weekend in each year and continuing through Columbus Day in each year at least during the time from sunrise to sunset. TCCPOA, or its lessee, successors, or assigns, may, but shall not be obligated to, operate the Surf Shack concession stand and beach equipment rental service at other times as well.

Yaupon Lane, which is located on the Beach Club Parcel, will continue to be used as a stopping location for TCCPOA's trolley service. TCCPOA's trolley service picks up TCCPOA members, tenants, and their guests within The Currituck Club PUD and drops them off at various locations within the PUD and on Yaupon Lane. The County's

Planning Staff recently determined that TCCPOA's operation of a trolley service on and in the Yaupon Lane right-of-way is a use consistent with the provisions of the County's Unified Development Ordinance.

If there is concern that Surf Shack amenities may become inconsistent with the UDO in the future, the Board of Commissioners can resolve that issue by approving the Use Permit with conditions which regulate or limit the use of the parcel to the historical and current uses of the parcel. Essentially, the use of the Surf Shack parcel would be limited to the current uses unless and until the Board of Commissioners permitted additional uses which are authorized by the UDO now or in the future.

TCCPOA is willing to agree to the following conditions relating to use of the Surf Shack parcel –

- a. Use and enjoyment of the Surf Shack amenities shall be limited only to owners, tenants and their guests from The Currituck Club Subdivision, the Currituck Club Oceans Subdivision, and the Spindrift Subdivision, and not the general public. Qualified users of the Beach Club will be identified by the use of wrist bands or other identification means established by TCCPOA.
- b. Limitation on the uses permitted at the Surf Shack parcel to food and beverage sales, sales of beach related products such as sunscreen, beach equipment rental and storage, picnic/eating areas, games such as horseshoes, bocce ball, corn hole, and other similar games, sail shelters, golf cart parking areas, a grill, a pool, and any other similar recreational purposes. For purposes of this condition, "recreational purposes" means any activity which is permitted by the County now or in the future on open space areas.
- c. Height of any building erected on the Surf Shack parcel be limited to the heights set forth in the UDO for the applicable type of building;
- d. Hours of operation of the Surf Shack be from sunrise to sunset; and,
- e. Use of the Surf Shack parcel will continue to comply with all governmental statutes, ordinances, and regulations, including but not limited to all environmental laws, statutes, rules and regulations, and all necessary permits and approvals required by such statutes, ordinances, rules and regulations which relate to TCCPOA's use of the property will be obtained.

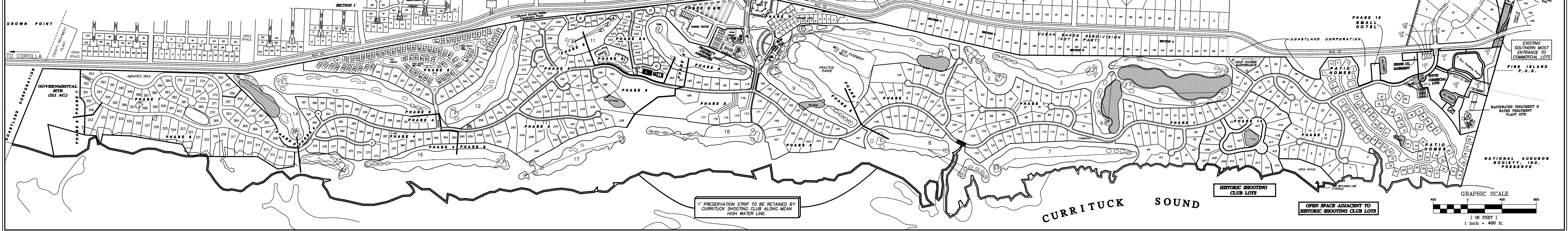
3. *What is the intended use of the oceanfront parcel? Why is commercial allocation requested for this parcel?*

This question is no longer applicable to TCCPOA's Zoning Map Amendment or Amended Sketch Plan/Use Permit Applications. TCCPOA is not asking that the oceanfront parcel be included in the PUD or allocated to a commercial use.

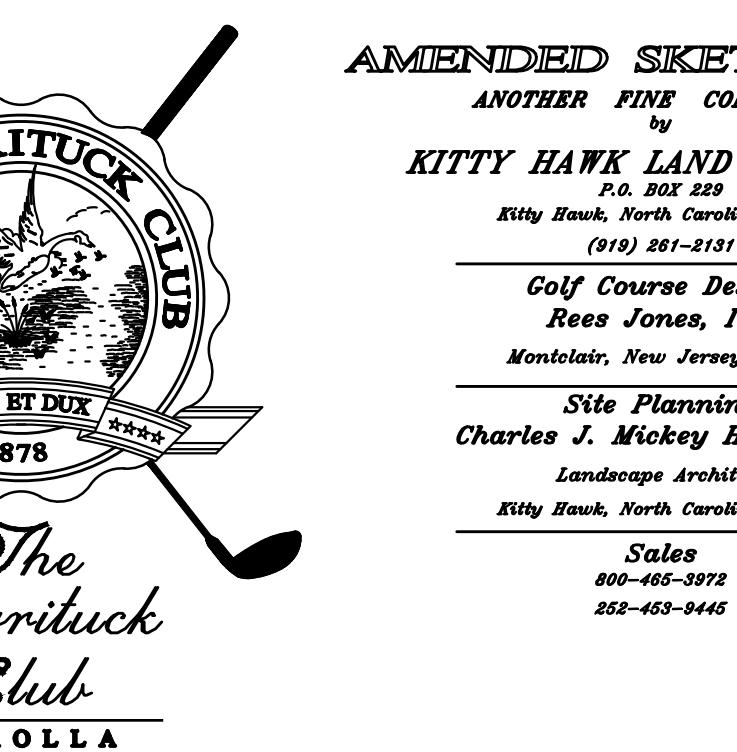
ND: 4852-2766-9835, v. 1

SUMMARY DEVELOPMENT DATA		
EXISTING	PROPOSED	AREA
RESIDENTIAL	RESIDENTIAL	
408 Single Family Lots, Phases 1-4, 6 & 7	188.41 Acres	
70 Patio Homes Sites (Magnolia Bay) Phase 1	29.83 Acres	
71 Patio Homes Sites (Hannocks) Phase 5	11.17 Acres	
30 Windswept Ridge Units, Phase 8	3.30 Acres	
28 Inn Site Cottages, Phase 11	6.89 Acres (to remain LBH zone)	
27 Historic Currituck Shooting Club Lots, Phase 14	13.00 Acres	
Lot 430, Phase 1, Herring Gull Ct.	0.39 Acres	
18 Lots, Phase 8A	5.80 Acres	
TOTAL RESIDENTIAL UNITS = 408 + 70 + 71 + 30 + 28 + 27 + 1 + 29 = 658 UNITS		
TOTAL RESIDENTIAL ACREAGE = 188.41 + 29.83 + 11.17 + 3.30 + 13.00 + 0.39 + 5.80 = 251.90 ACRES		
COMMERCIAL	COMMERCIAL	
Small Hotel	0.45 Acres	
6 South Commercial Lots	7.97 Acres	
Retail Site (Food Store / Shops), Phase 9 & 10 (HARRIS TEETER)	8.26 Acres	
Retail Site (Small Parcel- WINGS)	1.0 Acres	
Hotel & Retail Site (Phase II site of 28 Inn Site Cottages)	6.89 Acres	
TOTAL COMMERCIAL ACREAGE = 0.45 + 7.97 + 8.26 + 1.00 + 6.89 = 24.57 ACRES		
MISCELLANEOUS	MISCELLANEOUS	
Governmental Site	12.11 Acres	
Phone Company Easement	0.34 Acres	
Wastewater and Water Treatment Site	6.27 Acres	
Street Right-Of-Way	Ex. Street Right-Of-Way + (Phase 8A R/W)	33.77 + 2.38 = 36.15 Acres
Golf Course Maintenance Area	1.16 Acres	
TOTAL MISCELLANEOUS ACREAGE = 12.11 + 0.34 + 6.27 + 36.15 + 1.16 = 56.03 ACRES		
OPEN SPACE		
Active / Passive (Golf Course + Amenity Sites + Homeowners Assoc. Parcels + HSC Open Space + BEACH CLUB D.S. + PH8A D.S.) = 221.60 Acres		
Visual Relief C 404 Wetlands + Coastal Marsh + Historic Shooting Club Open Space	31.30 + 2.39 = 33.69 Acres	
TOTAL OPEN SPACE ACREAGE = 255.29 ACRES		
TOTAL PROJECT ACREAGE = 251.90 (RES) + 24.57 (CDM) + 56.03 (MISC) + 255.29 (OPEN) = 587.79 ACRES		
CALCULATIONS		
Density = 658 Units / 251.90 Acres = 2.61 Units / Acre (Less than Allowed 3.0 Units / Acre)		
Percent Commercial = 24.57 Acres / 587.79 Acres = 4.18% (Less Than Allowed 10%)		
Percent Open Space = 255.29 Acres / 587.79 Acres = 43.43% (Greater Than Required 35%)		
Percent Active / Passive Open Space = 221.60 Acres / 255.29 Acres = 86.80% (Greater Than Required 50%)		

*** SEE REFERENCE NOTES FOR SURVEY DATA



Attachment 5 Revised Amended Sketch Plan Site Plan (P.B.14-49 The Currituck Club MUD - Sketch Plan Use Permit Amendment)



AMENDED SKETCH PLAN

ANOTHER FINE COMMUNITY

by

KITTY HAWK LAND COMPANY

P.O. BOX 229

Kitty Hawk, North Carolina 27949

(919) 461-2131

Golf Course Design

Rees Jones, Inc.

Montvale, New Jersey 07042

Site Planning

Charles J. Mickey Hayes, Jr.

Landscape Architect

Kitty Hawk, North Carolina 27949

Sales

800-466-3972

252-463-9445

LEGEND:

AMENDMENT AREA



Quible & Associates, P.C.

ENGINERING PLANNING ENVIRONMENTAL SCIENCES SURVEYING

P.O. BOX 877 KITTY HAWK, NORTH CAROLINA 27949

PHONE (252) 463-9445 FAX (252) 266-1261

E-MAIL: quible@qpc.com

FILE #1007

DATE 1/15/95

***REFERENCE NOTES:
AREAS TAKEN FROM OVERALL MASTER PLAN PREPARED BY WILLIAM T. ROBBS, SHEYER
PLAT PREPARED BY QUILBLE & ASSOCIATES, INC. TITLED 'THE OCEAN SANDS SUBDIVISION AT THE HARBOR' (1994)
PLAT PREPARED BY QUILBLE & ASSOCIATES, INC. TITLED 'THE OCEAN SANDS SUBDIVISION AT THE HARBOR' (1994)

Quible

Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

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

April 26, 2017

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

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

Ms. Turner,

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

Purpose

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

Meeting synopsis

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

Community Meeting Report

Use Permit Application and Amended Sketch Plan for Currituck Club PUD

Parcel ID No. 9943-45-3633, 9943-55-4710, and 9943-45-7555

April 26, 2017

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

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

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

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

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

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

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Community Meeting Report

Use Permit Application and Amended Sketch Plan for Currituck Club PUD

Parcel ID No. 9943-45-3633, 9943-55-4710, and 9943-45-7555

April 26, 2017

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

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

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

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Telephone (252) 261-3300 • Fax (252) 261-1260

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

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

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

Sincerely,
Quible & Associates, P.C.



Cathleen M. Saunders, P.E.

cc:

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

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

Dear Mr. Woody:

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

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

Thank you!

Paul J Manberg
481 Spindrift Tr
Corolla NC 27927

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

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

Dear Mr. Woody;

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

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

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

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

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

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

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

Sincerely,

Paul J Manberg

481 Spindrift Trail

cc. Jenny Turner, Mike Colo,

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
 2 **AMENDING SECTION 10-66 OF THE CURRITUCK COUNTY CODE SECTION**
 3 **REGULATING MOTOR VEHICLE TIRE PRESSURE ON THE COUNTY'S BEACH**
 4 **STRAND OR FORESHORE TO ADD CLARIFYING LANGUAGE**

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

8 WHEREAS, driving on sand with improperly inflated tires can lead to greater chance of
 9 sinking into the sand and rutting of the beach strand and foreshore; and

10 WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws the county
 11 may by ordinance regulate, restrict, and prohibit the use of dune or beach buggies, jeeps,
 12 motorcycles, cars, trucks, or any other form of power-driven vehicle specified by the county's
 13 governing board on the foreshore, beach strand and barrier dune system; and

14 WHEREAS, on May 15, 2017 the Board of Commissioner adopted an ordinance
 15 amending the Currituck County Code of Ordinances to regulate tire pressure for motor vehicles
 16 operating on the county's beach strand or foreshore and it is necessary to modify the ordinance to
 17 add clarifying language.

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

20 PART I. Section 10-66 of The Code of Ordinances, Currituck County, North Carolina is
 21 amended to read as follows:

22 **Sec. 10-66. Motor vehicle tire pressure.**

23 No person shall drive or operate a motor vehicle on the beach strand or foreshore with
 24 tires containing air pressure exceeding the following pounds per square inch (p.s.i.):

25 (a) 20 p.s.i. for motor vehicles weighing less than three quarters of a ton with curb
 26 weight of less than 5,000 pounds.; or

27 (b) 30 p.s.i. for motor vehicles weighing between three quarters of a ton and one ton.

28 (b) Motor vehicles weighing more than one ton shall maintain tire p.s.i. not greater than
 29 that required for safe travel for motor vehicles with curb weight greater than 5,000
 30 pounds.

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

33 PART III. This ordinance is effective upon adoption.

34

35 ADOPTED this 2nd day of October, 2017.

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Bobby Hanig, Chair
Board of Commissioners

7 ATTEST:

8 _____
9 Leeann Walton, Clerk to the Board

10
11

12 APPROVED AS TO FORM:

13 _____
14 Donald I. McRee, Jr., County Attorney

15

16 Date adopted: _____
17 Motion to adopt by Commissioner _____
18 Second by Commissioner _____
19 Vote: ____ AYES ____ NAYS

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
 2 **AMENDING ARTICLE II, DIVISION 7, CHAPTER 10 OF THE CURRITUCK**
 3 **COUNTY CODE OF ORDINANCES TO REGULATE EXCESSIVE AND UNSAFE**
 4 **DIGGING OR PILING OF SAND ON THE COUNTY'S OCEAN BEACH**

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

8 WHEREAS, pursuant to N.C. Gen. Stat. §153A-145.3 a county may, by ordinance,
 9 define, prohibit, regulate, or abate acts, omissions, or conditions upon the State's ocean beaches
 10 and prevent or abate any unreasonable restriction of the public's right to use the State's ocean
 11 beaches; may regulate, restrict, or prohibit the placement, maintenance, location or use of
 12 equipment, personal property, or debris upon the State's ocean beaches; and may otherwise
 13 enforce any ordinance adopted pursuant to this section or any other of provision of law upon the
 14 State's ocean beaches located within the county's jurisdictional boundaries; and

15 WHEREAS, the Board of Commissioners for the County of Currituck finds that
 16 excessive piling of sand or digging of holes in the sand of the county's ocean beaches affects the
 17 health, safety and welfare of the county's citizens and visitors by: (i) creating hazards for those
 18 traveling the ocean beaches during times of reduced visibility; (ii) unreasonably restricting the
 19 ability of emergency, lifesaving, public service and other motor vehicles to travel the ocean
 20 beach; (iii) creating hazards for endangered and protected species such as sea turtles which use
 21 the ocean beach at night; and (iv) creating the possibility of collapse of sand upon users of the
 22 ocean beach, particularly children; and

23 WHEREAS, the Board of Commissioners for the County of Currituck further finds that
 24 in accordance with the findings above it is in the interest of the public's health, safety, morals
 25 and general welfare for the county to amend the Code of Ordinances, Currituck County, North
 26 Carolina as set forth in this ordinance.

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

29 PART I. Article II, Division 7, Chapter 10 of The Code of Ordinances, Currituck County, North
 30 Carolina is amended by adding a new Section 10-130 to read as follows:

31 **Sec. 10-130. Excessive and unsafe digging or piling of sand on the ocean beach prohibited.**

32 (a) It shall be prohibited for any person to alter the ocean beach by digging or mounding of
 33 sand that:

34 (1) Substantially or permanently alters the contour or shape of the ocean beach or any
 35 sand dune;

36 (2) Remains unattended at night for any period of time or during the day for more
 37 than one (1) hour without restoring the beach to its original condition;

(3) Unreasonably restricts, prevents or disrupts the passage of public works, emergency or ocean rescue vehicles, or the public; or

(4) Creates a hazard for those traveling the ocean beach during times of reduced visibility or otherwise cannot reasonably be seen and recognized as a hazard by users of the ocean beach;

(5) Creates hazards for endangered and protected species such as sea turtles which use the beach at night;

(6) Creates the possibility of collapse of the sand upon users of the ocean beach, particularly children; or

(7) Otherwise creates an unreasonably dangerous condition for the users of the ocean beach.

Exceptions. The county manager may grant exceptions to this section for limited duration events or other reasons in the general public interest upon presentation of a written statement outlining the reasons for the exception and providing a plan for addressing safety issues associated with the request. This section shall not be applicable to development, beach nourishment or nourishment, construction or similar activities occurring upon the ocean beach in accordance to and in compliance with all necessary permits issued by the local, state and/or federal agencies having jurisdiction over the work.

PART II. Severability. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part of this ordinance to be invalid, such decision shall not affect the remaining provisions of this ordinance or the Code of Ordinances of the County of Currituck, North Carolina.

PART III. This ordinance is effective upon adoption.

ADOPTED this 2nd day of October, 2017.

Bobby Hanig, Chairman

ATTEST:

Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr., County Attorney

Date adopted: _____

- 1 Motion to adopt by Commissioner _____
- 2 Second by Commissioner _____
- 3 Vote: _____ AYES _____ NAYS

OS NORTH-CROWN POINT WATERSHED DISTRICT ADVISORY BOARD
2-YEAR TERMS

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Gerrilea Adams	Consensus			June 6, 2016	Initial June 6, 2018
Terry Anderson	Consensus			June 6, 2016	Initial June 6, 2018
Linda Garczynski	Consensus			June 5, 2017	1st June 6, 2019
Braxton Hill	Consensus			June 6, 2016	Initial June 6, 2018
Al Marzetti	Consensus			June 5, 2017	1st June 6, 2019
Barbara Marzetti	Consensus			June 6, 2016	Initial June 6, 2018
Ed Pence	Consensus			June 5, 2017	1st June 6, 2019

Resigned-Must be replaced

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

Ocean Sands North and Crown Point Service District
for Watershed Improvements
Advisory Board

To: Board of Commissioners

Re: Recommendation for vacant Advisory Board position

The Advisory Board voted unanimously to recommend Mr. Bryan Daggett of 767 Myrtle Ct in Corolla to fill the position vacated by Braxton Hill. Mr. Daggett owns two homes in the Ocean Sands North Section, is an active member of the community, was a management consultant with DuPont, and is a former member of the Whalehead Stormwater Advisory Board. He would bring valuable knowledge and experiences to the Advisory Board.

Thank you for considering this recommendation.

Contact Information:

Bryan Daggett
767 Myrtle Ct
Corolla, NC 27927
(302) 545-4786

Coastland Corporation

Via Fax 252-232-3551

August 17, 2017

Currituck County
Board of Commissioners
153 Courthouse Road, Suite 204
Currituck, NC 27929

Re: Ocean Sands North and Crown Point Stormwater Advisory Board

Dear Sirs,

I have served as a member of this advisory board since its inception on behalf of Coastland Corporation. Coastland Corporation is the developer of Ocean Sands and continues to be a major property owner impacted by the proposed stormwater system. It appears that a substantial portion of the proposed system is planned to be located directly on Coastland's property.

The logistics of being an active participant on the Advisory Board are cumbersome because of our location in Virginia Beach. Without being allowed to call into the meetings to participate it is difficult to provide any benefit to the Board. I hereby resign my position on the Board. Hopefully another way for Coastland to conveniently be involved in the efforts of the proposed stormwater system can be found.

Sincerely,



Braxton Hill

Cc: Dan Scanlon via email Dan.Scanlon@currituckcountync.gov
Eric Weatherly via email Eric.Weatherly@currituckcountync.gov



**CURRITUCK COUNTY
NORTH CAROLINA**

September 18, 2017
Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:00 PM Pedestrian Plan Presentation

Members of the Currituck County Board of Commissioners and Planning Board attended a work session for a review of the draft Connect Currituck Pedestrian Master Plan presented by Jennifer Baldwin of Alta Planning and Design. Currituck County Planning and Community Development Director, Laurie LoCicero, provided information on the NCDOT grant awarded for the project and introduced Ms. Baldwin, who reviewed the development process and put forth plan recommendations to achieve better access and improved pedestrian safety in the county. A brief question and answer period followed. The final plan with revisions after a two-week final input period would then track to the first Commissioners meeting in December for adoption by the Board. The work session concluded at 5:05 PM.

6:00 PM CALL TO ORDER

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

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

Chairman Hanig called the meeting to order.

A) Invocation & Pledge of Allegiance-Lewis Antonucci

Mr. Lewis Antonucci was present to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Gilbert moved for approval of the agenda. The motion was seconded by Commissioner Hall and carried unanimously.

Approved agenda:

Work Session

4:00 PM Pedestrian Plan Presentation

6:00 PM Call to Order

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

Public Comment

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

Administrative Reports

- A) Corolla Wild Horse Fund Presentation-Linda Adkins, Executive Director
- B) Albemarle Commission Facilities Presentation-Cathy Davison, Executive Director

Public Hearings

- A) Public Hearing and Action: PB 15-26 Currituck County: Request for a use permit to expand the existing Panther Landing Convenience Center located on Panther Landing Road in Moyock, Tax Map 14, Parcel 13B, Moyock Township.

New Business

- A) Corolla Jeep Rentals and Tours Appeal of Outdoor Tour Operator License Suspension
- B) Resolution Supporting the Repeal of the 80% Tax Credit for Solar Array Facilities
- C) Consent Agenda
 - 1. Approval Of Minutes for September 5, 2017
 - 2. Budget Amendments
 - 3. Request by Finance Director to Dispose of Records Scheduled for

Disposition

4. Verizon Wireless Antenna Upgrade, Tulls Creek Tower

D) Commissioner's Report**E) County Manager's Report****Adjourn****Special Meeting of the Tourism Development Authority**

TDA Budget Amendments

Adjourn Special Meeting

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

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.

No one was signed up nor wished to speak at Public Comment.

ADMINISTRATIVE REPORTS**A. Corolla Wild Horse Fund Presentation-Linda Adkins, Executive Director**

Linda Adkins, the new Executive Director of the Corolla Wild Horse Fund, introduced herself to the Board of Commissioners. She said she looked forward to working with the Board as she assumes the task of overseeing and caring for the Wild Horses. She said there are currently about 100 horses on the 4-wheel drive beach area.

B. Albemarle Commission Facilities Presentation-Cathy Davison, Executive Director

Cathy Davison, Executive Director of the Albemarle Commission, presented an overview of a proposal to construct a new facility to house the Albemarle Commission and related agencies. Ms. Davison provided a basis for their needing a larger facility and explained the support of member counties is required for them to secure funding for the project.

Ms. Davison used a powerpoint and reviewed the agencies and services provided through the Commission. Space needs, financial data and lease vs. construction cost comparisons were presented. After review of financing options, Ms. Davison recommended a 40 year note for \$2.2 million for new construction, with an \$800,000 down payment from their general fund. She said member counties would be required to remain members of the Albemarle Commission during the life of the loan, and she reviewed the Commission's repayment plan and next steps needed to move forward. Ms. Davison thanked the Board and, in response to Board questions relative to the presentation, clarified the financing comparisons and lease vs. construction options, expenses, continuation of services, and space needs. No action was taken by the Board.

She announced the Albemarle Commission's annual meeting would be held in Currituck County again this year at the Cooperative Extension auditorium on November 16.

PUBLIC HEARINGS

A. Public Hearing and Action: PB 15-26 Currituck County:

APPLICATION SUMMARY

Property Owner: Shepherd W. Smith PO Box 156 Moyock, NC 27958	Applicant: Currituck County 153 Courthouse Road Currituck, NC 27929
Case Number: PB 15-26	Application Type: Use Permit
Parcel Identification Number: 0014-000-013B0000	Existing Use: Agricultural and Public Convenience Center
Land Use Plan Classification: Rural Moyock Small Area Plan: Limited Services	Parcel Size (Acres): 67.77 acres Leased Area: 1.34 acres
Request: Currituck County is requesting a use permit to expand the existing Panther Landing convenience center.	

Currituck County is requesting a use permit to expand the existing Panther Landing convenience center located on Panther Landing Road. The expansion will provide a new traffic pattern, two compactors, and three bulk waste containers. The current lease area dedicated to the convenience center is 0.87 acres and the expansion will consist of 0.47 acres. A Type D bufferyard is proposed on the sides and rear property line and additional vehicular screening is also proposed.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

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

1. The application complies with all applicable review standards of the UDO provided the following items are addressed prior to site plan approval:
 - a. A chain link fence is proposed along the new expanded area that matches the existing fencing. The applicant is requesting to use a 6' solid fence with canopy

trees within the 10' type D buffer. The use of chain link fencing is limited to access gates only. A security plan may be submitted and reviewed by the Planning Department.

- b. The caliper inches of the existing canopy trees shall be provided.
- 2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
 - a. The major site plan shall be approved by TRC prior to commencement of construction.

PLANNING BOARD

Mr. Cooper moved to approve PB 15-26 as presented based on a demonstrative community need, with Technical Review Committee recommendations, use permit and site plan corrections which include landscape plan, exterior lighting plan, stormwater management plan, site triangles, vehicular circulation layout and parking plan; adequate parking spaces for the number of employees, provide the proposed vehicular circulation layout, provide the location of any proposed exterior lighting, provide site triangle at driveways, full cutoff lighting, and work with staff on any clean-up efforts that are proposed. Mr. Craddock seconded the motion and motion carried unanimously.

SURROUNDING PARCELS

	Land Use	Zoning
North	Agricultural	SFM
South	Residential/Undeveloped	AG/SFM
East	Agricultural/Undeveloped	SFM
West	Residential	SFM

INFRASTRUCTURE

Water	Existing county water
Sewer	No sewer proposed
Design Standards	No new buildings are proposed
Lighting	New full cut-off fixtures are proposed for the existing convenience area and in the proposed expansion
Parking	One existing parking space
Riparian Buffers	None required

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

1. The proposed expansion and improvements will allow for the proper disposal of solid waste.
2. The proposed expansion will provide one-way traffic flow.
3. The proposed expansion will enhance services to citizens and the materials collected will continue to be properly disposed of. The expansion includes two additional recycling compactors and an additional collection container for each of the following waste types: bulk, yard waste and scrap metals.

4. The expansion will also alleviate congestion while allowing additional services to be added as additional materials to be recycled are mandated by the State. The expansion will be helpful in accommodating future growth in the Moyock area.
5. The site supervisor for Waste Management reported the Panther Landing convenience site currently services an estimated:
 - a. 220-230 customers during the week;
 - b. 265 customers on Saturday; and,
 - c. 230 customers on Sunday.

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 Panther Landing convenience center is currently located on the property.
2. The proposed expansion will not change the use of the property.
3. The proposed expansion will provide one-way traffic flow.
4. The proposed expansion will have separate ENTRY ONLY and EXIT ONLY drives and the traffic will flow one way through the site where customers can stop at different stations to dispose of recyclables, mixed trash, yard waste, scrap metals, used oil, used cooking oil, batteries, etc. The two dedicated drives will also alleviate congestion at the intersection of Tulls Creek Road and Panther Landing Road by allowing more "stack" room on Panther Landing Road for vehicles entering the site rather than vehicles "stacking" on Tulls Creek Road.
5. Based on the Currituck County tax records, Cypress Landing subdivision values are as follows:

Cypress Landing	Number of Houses	Mean Tax Value	Median Tax Value
Phase 1 and 2	42	\$225,180	\$217,350
Phase 3 and 4	52	\$271,855	\$269,300

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

Preliminary Staff Findings:

1. The Moyock Small Area Plan classifies this property as Limited Services. The following policy supports the proposed use:
POLICY IS 2 Meet the infrastructure and service needs of the community at appropriate levels as the community continues to focus growth and public investment in areas identified as activity centers.
POLICY FLU 1 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 built step downs, or other architectural and site planning measures that encourage harmony.
2. The 2006 Land Use Plan classifies this area as Rural in the Moyock subarea.
POLICY SW7: Currituck County waste CONVENIENCE/COLLECTION AND RECYCLING CENTERS shall continue to be designed, located, improved and maintained to facility their use.

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 Applicant Findings:

1. This use will improve an existing public facility and will not exceed the county's ability to provide adequate services.

Board of Commissioners (3/21/16)

This item was removed from the agenda.

Planning Board Discussion (2/9/16)

Brandon Harris, Quibble & Associates, Kurt Schmuhl, 100 Cypress Landing, Gloria Sivels, 496 Tulls Creek Road, and Coleman Bonney, 133 Northwest River Drive appeared before the board and were sworn in.

Ms. Voliva presented the staff report.

Mr. Craddock asked what type of lighting will replace the existing lighting.
Ms. Voliva said direct and full cutoff.

Mr. Cooper asked if the expansion is on the existing parcel.

Ms. Voliva said yes.

Mr. Cooper asked what is driving the expansion of this facility.

Ms. Voliva said it is her understanding that the facility has high traffic and the request will add two compactors and three bulk waste containers. The expansion will provide a new traffic pattern, one way in and one way out.

Mr. Cooper opened the public hearing.

Mr. Harris said the changes from the TRC meeting have been made.

Mr. Schmuhl said he is the president of the Homeowners Association for Cypress Landing, Phase 3. Their concern is the trash that builds up along Tulls Creek Road as a result of the solid waste convenience site.

Mr. Cooper asked if the contract with Waste Management, does it address trash that may fall out of these trucks as they leave the convenience site.

Mr. Woody said that staff can relay these concerns to the public works director, county manager, and sheriff's department.

Ms. Sivels said she too is concerned with the trash and debris along Tulls Creek Road living close to a convenience site. Ms. Sivels is asking as part of the approval that consideration is given to see what steps could be taken to help alleviate the problem.

Mr. Craddock asked who is responsible for clean-up along highways right-of-ways.

Ms. Voliva said NCDOT.

Mr. Craddock said many times trash and debris comes from citizens going to convenience sites rather than trash carrying trucks.

Mr. Bonney asked for clarification on the drive pattern.

Ms. Voliva showed him on the site plan.

Mr. Cooper closed the public hearing.

Mr. Cooper moved to approve PB 15-26 as presented based on a demonstrative community need, with Technical Review Committee recommendations, use permit and site plan corrections which include landscape plan, exterior lighting plan, stormwater management plan, site triangles, vehicular circulation layout and parking plan; adequate parking spaces for the number of employees, provide the proposed vehicular circulation layout, provide the location of any proposed exterior lighting, provide site triangle at driveways, full cutoff lighting, and work with staff on any clean-up efforts that are proposed. Mr. Craddock seconded the motion and motion carried unanimously.

RESULT

:

MOVED:

SECOND

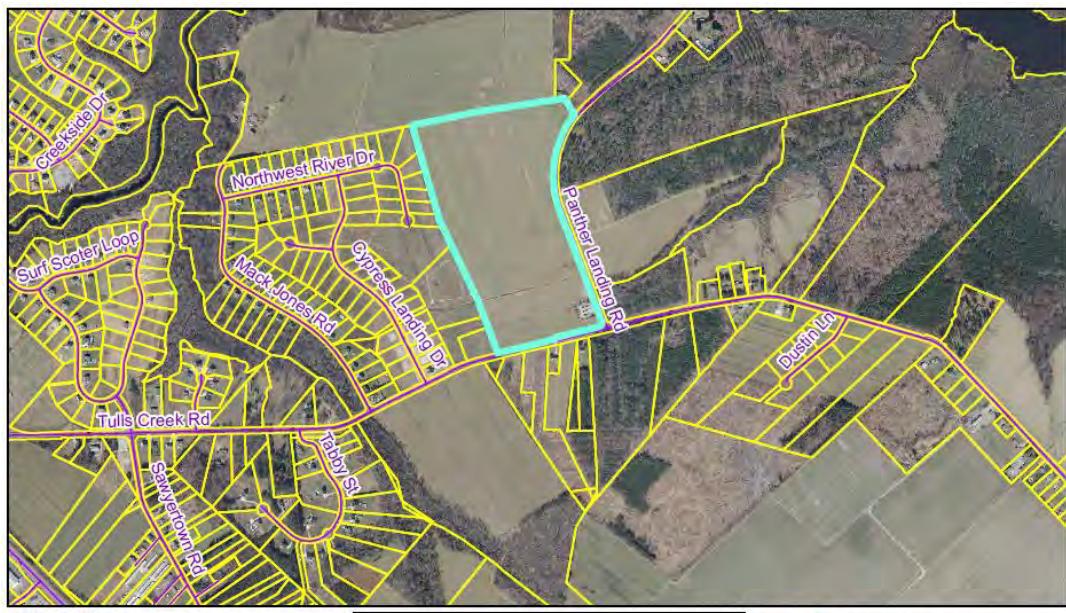
ABSE

**RECOMMENDED APPROVAL
[UNANIMOUS]**

John Cooper, Chairman

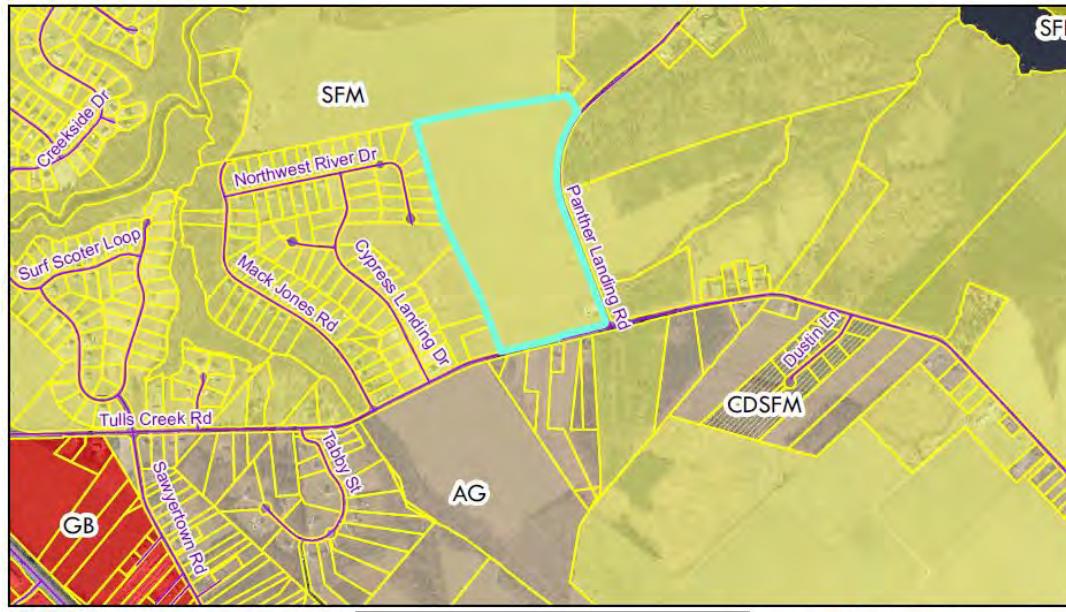
John Cooper, Chairman, Carol Bell, Vice Chairman, Bobby Bell, Board Member, Clay Cartwright, Board Member, Mike Cason, Board Member, Steven Craddock, Board Member, Fred Whiteman, Board Member Jane Overstreet, Board Member

Next: 3/7/2016 5:00



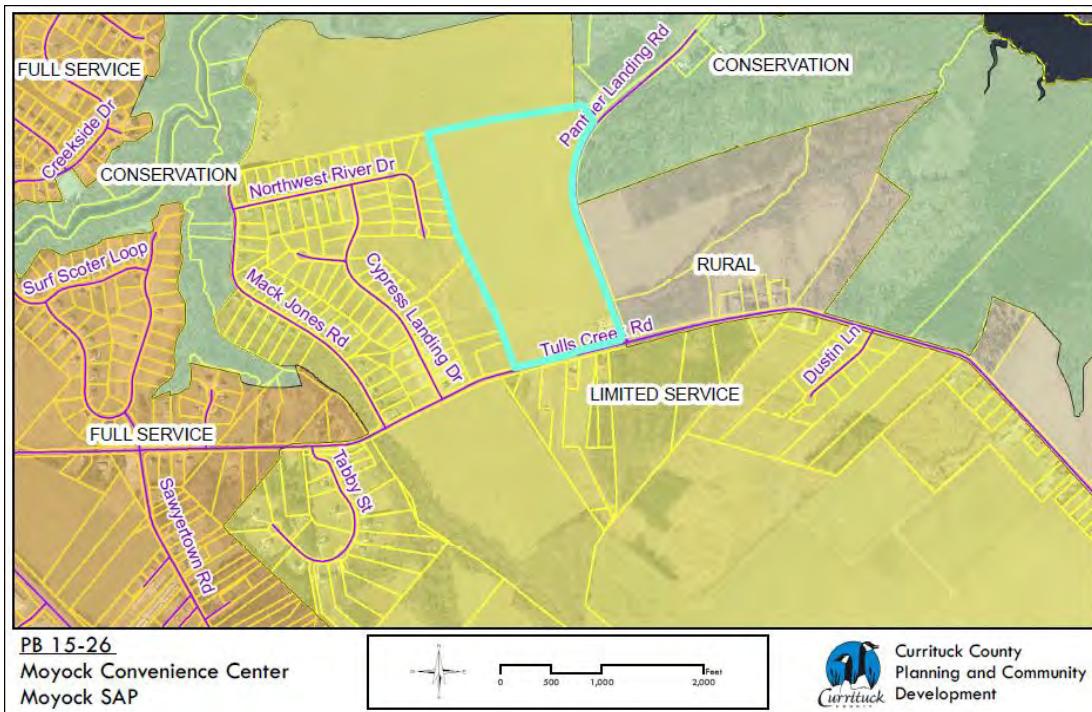
PB 15-26
Moyock Convenience Center
Aerial

 Currituck County
Planning and Community
Development



PB 15-26
Moyock Convenience Center
Zoning

 Currituck County
Planning and Community
Development



County Attorney, Ike McRee, asked that participating parties be sworn.

Laurie LoCicero, Planning and Community Development Director, reviewed the application with the Board and, using a powerpoint, reviewed maps with the proposed expansion location and zoning of neighboring properties. Technical Review Committee (TRC) recommendations were reviewed, and included installing a matching chain link fence and a type D buffer with significant screening. She confirmed that the site plan would need TRC approval when submitted.

Ms. LoCicero was questioned by the County Attorney and provided sworn testimony related to the allowable use and supporting policies.

No one wished to speak in opposition to the project.

Kathleen Saunders of Quible and Associates provided sworn testimony. She reviewed her educational and professional background and reviewed the site landscaping and lighting plan. A type D landscape buffer would be used and the site plan would go through the TRC. She confirmed lighting would be kept within the boundaries of the site and noted traffic patterns would be improved, with the entrance shifted to allow for additional stacking along Panther Landing and the circular flow within the center of the site.

Steven Craddock, Appraiser, provided sworn testimony. He reviewed his educational background and credentials as a certified appraiser and provided an analysis based on an effects study he performed on the expansion of the convenience center. He presented data collected relative to the project and found no negative effects and concluded the expansion would not negatively affect abutting or adjacent properties. Mr. Craddock's study document was accepted into evidence as Exhibit One.

Chairman Hanig opened the Public Hearing. With no one wishing to speak the Public Hearing was closed.

Commissioner Hall moved to approve the expansion, as it will not endanger the public health or safety, the use will not injure the value of adjoining or abutting lands and be in harmony with the area in which it is included, the use will be conforming with the land use plan and other officially adopted plans, and 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 should be followed in determining when public facilities are adequate. Commissioner Gilbert seconded the motion and the motion passed unanimously.

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

NEW BUSINESS

A. Corolla Jeep Rentals and Tours Appeal of Outdoor Tour Operator License Suspension

Parties were sworn and Mr. McRee reviewed the proceeding that stemmed from two citations issued to Corolla Jeep Rentals and Tours for violating provisions in the county's Outdoor Tour Operator ordinance. He said operator licenses may be suspended as a result of multiple citations and reviewed the appeal process provided in the ordinance.

At the request of Commissioner White, Commissioner Gilbert moved to allow he be recused from the hearing. Commissioner Etheridge seconded the motion and the motion carried unanimously. Commissioner White took a seat in the audience.

Laurie LoCicero provided a brief overview of the violations cited by staff related to improper vehicle identification as is required for tour operators. Planning staff members Jennie Turner and Nick Aisthorpe each provided their sworn testimony and account of the activity that led to the citations being issued. Ms. Turner and Mr. Aisthorpe responded to questions posed by the County Attorney and Board members.

Banks Meredith, Owner of Corolla Jeep Rentals and Tours, provided sworn testimony and confirmed with Ms. Turner that there was no photo evidence of the first violation. He said the same vehicle was cited two days in a row. Mr. Meredith testified the required permit sticker had fallen off of the vehicle, and he had asked an employee to go to the county office to pick up metal placards to replace the stickers since they were not staying securely on the vehicle.

Mr. Meredith said if he was notified of the first violation he would have corrected the problem, as he does not want to jeopardize his business or his customers. Mr. Meredith responded to questions posed by the Board regarding the tour operator permitting process and his understanding of it. He explained his procedures for repair and use of vehicles, and how a license plate erroneously ended up on the wrong vehicle.

As he was a witness to the violation, Commissioner White was sworn. He testified that while speaking with Ms. Turner outside of the Corolla office that morning he saw Mr. Meredith's vehicle drive by with no stickers.

After the hearing, Commissioner Gilbert moved to affirm the staff's findings of violations and issuance of citations and suspension of the license for Corolla Jeep Rentals and Tours for a period of three days. The dates of suspension to be August 31, September 1 and September 2, 2018.

Commissioner Etheridge seconded the motion and the motion passed unanimously.

To: Board of Commissioners
From: Planning Staff
Date: September 15, 2017
Re: Corolla Jeep Rentals & Tours, Inc.
 Suspension of Outdoor Tour Operator License

On Thursday, August 31, 2017 at approximately 4:00PM, Jennie Turner witnessed a camouflage hummer with orange "Corolla Adventures" lettering heading north on Ocean Trail (NC12) with tour passengers. The vehicle did not display the required hot pink unique identification number on the passenger side that was visible from the front porch of the Corolla Satellite office (per aerial photography, Ms. Turner was located approximately 100' from Ocean Trail). A citation notice was emailed to Banks Meredith at 3:06PM on Friday, September 1, 2017.

On Friday, September 1, 2017 at approximately 8:10AM, Nick Aisthorpe witnessed a camouflage hummer with orange "Corolla Adventures" lettering conducting a tour on the 4WD beach area. Mr. Aisthorpe followed the vehicle north from the access ramp for approximately four minutes in order to take a side photograph of the vehicle. The vehicle did not display the required hot pink unique identification numbers on the sides or rear. During the pursuit, license plate #ZJ-2437 was observed by Mr. Aisthorpe. The license plate was not the proper plate for the vehicle. A citation notice was emailed to Banks Meredith at 3:09PM on Friday, September 1, 2017.

The attached citations were issued to Corolla Jeep Rentals & Tours, Inc. on September 1 2017 for above-referenced violations that occurred on Thursday, August 31, 2017 and Friday, September 1, 2017. The Code of Ordinances (Section 8-99) states that Outdoor Tour Operators that are issued two or more citations in a thirty-day period shall be suspended from operating in the designated area for three days; therefore, the attached notice of suspension of license was provided to Corolla Jeep Rentals & Tours, Inc.

Section 8-100 of the Code of Ordinances states that a license holder aggrieved by the suspension or revocation of a license may appeal to the board of commissioners by filing a notice of appeal with the clerk to the board of commissioners within seven days of the adverse action being appealed. Mr. Banks Meredith, owner of Corolla Jeep Rentals & Tours, Inc. requested an appeal of the suspension. Prior to Mr. Meredith's request, staff did offer to allow Mr. Meredith to select three consecutive days within the few weeks subsequent to the notice of suspension in which to complete the required suspension. Mr. Meredith declined and stated that he would like to appeal the suspension.

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

B. Resolution Supporting the Repeal of the 80% Tax Credit for Solar Array Facilities

County Attorney, Ike McRee, presented the Resolution supporting a repeal of legislation that provides an 80% county ad valorem tax credit for solar array development.

Commissioner White moved to approve the Resolution. The motion was seconded by Commissioner Beaumont and passed unanimously.

RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY TO REPEAL N.C. GEN. STAT. §105-275(45) EXCLUDING EIGHTY PERCENT OF THE APPRAISED VALUE OF SOLAR ENERGY ELECTRIC SYSTEMS FROM AD VALOREM TAX

WHEREAS, on January 1, 2016 the North Carolina law allowing a thirty-five percent tax credit on renewable energy production systems ended; and

WHEREAS, N.C. Gen. Stat. §105-275(45) still allows the exclusion of eighty percent of the appraised value of solar energy electric systems from local ad valorem tax valuation; and

WHEREAS, in 2015 renewable energy development in Currituck County comprised of solar energy electric systems encumbered 2,200 acres of land with real property investment in the amount of \$210,000,000; and

WHEREAS, due to N.C. Gen. Stat. §105-275(45) the solar energy electric systems in Currituck County were assessed a combined business and personal property tax in the amount of \$210,600 rather than \$1,008,000 any other commercial development not receiving preferential tax treatment under the statute would be required to pay; and

WHEREAS, a community hosting solar energy electric systems should receive the full benefit of such development within its boundaries particularly since solar energy electric systems reduce open space and useable farmland and generate visual and other impacts unwelcome to property owners adjacent to solar energy electric systems; and

WHEREAS, it is apparent that by allowing expiration of the state's thirty-five percent tax credit on renewable energy production systems the North Carolina General Assembly has determined that incentives are no longer necessary to encourage renewable energy development like solar energy electric systems in North Carolina and repeal of N.C. Gen. Stat. §105-275(45) is necessary and appropriate.

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

Section 1. Currituck County requests that its legislative delegation sponsor and otherwise support legislation to repeal N.C. Gen. Stat. §105-275(45).

Section 2. The Clerk to the Board of Commissioners is directed to forward a copy of this resolution to the county's legislative delegation.

Section 3. This resolution is effective upon its adoption.

ADOPTED the 18th day of September, 2017.

Bobby Hanig, Chairman
Currituck County Board of Commissioners

ATTEST:

Leeann Walton,
Clerk to the Board of Commissioners

(COUNTY SEAL)

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

C) Consent Agenda

Mr. Scanlon confirmed Item 4 was an antenna upgrade, after which Commissioner Beaumont moved for approval of the Consent Agenda. The motion was seconded by Commissioner Etheridge and passed unanimously.

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

1) Approval Of Minutes for September 5, 2017

- 1. Minutes for September 5, 2017**
- 2. Budget Amendments**

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10440-514000	Travel	\$ 5,200	
10440-514500	Training & Education	\$ 1,300	
10440-545000	Contract Services	\$ 3,000	
10441-545000	Contract Services	\$ 27,801	
10445-514000	Travel	\$ 2,750	
10445-514500	Training & Education	\$ 10,000	
10445-545000	Contract Services	\$ 4,000	
10450-545000	Contract Services	\$ 6,290	
10460-516000	Maintenance & Repair	\$ 1,320	
10530-590000	Capital Outlay	\$ 154,784	
10531-545000	Contract Services	\$ 3,000	
10535-590000	Capital Outlay	\$ 39,290	
10650-561000	Professional Services	\$ 8,475	
10390-499900	Fund Balance Appropriated		\$ 258,735
10390-495015	T F - Occupancy Tax		\$ 8,475
16609-545000	Contract Services	\$ 39,859	
16390-499900	Fund Balance Appropriated		\$ 39,859
26535-590000	Capital Outlay	\$ 43,672	
26390-499900	Fund Balance Appropriated		\$ 43,672
27608-545000	Contract Services	\$ 49,286	
27390-499900	Fund Balance Appropriated		\$ 49,286
		\$ 400,027	\$ 400,027
Explanation:	Various Departments - Carry forward purchase orders from prior fiscal year.		
	Tyler Technologies	20170346	\$ 26,250
	Tyler Technologies	20171426	\$ 6,290
	Pro Window	20171298	\$ 870
	Pro Window	20171452	\$ 450
	Select Custom Apparatus Inc	20171555	\$ 77,392
	Select Custom Apparatus Inc	20171556	\$ 77,392
	Futurity IT Inc	20171530	\$ 3,000
	Motorola	20171499	\$ 50,103
	Kimley-Horn and Assoc Inc	20170448	\$ 8,475
	IT Contracts		\$ 27,801
	Albemarle & Assoc	20170936	\$ 39,859
	Mobile Communications	20171629	\$ 32,859
	Moyock Watershed Projects		\$ 49,286
			\$ 400,027
Net Budget Effect:	Operating Fund (10) - Increased by \$258,735. Ocean Sands/Crown Pointe (16) - Increased by \$39,859. Emergency Telephone (26) - Increased by \$43,672. Moyock Watershed (27) - Increased by \$49,286.		

		Debit	Credit
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10440-590000	Capital Outlay	\$ 32,000	
10350-468000	Sales of Fixed Assets		\$ 32,000
		<u>\$ 32,000</u>	<u>\$ 32,000</u>

Explanation: Finance (10440) - Increase appropriations to replace Crown Victoria used by Finance, ITS and various departments. Current vehicle needs extensive repairs. Funds will be used from sale of assets on Gov Deals.

Net Budget Effect: Operating Fund (10) - Increased by \$32,000.

3. Request by Finance Director to Dispose of Records Scheduled for Disposition

4. Verizon Wireless Antenna Upgrade, Tulls Creek Tower

D) Commissioner's Report

Commissioner Hall announced the Senior Volunteer Awards Banquet was held last week and thanked all of those who volunteer. He took a moment to especially acknowledge Ms. Lorraine Perry, a Senior Center volunteer who had recently passed away at age 96, but was one who had continued to volunteer and earn awards well into her nineties.

Commissioner Gilbert announced her attendance at the Senior Volunteer Banquet as well as Heritage Day. She thanked Commissioners for their efforts and announced that \$1000 was raised for Currituck Kids. She announced a spaghetti dinner Tuesday night at Saint Luke's Table.

Chairman Hanig said he also attended the Senior Center Volunteer Banquet and strongly encouraged community involvement and volunteerism.

E) County Manager's Report

County Manager, Dan Scanlon, said Rite Aid had coordinated a public flu clinic to be held at the Currituck County Library in Barco on Friday, September 22.

ADJOURN

Motion to Adjourn Meeting

With there being no further business, Commissioner Hall made a motion to adjourn. Commissioner White seconded the motion. The motion carried unanimously and the regular meeting of the Board of Commissioners was adjourned.

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

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners, upon adjournment of the September 18, 2017, regular meeting of the Board, convened in a Special Meeting to sit as the Tourism Development Authority. The meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering budget amendments.

1. TDA Budget Amendments

County Manager, Dan Scanlon, reviewed the budget amendments with the Board. Mr. Scanlon detailed the contribution toward the construction and renovation of public facilities at the Pine Island Audubon Sanctuary.

Commissioner White moved to approve and the motion was seconded by Commissioner Etheridge. The motion passed unanimously.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545000	Contract Services	\$ 660	
15447-545002	Historic Preservation	\$ 13,182	
15447-592001	Whalehead Construction	\$ 92,807	
15447-587010	T T - Operating Fund	\$ 8,475	
15390-499900	Appropriated Fund Balance		\$ 115,124
		<u>\$ 115,124</u>	<u>\$ 115,124</u>
Explanation:	Various - Carry-forward purchase orders started in prior fiscal years and not complete as of June 30, 2017		
	Phillip Dombeck	20171124	\$ 660
	Thomson Shore Inc	20170504	\$ 13,182
	Retainage/Closout		\$ 92,807
	Whalehead Restroom		
	Kimley Horn/Econ Dev		\$ 8,475
	Contract transfer		
			<u>\$ 115,124</u>
Net Budget Effect:	Occupancy Tax Fund (15) - Increased by \$115,124.		

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545000	Contract Services	\$ 200,000	
15320-415000	Occupancy Tax		\$ 200,000
		\$ 200,000	\$ 200,000

Explanation: Tourism Related Expenses (15447) - Increase appropriations for the Audubon capital assistance.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$200,000.

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

ADJOURN SPECIAL MEETING

Commissioner White moved to adjourn the meeting of the Tourism Development Authority. Commissioner Gilbert seconded the motion and the motion passed unanimously. The meeting of the Tourism Development Authority was adjourned.

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

Number

20180020

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of October 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10980-590000	Capital Outlay	\$	9,955		
10330-445100	FEMA - Public Assistance			\$	9,955
		<hr/>	<hr/>	<hr/>	<hr/>
		<u>\$</u>	<u>9,955</u>	<u>\$</u>	<u>9,955</u>

Explanation: Disaster Recovery (10980) - Increase appropriations to repair roof at the Powells Point Sr Center damaged in Hurricane Matthew.

Net Budget Effect: Operating Fund (10) - Increased by \$9,955.

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Clerk to the Board

Number

20180021

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of October 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
67878-545000	Contracted Services		\$ 60,000
67878-590000	Capital Outlay	\$ 60,000	
		<u><u>\$ 60,000</u></u>	<u><u>\$ 60,000</u></u>

Explanation: Mainland Sewer (67878) - Transfer budgeted funds for replacement parts for the Mainland Sewer System. Installation will be done by staff.

Net Budget Effect: Mainland Sewer Fund (67) - No change.

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Clerk to the Board _____

Number

20180022

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of October 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-513000	Utilities		\$ 1,000
10750-516200	Vehicle Maintenance		\$ 1,000
10750-531000	Fuel		\$ 3,000
10750-561000	Professional Services	\$ 5,000	
10330-430000	DSS Miscellaneous		\$ 14,400
10752-532003	Supplies - Special Adoption	\$ 12,472	
10752-553003	Dues & Sub - Special Adoption	\$ 1,500	
10390-499900	Fund Appropriate Balance	\$ 392	
10752-519700	HCCBG In Home	\$ 36	
		\$ 19,400	\$ 19,400

Explanation: SOCIAL SERVICES ADMIN (750) - Increase Professional Services to cover cost reimbursable expert witness fees and medical file review expenses for child welfare cases. PUBLIC ASSISTANCE (752) - Carry forward FY 16/17 funds and add additions FY 17/18 funds for Special Adoption funding and adjust In Home funds to the allocations received.

Net Budget Effect: Operating Fund (10) - Increased by \$14,008.

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Clerk to the Board

Number

20180023

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of October 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10415-561000	Professional Services	\$	100,000		
10310-400017	Ad Valorem Taxes - 2017 Levy			\$	100,000
		<u>\$ 100,000</u>		<u>\$ 100,000</u>	

Explanation: Legal (10415) - Increase appropriations for outside legal counsel for pending lawsuits.

Net Budget Effect: Operating Fund (10) - Increased by \$100,000.

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Clerk to the Board _____

Number

20180024

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of October 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
			<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>
10380-481000	Investment Earnings			\$	3,000
10420-589000	OSD Reserve	\$	3,000		
10460-506000	Health Insurance			\$	1,000
10460-526000	Advertising	\$	1,000		
10650-514000	Travel			\$	213
10650-553000	Dues & Subscriptions	\$	213		
		<hr/>	<hr/> \$ 4,213	<hr/>	<hr/> \$ 4,213

Explanation: Governing Body (10420); Public Works (10460); Economic Development (10650) - Increase appropriations for unanticipated cost increases.

Net Budget Effect: Operating Fund (10) - Increased by \$3,000.

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Clerk to the Board

Number

20180025

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of October 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10460-590000	Capital Outlay	\$	242,785		
10390-499900	Appropriated Fund Balance			\$	242,785
		<u>\$ 242,785</u>		<u>\$ 242,785</u>	

Explanation: Public Works Department (10460) - To carryforward roof projects from FY 2017.

Net Budget Effect: Operating Fund (10) - Increased by \$242,785.

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Clerk to the Board _____

Number

20180026

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of October 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10420-561000	Professional Services	\$	49,500		
10310-400017	Ad Valorem Taxes - 2017 Levy			\$	49,500
		<u>\$ 49,500</u>		<u>\$ 49,500</u>	

Explanation: Governing Body (10420) - Increase appropriations for review of Board of Education.

Net Budget Effect: Operating Fund (10) - Increased by \$49,500.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board _____

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.

ASSET	YEAR	MAKE	VIN#	MILEAGE	DEPT	COLOR
6177	2006	CROWN VIC	2FAFP71W06X162082	160,809	SHERIFF	WHITE
6095	2006	CROWN VIC	2FAHP71W96X119014	114,076	SHERIFF	WHITE
6738	2008	DODGE	2B3KA43H98H206084	unknown	SHERIFF	BLACK
7002	2009	DODGE	2B3KA43T29H607840	120,508	SHERIFF	WHITE
7187	2010	DODGE	2B3AA4CT0AH161784	133,519	SHERIFF	WHITE
7350	2010	DODGE	2B3AA4CT8AH318980	139,373	SHERIFF	WHITE
7356	2010	DODGE	2B3AA4CT9AH318986	120,119	SHERIFF	WHITE
7484	2012	DODGE	2C3CDXAT4CH147915	171,963	SHERIFF	WHITE
7692	2013	DODGE RAM	1C6RR7GT5DS521772	110,654	SHERIFF	WHITE
7886	2013	Cash Register System	CRC5V3498		Tourism	
7887	2013	Cash Register System	CRC2V6861		Tourism	

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

ADOPTED, this 2nd day of October, 2017.

Bobby Hanig
County of Currituck, Board of Commissioners

Leeann Walton
Clerk to the Board

(Seal)

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on October 2, 2017, authorized the following property listed below be declared surplus and disposed of; and

WHEREAS, Sheriff Johnson has requested that upon the retirement of Deputy Robert P. McIntosh that his duty weapon, a Glock 22 handgun, Serial #PVF935, be given to him. Mr. McIntosh has made the request to purchase same upon his retirement; and

WHEREAS, Sheriff Johnson has requested that upon the retirement of Deputy Melinda K. McIntosh that her duty weapon, a Glock 22 handgun, Serial #HES329, be given to her. Ms. McIntosh has made the request to purchase same upon her retirement.

ADOPTED this the 2nd day of October, 2017.

ATTEST:

Bobby Hanig, Chairman

Clerk to the Board of Commissioners



Currituck County Sheriff's Office

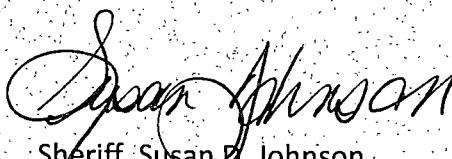
SUSAN D. JOHNSON, Sheriff

September 15, 2017

To: The Currituck County Commissioners
 Ref: Deputy Robert P. McIntosh-Retirement
 September 30, 2017

Robert P. McIntosh will be retiring from the Currituck County Sheriff's Office effective Saturday, September 30, 2017. He has been with our agency in good standing since August 1, 1997. It has been our policy to allow deputies, upon retirement, the option of purchasing their issued service weapon for the total sum of one dollar (\$1.00). McIntosh's issued service weapon is a Glock 22 handgun, serial # PVF935, and has made the request to purchase same upon his retirement.

Deputy Robert P. McIntosh has completed the Currituck County Purchase Permit Application on Friday, September 15, 2017, and has submitted the amount of one dollar (\$1.00) to purchase his issued service weapon upon his retirement.


 Sheriff, Susan D. Johnson
 Currituck County Sheriff



Currituck County Sheriff's Office

SUSAN D. JOHNSON, *Sheriff*

September 15, 2017

To: The Currituck County Commissioners
Ref: Deputy Melinda K. McIntosh-Retirement
September 30, 2017

Melinda K. McIntosh will be retiring from the Currituck County Sheriff's Office effective Saturday, September 30, 2017. She has been with our agency in good standing since March 20, 2004. It has been our policy to allow deputies, upon retirement, the option of purchasing their issued service weapon for the total sum of one dollar (\$1.00). McIntosh's issued service weapon is a Glock 22 handgun, serial # HES329, and has made the request to purchase same upon her retirement.

Deputy Melinda K. McIntosh has completed the Currituck County Purchase Permit Application on Friday, September 15, 2017, and has submitted the amount of one dollar (\$1.00) to purchase her issued service weapon upon her retirement.

A handwritten signature in black ink, appearing to read "Susan D. Johnson".
Sheriff, Susan D. Johnson
Currituck County Sheriff

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR
CURRITUCK COUNTY, NORTH CAROLINA AUTHORIZING
CONVEYANCE OF COUNTY PROPERTY TO OCEAN SANDS WATER
AND SEWER DISTRICT FOR CONTINUED USE AND LOCATION OF
WASTEWATER TREATMENT AND DISPOSAL**

WHEREAS, Currituck County owns property located at 741 and 743 Ocean Trail, Corolla, North Carolina as more particularly described in deeds recorded in Deed Book 137, Page 158 and Deed Book 231, Page 635 of the Currituck County Registry, (the "County Property"); and

WHEREAS, the County Property has and continues to be occupied by a wastewater treatment plant and disposal field operated by Ocean Sands Water and Sewer District, a body corporate and politic existing pursuant to Chapter 62A of the General Statutes of North Carolina, for the benefit of property located in Ocean Sands subdivision; and

WHEREAS, Ocean Sands Water and Sewer District has constructed improvements to the wastewater treatment facility and is preparing to finance and construct additional improvements to the wastewater treatment facility required to meet regulatory requirements and demand from its service area; and

WHEREAS, County Property has an appraised tax value in the total amount of \$1,912,100; and

WHEREAS, Section 160A-274 of the General Statutes of North Carolina authorizes Currituck County, upon such terms and conditions as it deems wise, with or without consideration, convey the County Property to another governmental entity.

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

Section 1. The conveyance of Currituck County property located at 741 and 743 Ocean Trail, Corolla, North Carolina as more particularly described in deeds recorded in Deed Book 137, Page 158 and Deed Book 231, Page 635 of the Currituck County Registry to Ocean Sands Water and Sewer District is authorized with the condition that Ocean Sands Water and Sewer District shall pay as consideration for the County Property \$1,912,100 upon demand of Currituck County.

Section 2. The appropriate Currituck County officials are directed and authorized to execute the appropriate instruments necessary to carry out the conveyance of the County Property to Ocean Sands Water and Sewer District.

Section 3. This resolution is effective upon its adoption and supersedes any prior or conflicting resolution.

ADOPTED the 2nd day of October, 2017.

Bobby Hanig, Chair
Board of Commissioners

ATTEST:

Leeann Walton,
Clerk to the Board of Commissioners

(COUNTY SEAL)

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners sitting as the Ocean Sands Water and Sewer District, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is to design and construct replacement and expansion of the Ocean Sands Wastewater System, Corolla, NC.

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

Construction	\$ 7,299,643
Professional Services	\$ 431,150
Contingency	\$ 730,000
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	\$ 8,460,793

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

Proceeds from Debt	\$ 7,500,000
Transfer from Ocean Sands Water & Sewer Operations	960,793
Existing funds from prior closed projects	
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	\$ 8,460,793

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

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

materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.

- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 2nd day of October 2017.

Bobby Hanig, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board

**RESOLUTION OF THE GOVERNING BOARD FOR OCEAN SANDS
WATER AND SEWER DISTRICT ACCEPTING CONVEYANCE OF
CURRITUCK COUNTY PROPERTY FOR CONTINUED USE AND
LOCATION OF WASTEWATER TREATMENT AND DISPOSAL**

WHEREAS, Currituck County owns property located at 741 and 743 Ocean Trail, Corolla, North Carolina as more particularly described in deeds recorded in Deed Book 137, Page 158 and Deed Book 231, Page 635 of the Currituck County Registry, (the "County Property"); and

WHEREAS, the County Property has and continues to be occupied by a wastewater treatment plant and disposal field operated by Ocean Sands Water and Sewer District, a body corporate and politic existing pursuant to Chapter 62A of the General Statutes of North Carolina, for the benefit of property located in Ocean Sands subdivision; and

WHEREAS, Ocean Sands Water and Sewer District has constructed improvements to the wastewater treatment facility and is preparing to finance and construct additional improvements to the wastewater treatment facility required to meet regulatory requirements and demand from its service area; and

WHEREAS, County Property has an appraised tax value in the total amount of \$1,912,100; and

WHEREAS, Section 160A-274 of the General Statutes of North Carolina authorizes Currituck County, upon such terms and conditions as it deems wise, with or without consideration, convey the County Property to another governmental entity.

NOW, THEREFORE, BE IT RESOLVED by the Board for Ocean Sands Water and Sewer District that:

Section 1. The conveyance of Currituck County property located at 741 and 743 Ocean Trail, Corolla, North Carolina as more particularly described in deeds recorded in Deed Book 137, Page 158 and Deed Book 231, Page 635 of the Currituck County Registry to Ocean Sands Water and Sewer District is accepted with the condition that Ocean Sands Water and Sewer District shall pay as consideration for the County Property \$1,912,100 upon demand of Currituck County.

Section 2. The appropriate officials of Ocean Sands Water and Sewer District are directed and authorized to execute any instruments necessary to

carry out the conveyance of the County Property to Ocean Sands Water and Sewer District upon the conditions set out in this resolution.

Section 3. This resolution is effective upon its adoption and supersedes any prior or conflicting resolution.

ADOPTED the 2nd day of October, 2017.

Bobby Hanig, Chair
Ocean Sands Water and Sewer District

ATTEST:

Leeann Walton,
Clerk to the Board for Ocean
Sands Water and Sewer District