



## CURRITUCK COUNTY NORTH CAROLINA

October 16, 2017

Minutes – Regular Meeting of the Board of Commissioners

### WORK SESSION

#### 1. 5:00 PM Discussion of County Code of Ordinances, Chapter 10, Article II, Div 2: Vehicles and Horses on the Outer Banks

The Board of Commissioners attended a 5 PM work session to discuss the county ordinance regulating beach driving on Currituck County beaches. County Manager, Dan Scanlon, displayed the current local regulations and the Board began discussion on the possible modification of certain sections. Four-wheel drive beach considerations included shifting the drive lanes to the dune line, implementing a fee-based parking permit system and All Terrain Vehicle (ATV) use and permitting. Commercial beach driving regulations, currently permitted south of the fence, were also discussed.

Mr. Scanlon, during discussion, relayed concerns from emergency responders and residents regarding a shift of travel lanes to the dune on the four-wheel drive area; the move may hinder the ability for emergency vehicles to move up and down the beach and personal vehicles would be affected by the additional wear from driving at the dune line. Beach safety and parking were discussed, and the Board asked that a parking pass permit system be developed and brought back for Board review. Staff was also directed to create a plan to shift drive and parking patterns, and the Board stressed that both plans should be developed with safety and the concerns of residents in mind. ATV discussion included the possible institution of a helmet requirement. The Board asked that the ATV ordinance be modified to better define permit eligibility and issuing requirements. The ordinance would also include clarifying language to require vehicles driven on the four-wheel drive beach must have a valid registration.

The Board discussed commercial beach driving, after which they asked for removal of the language that allowed access for all vendors, keeping the ability of a Planned Unit Development (PUD) to secure permits for their use. The Board asked staff to include language to better define the allowable use, location, and size of beach storage lockers, which are frequently rented to guests and left on the beach by vendors in violation the county's ordinance regulating unattended items on the beach.

The work session concluded at 5:45 PM.

### 6:00 PM CALL TO ORDER

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

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

Chairman Hanig called the meeting to order.

**A) Invocation & Pledge of Allegiance-Pastor Glenn McCranie, Retired US Navy Chaplain**

Pastor Glenn McCranie was in attendance to offer the Invocation and lead the Pledge of Allegiance.

**B) Approval of Agenda**

Commissioner Gilbert moved to approve the agenda. The motion was seconded by Commissioner Etheridge and carried unanimously.

Approved agenda:

**Work Session**

5:00 PM Discussion of County Code of Ordinances, Chapter 10, Article II, Div 2: Vehicles and Horses on the Outer Banks

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance-Pastor Glenn McCranie, Retired US Navy Chaplain
- 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) North Carolina Forest Service Annual Report-Eric Lefevers, Currituck County Ranger

**Public Hearings**

A) **Public Hearing and Action: PB 15-02 Hidden Oaks - Use Permit Amendment:** Request to amend the use permit to convert 6 Single Family Dwelling (SFD) lots to duplex lots for property located in Moyock at the terminus of Inventors Drive on the east side of Caratoke Highway, Tax Map 9, Parcels 26B and 26D, Moyock Township.

**Old Business**

A) **Consideration of an Order Approving the Use Permit for PB 94-49: The Currituck Club**

**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**

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**

**C) Consent Agenda**

1. Approval Of Minutes for October 2, 2017
2. Budget Amendments
3. Resolution to Declare CCRC Utility vehicle as Surplus

**D) Commissioner's Report**

**E) County Manager's Report**

**Special Meeting of the Ocean Sands Water & Sewer District Board**

Resolution to Approve Financing Terms for Ocean Sands Wastewater Treatment Plant Construction

**Closed Session**

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.

**Adjourn**

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

**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.***

Tameron Kugler, Travel and Tourism Director for Currituck County, introduced the new Currituck Hospitality Ambassador program, which encourages residents to visit tourist destinations in the County.

Charlie Copeland and George Barlow, Carova Beach property owners, asked the Board to allow vehicles to be parked on unimproved lots on the four-wheel drive area. Mr. Barlow also expressed his concern with eliminating overnight parking at the Knotts Island boat ramp, which may cause vehicles to park on his Knotts Island property located across the street. Mr. Scanlon clarified that the ordinance language regarding overnight parking at the boat ramp was not new, and that overnight parking was always prohibited.

Fran Hamilton, a full-time Corolla resident, said she was interested in hearing Board discussion on the air-down ordinance under consideration. She lives in the last neighborhood before the four-wheel drive area, and drivers are airing down their tires within their subdivision.

Kelly Peters and Wiley Melton, both Knotts Island residents, presented their concerns should the Board implement vehicle limitations on lots in Carova.

With no one else wishing to speak, Chairman Hanig closed the public comment period. Mr. Scanlon explained the language in the Unified Development Ordinance (UDO) would be amended to allow parking on unimproved lots on the four-wheel drive area. Vehicles would have to be registered.

**ADMINISTRATIVE REPORTS****A. North Carolina Forest Service Annual Report-Eric Lefevers, Currituck County Ranger**

Eric Lefevers, North Carolina Forest Service Currituck Ranger, and Assistant, Aaron Bishop, introduced themselves and provided their professional and educational backgrounds. Mr. Lefevers noted the agency responded to 77 fire calls last year and reviewed the duties and goals of the agency which include information and education services, fire response, issuing burn permits, forest management and development of stewardship plans related to timber improvement, water quality and wildlife. Commissioner Beaumont said the Forest Service offers an excellent course on

chainsaw safety. Commissioner Hall noted that logging inspections were performed by the Forest Service. He asked for updated numbers on forest acreage in the county and Mr. Lefevers said he was compiling those numbers and would provide them upon completion. Forest Service District Ranger out of Elizabeth City was also in attendance, and thanked the Board for their support.

## PUBLIC HEARINGS

### A. Public Hearing and Action: PB 15-02 Hidden Oaks - Use Permit Amendment: APPLICATION SUMMARY

<b>Property Owner:</b> Hidden Oaks LLC Justin Old 417 D Caratoke Highway Moyock, NC 27958	<b>Applicant:</b> Hidden Oaks LLC Justin Old 417 D Caratoke Highway Moyock, NC 27958
<b>Case Number:</b> PB 15-02	<b>Application Type:</b> Amended Use Permit
<b>Parcel Identification Number:</b> <i>Original parcels:</i> 0009-000-026A-0000 and 0009-000-026B-0000 <i>Now:</i> 0009-000-026B-0000, 0009-000-026E-0000, and all the parcel numbers for the lots and open space in Phase 1, as recorded)	<b>Existing Use:</b> Single-Family Development
<b>Land Use Plan Classification:</b> Full Service <b>Moyock Small Area Plan:</b> Full Service	<b>Parcel Size (Acres):</b> 36.5
<b>Number of Units:</b> 67 pervious approved. Requesting to convert 6 lots to duplex units for a total of 73 units.	<b>Project Density:</b> Previously approved: 1.81 units/ acre New request: 2 units/acre requested.
<b>Required Open Space:</b> 14.83 acres (40%)	<b>Provided Open Space:</b> 15.86 acres

### SURROUNDING PARCELS

	LAND USE	ZONING
NORTH	RESIDENTIAL	AG
SOUTH	RESIDENTIAL/INSTITUTIONAL	GB
EAST	RESIDENTIAL	SFM
WEST	INDUSTRIAL	GB

- 1. The applicant is requesting to amend the use permit to convert six single-family dwelling lots to duplex lots. This would increase the number of approved units from 67 to 73.
- 2. The number of lots, amount of open space, and lot coverage limits will remain as previously approved.
- 3. Project density will increase to 2 units per acre from the previously approved 1.81 units per acre. Two units per acre is the maximum number of dwelling units for this parcel in this zoning district.
- 4. Two units per acre are allowed under the development regulations at the time of use permit approval.
- 5. This proposal will provide an alternate housing style that is not currently available in Moyock.

6. The applicant is proposing that duplex units be placed on lots 9 through 14 on North Gumbery Trace.
7. The applicant is proposing building elevations (see attached) that should be incorporated into this approval to insure the architectural standards imposed by the applicant are met.

<b>INFRASTRUCTURE</b>	
WATER	PUBLIC
SEWER	PUBLIC
SCHOOLS	ADDITIONAL ELEMENTARY STUDENTS GENERATED: 1.5 STUDENTS
	ADDITIONAL MIDDLE SCHOOL STUDENTS GENERATED: .48 STUDENTS
	ADDITIONAL HIGH SCHOOL STUDENTS GENERATED: .84 STUDENTS
RECREATION AND PARK AREA DEDICATION	.153 ACRES – ADDITIONAL PAYMENT IN LIEU OF DEDICATION WILL BE ACCEPTED IN THE AMOUNT OF \$2,243.

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

1. The Technical Review Committee recommends adoption of the amended use permit as presented.
  - a. That the architectural standards of the elevation presented (attached) be maintained for all duplex lots.
2. An amended use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the use permit review standards. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary applicant findings.

## USE PERMIT REVIEW STANDARDS

THE USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY.

#### Preliminary Applicant Findings:

1. The use will adhere to county health and safety standards. All lots front on low-speed interior streets that are connected to two means of egress. The lots will be served with public water and sewer. The project should not adversely affect the public health or safety.

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. Over 42% of the land is being preserved as open space and existing trees are being preserved to the greatest degree practicable with tree buffers ranging from 60 to more than 100 isolating the community from neighboring communities. Construction style will be attractive and similar to the adjacent communities. The use will not injure the value of adjoining or abutting lands and will be in harmony with the surrounding area.

THE USE WILL BE IN CONFORMITY WITH THE LAND USE PLAN OR OTHER OFFICIALLY ADOPTED PLANS.

#### Preliminary Applicant Findings:

1. The Land Use Plan classifies this area as Full Service within the Moyock subarea. The proposed development density of two units per acre is below the densities envisioned in both the Currituck County Land Use Plan and the Moyock Small Area Plan for a full-service development connected to county sewer.

**Relevant MSAP and 2006 LUP Policies:**

1. LUP POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
2. LUP POLICY HN2: The county shall encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING techniques.
3. LUP POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
  - 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. The types of development are contemplated for the Full service Areas identified on the Future Land Use Map.
4. LUP POLICY HN5: Currituck County recognizes that there are many types of housing...that are often overlooked in meeting the Currituck County 2006 Land Use Plan for AFFORDABLE HOUSING NEEDS of young families, workers of modest income, senior citizens, and others.
5. LUP POLICY TR7: A system of LOCAL CONNECTOR ROADS shall be identified and implemented to allow local traffic to move in a north-south direction without having to use and further burden US 158.
6. LUP POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists.
7. LUP POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant vegetation, shall be encouraged.
8. MSAP POLICY TR2: Ensure that all development is designed with an interconnected, multi-modal transportation network between neighborhoods, activity centers, and other destinations to improve mobility and emergency access. Development of an interconnected road network east and west of Highway 168 that allows north-south movement for local residential traffic.
9. MSAP POLICY FLU1: Promote compatibility between new development and existing development to avoid adverse impacts to the existing community...

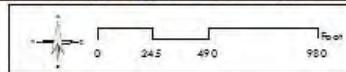
THE USE WILL NOT EXCEED THE COUNTY'S ABILITY TO PROVIDE ADEQUATE PUBLIC FACILITIES, INCLUDING, BUT NOT LIMITED TO: SCHOOLS, FIRE AND RESCUE, LAW ENFORCEMENT, AND OTHER COUNTY FACILITIES. APPLICABLE STATE STANDARDS AND GUIDELINES SHALL BE FOLLOWED FOR DETERMINING WHEN PUBLIC FACILITIES ARE ADEQUATE.

**Preliminary Applicant Findings:**

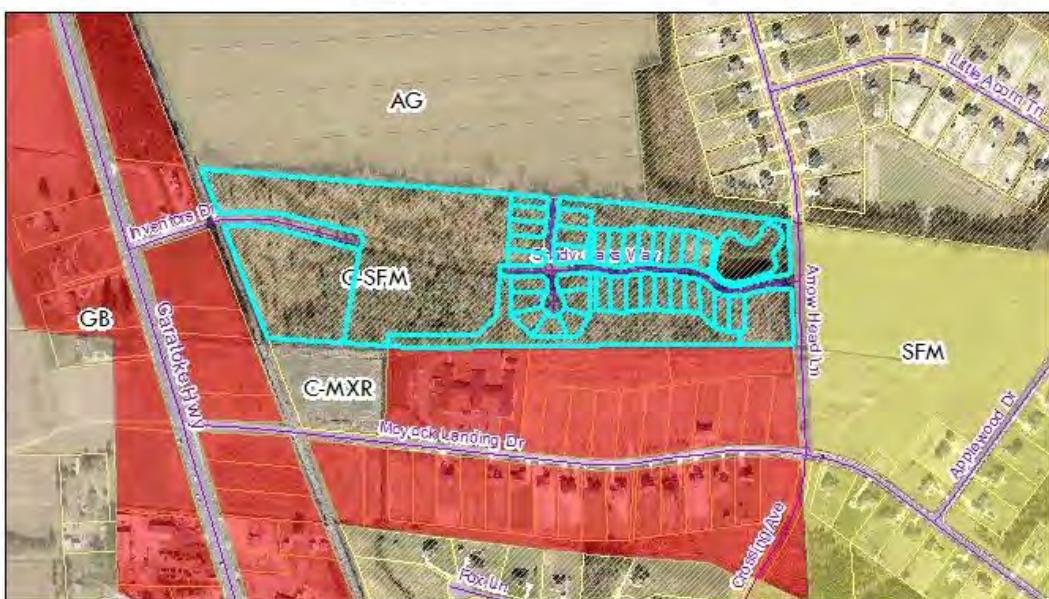
1. Currituck County has adequate public facilities to serve the proposed subdivision.



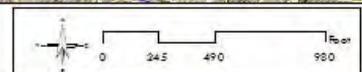
PB 15-02 Hidden Oaks  
Amended Use Permit  
2016 Aerial



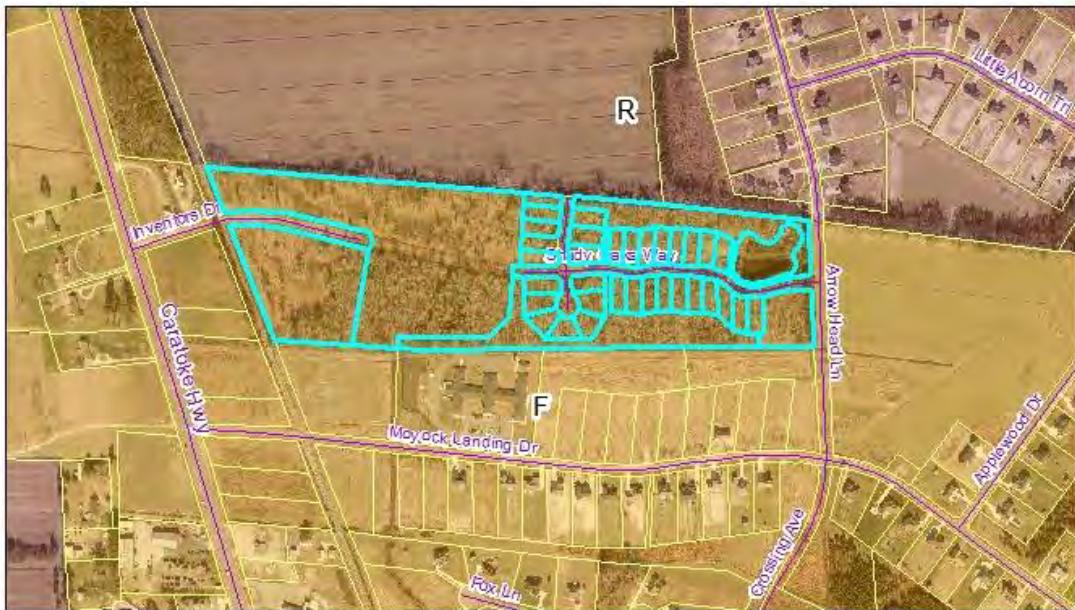
Currituck County  
Planning and  
Community Development



PB 15-02 Hidden Oaks  
Amended Use Permit  
Zoning



Currituck County  
Planning and  
Community Development



PB 15-02 Hidden Oaks  
Amended Use Permit  
LUP

Currituck County  
Planning and  
Community Development



PB 15-02 Hidden Oaks  
Amended Use Permit  
MSAP

Currituck County  
Planning and  
Community Development

Parties were sworn and Laurie LoCicero, Planning and Community Development Director, reviewed the request to amend the use permit to allow the applicant to convert six single-family lots to duplex lots. Ms. LoCicero responded to questions and clarified that a prior request to convert sixteen lots exceeded allowable density, and was revised to the current request of six lots.

Mark Bissell, Engineer, reviewed the request and provided information on maintenance and oversight, location within the subdivision. Elevation photos were displayed, and Mr.

Bissell clarified square footage and sales prices. The affects on property values and disclosure were discussed, and Mr. Bissell said they would be willing to disclose to potential buyers that duplex homes would be part of the subdivision. Commissioner Payment was curious as to why the change is being requested, and Mr. Bissell said the developer believes there is a market for duplex homes. Commissioner Beaumont also questioned the change, and wondered if approval would have been granted if they had been included in the original application.

Commissioner Gilbert had concerns that the duplex properties could possible bring down the value of the other homes.

Chairman Hanig opened the public hearing. No one wished to speak and the public hearing was closed.

With discussion concluded, Commissioner Gilbert moved to deny PB 15-02 Hidden Oaks application due to the fact that the burden of proof has not been shown that it will not endanger or injure the value of adjoining and abutting lands.

The motion was seconded by Commissioner Etheridge and carried unanimously.

<b>RESULT:</b>	<b>MOTION PASSED-ITEM DENIED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

## OLD BUSINESS

### A. Consideration of an Order Approving the Use Permit for PB 94-49: The Currituck Club

Ms. LoCicero reviewed the document granting approval of the use permit for PB 94-49: The Currituck Club, previously heard by the Board at their October 2, 2017, regular meeting . She reviewed the document to ensure all conditions of approval were included and acceptable and responded to questions. After review, Commissioner White moved to approve as submitted by staff. The motion was seconded by Commissioner Payment and carried unanimously.

## **COUNTY OF CURRITUCK**

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

## **USE PERMIT GRANTED**

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

Owner: The Currituck Club Property Owner's Association, Inc.  
619 Clubhouse Drive  
Corolla, NC 27927

Applicant: The Currituck Club Property Owner's Association, Inc. by Heidi Corsello,  
General Manager  
619 Clubhouse Drive  
Corolla, NC 27927

Property Location: 475 Yaupon Lane, Corolla NC  
"Surf Shack"  
The Currituck Club Oceans Subdivision, Tax Map 127E, Parcel OPEN003,  
Poplar Branch Beach Township.

Project: PB 94-49 The Currituck Club Planned Unit Development

Proposed Use: Amenity Area in Open Space

Meeting Dates: October 2, 2017 - Board of Commissioners' Public Hearing/Action

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

- (A) The applicant shall complete the development in compliance with the conceptual development plan prepared by Quible and Associates, P.C. entitled "Conceptual Sketch Surf Shack The Currituck Club" and dated September 25, 2017, as modified by the conditions of this permit. The conceptual development plan was submitted to and approved with conditions by this Board, a copy of which is filed in the office of the Planning and Community Development Department.
- (B) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- (C) This permit shall remain valid so long as the conditions under which it was granted are met.

### Use Permit Approval Standards

- (D) The use will not endanger the public health or safety.
  - 1. THE PROPOSED USE ALLOWS THE CONTINUED HISTORICAL USE OF THE PARCEL FOR AMENITIES AND REDUCES THE NUMBER OF PEDESTRIAN AND VEHICULAR TRIPS MADE ACROSS NC12 TO ACCESS THE BEACH.
  - 2. TESTIMONY FROM EXPERT WITNESS, CATHLEEN SAUNDERS, PROFESSIONAL ENGINEER WITH QUIBLE AND ASSOCIATES PC, VERIFIED THAT THE USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY. THERE IS ADEQUATE INFRASTRUCTURE TO SERVE THE USE.
- (E) 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.

1. THE PROPOSED USE IS SIMILAR TO THAT OF MANY OUTER BANKS COMMUNITIES THAT OFFER SIMILAR RECREATIONAL AMENITIES FOR THEIR MEMBERS AND GUESTS.
2. TESTIMONY FROM M. CURTIS WEST, CERTIFIED NORTH CAROLINA APPRAISER, VERIFIED THAT 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. ADJOINING AND ABUTTING PROPERTIES INCLUDE THE SOUTHERN BEACH PUBLIC ACCESS OWNED BY CURRITUCK COUNTY, OPEN SPACE OWNED BY SPINDRIFT PROPERTY OWNERS ASSOCIATION, SINGLE FAMILY RESIDENTIAL PROPERTY OWNED BY BLUE MARLIN DEVELOPMENT, LLC.

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

1. The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea.
2. The property is part of The Currituck Club Planned Unit Development that meets the bulk and dimensional standards of the UDO with respect to density, required open space and commercial use areas.
3. TESTIMONY FROM EXPERT WITNESS, LAURIE LOCICERO, COUNTY PLANNING DIRECTORY, VERIFIED THAT THE USE IS IN CONFORMITY OF WITH THE 2006 LAND USE PLAN.

(G) 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.

1. THE PROPOSED USE WILL HAVE NO IMPACT ON SCHOOLS.
2. CURRITUCK COUNTY HAS ADEQUATE PUBLIC FACILITIES TO SERVE THE PROPOSED USE OF THE SURF SHACK PARCEL.
3. TESTIMONY FROM EXPERT WITNESS, LAURIE LOCICERO, COUNTY PLANNING DIRECTORY, VERIFIED THAT THE USE WILL NOT IMPACT SCHOOLS OR THE COUNTY'S ABILITY TO PROVIDE FIRE, RESCUE OR LAW ENFORCEMENT SERVICES.

## Conditions of Approval

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

(I) 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, restricted to picnic/eating areas, sail shelters, and golf cart parking areas. Allowable accessory uses are 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, as modified by the conditions of this permit. Expansions of golf cart parking on the Conceptual Site Plan are approved as to use and location. Expansions of bocce ball, putting green and shuffleboard courts are not approved.
- 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, as modified by the conditions of this permit, 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.

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

ATTEST:

(Seal)

Clerk to the Board

Chairman

Board of Commissioners

Date

(NOT VALID UNTIL FULLY EXECUTED)

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

## NEW BUSINESS

### **A. Consideration of 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**

County Attorney, Ike McRee, referred to the original ordinance and reviewed the proposed changes which will now capture the proper pressures for various vehicle weights and types of vehicles.

Chairman Hanig asked that the effective date be modified to allow time to provide information to the public for air down and air up locations. When asked, Mr. McRee clarified the county has no legal requirement to provide air stations. After discussion, Commissioner White moved to approve with the addition of Part 3 that the ordinance take effect May 1, 2018. The motion was seconded by Commissioner Beaumont and carried unanimously.

### **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-66 OF THE CURRITUCK COUNTY CODE SECTION REGULATING MOTOR**

**VEHICLE TIRE PRESSURE ON THE COUNTY'S BEACH STRAND OR FORESHORE TO ADD CLARIFYING LANGUAGE**

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

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

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

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

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

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

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

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

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

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

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

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

PART III. This ordinance is effective May 1, 2018.

ADOPTED this 16th day of October, 2017.

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

**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**

Mr. McRee reviewed provisions of the ordinance that addresses excessive digging and filling of holes on the beach. He said the Sheriff voiced concerns with manpower for enforcement. Mr. McRee said Code Enforcement officials do have the ability to enforce these and other ordinances, and the Board could consider adding enforcement officials during the summer months.

Commissioner Beaumont moved to approve the Ordinance relative to excessive excavation on the beaches. The motion was seconded by Commissioner Hall. The motion passed unanimously.

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

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

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

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

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

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

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

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

(a) It shall be prohibited for any person to alter the ocean beach by digging or mounding of sand that:  
(1) Substantially or permanently alters the contour or shape of the ocean beach or any sand dune;  
(2) Remains unattended at night for any period of time or during the day for more 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.

(b) Exceptions. The county manager may grant exceptions to this section for limited duration special events or other reasons in the general public interest upon presentation of a written request 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 restoration or nourishment, construction or similar activities occurring upon the ocean beach pursuant 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 16<sup>th</sup> day of October, 2017.

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

### C) Consent Agenda

Commissioner Gilbert moved to approve the Consent Agenda.

Commissioner Hall discussed his exiting the previous Board of Commissioners meeting held October 2, 2017, before adjournment. He explained he had a family issue and had hoped to return to the meeting but was unable. He asked that the prior meeting minutes be revised, with the following statement installed into the second paragraph on page 47 of the agenda packet:

"A brief recess was called by Chairman Hanig at the request of Commissioner Hall, who advised Chairman Hanig that he had to leave due to a family emergency and hoped to return. The meeting was reconvened at 10:02 PM. Commissioner Hall was not present after the recess, he did not return to the meeting and no vote to excuse him was requested or taken."

Commissioner Gilbert referred to her earlier motion to approve the Consent Agenda and said she would like to leave the minutes as written. There was no second and the motion died.

Commissioner Hall moved to accept the minutes with the amendment as read. Upon request by Commissioner Beaumont, Commissioner Hall reread the statement and Chairman Hanig clarified that there was no vote to excuse, as he was under the impression Commissioner Hall was returning.

The motion on the floor died for lack of a second. Mr. McRee reviewed the purpose of meeting minutes, which are to memorialize Board actions during meetings. He said minutes belong to the Board and the Board can determine language to accurately reflect actions of the Board. Mr. McRee answered questions related to excusing Board members, voting and related rules of procedure.

Further discussion resulted in the Board making the determination that the Clerk to the Board will include Commissioner Hall's statement in the minutes of this meeting, for the record. With discussion concluded, Commissioner Gilbert moved to accept the Consent Agenda and the minutes as written. The motion was seconded by Chairman Hanig. The motion carried 6-1, with Commissioner Hall voting opposed.

<b>RESULT:</b>	<b>APPROVED [6 TO 1]</b>
<b>MOVED:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Bobby Hanig, Chairman
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Bob White, Commissioner
<b>NAYS:</b>	Mike D. Hall, Commissioner

### 1) Approval Of Minutes for October 2, 2017

#### 1. BOC Minutes for October 2, 2017.

#### 2. Budget Amendments

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-536000	Uniforms	\$ 20,346	
10330-449900	Miscellaneous Grants		\$ 20,346
		<u>\$ 20,346</u>	<u>\$ 20,346</u>

**Explanation:** Sheriff (10510) - Increase appropriations for bulletproof vest grant carry-forward from FY 2017.

**Net Budget Effect:** Operating Fund (10) - Increased by \$20,346.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-590000	Capital Outlay	\$ 3,900	
10460-516000	Repairs and Maintenance		\$ 3,900
		<u>\$ 3,900</u>	<u>\$ 3,900</u>

**Explanation:** Public Works (10460); Social Services Administration (10750) - Transfer budgeted funds to replace a HVAC system at the Social Services building.

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

#### 3. Resolution to Declare CCRC Utility vehicle as Surplus

## 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 taken to electronics recycling as it is no longer functioning.

County	Asset Tag	Description	Serial Number
	7148	2009 4x4 Cub Cadet Utility	1I127G40013

**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 16th day of October 2017.

Bobby Hanig  
County of Currituck, Board of Commissioners

Leeann Walton  
Clerk to the Board

(Seal)

**D) Commissioner's Report**

Commissioner Beaumont discussed the history of the Boy Scout camping area at Maple Industrial Park and said he attended last Saturday's first Camporee. He was pleased the boys have a safe place to go camping.

Commissioner Gilbert said she also attended the Camporee. She said the Scouts presented a plaque to Commissioners, which she presented to the county so it could be hung in the courthouse. She acknowledged the Coast Guard members who worked to prepare the camp site.

Chairman Hanig expressed his appreciation to Commissioners for the extra time they put into the job in addition to attending meetings, noting they may attend many functions in one day.

**E) County Manager's Report**

No Report.

**RECESS**

Chairman Hanig recessed the regular meeting of the Board of Commissioners to hold a Special Meeting of the Ocean Sands Water and Sewer District Board.

**SPECIAL MEETING OF THE OCEAN SANDS WATER & SEWER DISTRICT BOARD**

The Currituck County Board of Commissioners, during a recess of the 6 PM regular meeting on October 16, 2017, held a Special Meeting sitting as the Ocean Sands Water and Sewer District Board.

**F. Resolution to Approve Financing Terms for Ocean Sands Wastewater Treatment Plant Construction**

County Manager, Dan Scanlon, reviewed the funding process and described the BB&T funding terms included in the Resolution for financing the Ocean Sands Wastewater Treatment Plant construction project.

Commissioner Payment moved to approve the Resolution. The motion was seconded by Commissioner White and passed with a unanimous vote.

With no further business the Special Meeting of the Ocean Sands Water and Sewer District Board was adjourned.

**Ocean Sands Water and Sewer District  
Resolution Approving Financing Terms**

**WHEREAS:** Ocean Sands Water and Sewer District (the "District") has previously determined to undertake a project for the financing of the Ocean Sands Wastewater Treatment Plant Project, (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The District hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated September 14, 2017. The amount financed shall not exceed \$8,000,000.00, the interest rate shall not exceed 2.45% and the financing term shall not exceed fifteen (15) years from closing.

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

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

4. The District shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The District hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By:  
\_\_\_\_\_  
\_\_\_\_\_

Title: \_\_\_\_\_  
Title: \_\_\_\_\_

SEAL

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

## CLOSED SESSION

The Board returned from recess and Chairman Hanig moved the Board into 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.

**G. 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.**

## ADJOURN

### **Motion to Adjourn Meeting**

The Board returned from closed session and had no further business. Commissioner Etheridge made a motion to adjourn. The motion was seconded by Commissioner White and passed unanimously, 6-0. Commissioner Gilbert was not present for the vote having

been excused from the meeting at the start of closed session. The regular meeting of the Board of Commissioners was concluded at 7:48 PM.

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

**North Carolina Forest Service  
Annual Report  
Prepared for:  
Currituck County Commissioners &  
County Manager**

**Fiscal Year: June 2016 – July 2017**

**Prepared by:  
Eric Lefevers  
Currituck County Ranger  
North Carolina Forest Service  
September 26, 2017**

# North Carolina Department of Agriculture & Consumer Services

## N.C. Forest Service



**Steven W. Troxler**  
Commissioner

**Scott Bissette**  
Assistant Commissioner

September 26, 2017

Dear Currituck County Commissioners and County Manager Daniel Scanlon:

This letter highlights the North Carolina Forest Service's annual accomplishments for Currituck County for last fiscal year. The NCFS is responsible for the protection and development of all private and state woodlands in the county per North Carolina general statutes. Currituck County's woodland area consists of 51,600 acres as listed in the 2007 Forest Statistics for North Carolina survey. Below are a number of our program areas and the accomplishments we have made during the year.

### **Personnel**

I was hired in August 2017, as the County Ranger, to carry out the North Carolina Forest Service's programs in Currituck County. Previous to this position, I have worked with the Virginia Department of Forestry, National Park Service, as well as in the private land management sector. I'm excited and thankful for the opportunity to be working here in Currituck County. In addition, a new Assistant County Ranger, Aaron Bishop, will be starting this month to fully staff the county office. Aaron has college coursework in Forestry and has worked with various parks in Maryland. We are excited to have a full staff in order to best serve Currituck County.

### **Fire Control**

During the 2016/2017 Fiscal Year we have responded to 77 fire calls with 27 being for wildfire response. Currituck County's 5 Volunteer Fire Departments continue to be a tremendous asset to us in wildfire suppression. Thanks to their hard work, quick initial attacks, and close work with the North Carolina Forest Service, fires have been contained quickly, minimizing size and possible damage. We continue to visit each department and are working with them on inter-agency policies and wildland fire training. We completed two weeks of training with Knotts Island VFD on 10/13/16 for basic wildland fire training (S-130/190, L-180). In addition, we completed a chainsaw course for county first responders on 6/28/2017.

### **Forest Management**

The NC Legislation passed a law in 2014 that requires the NC Forest Service to charge a fee for the creation of certain woodland management plans for forest landowners which began on July 1, 2014. This past year, we prepared 3 management plans for landowners. These plans help landowners meet financial and personal objectives for their timberland. These plans address timber resources, wildlife, aesthetics, water quality, soil protection, and/or recreation opportunities. We are also responsible for conducting survival checks of last year's planting projects, land measurement of all projects funded with state funds using global positioning system instruments and collecting seed for our nursery.

## Water Quality Protection

We are also committed to randomly check on forestry logging operations. All forestry activities must adhere to Forest Practice Guidelines and Best Management Practices. These laws and regulations protect water quality and enable us to utilize forest resources in a sustainable manner. We conducted 29 inspections and re-inspections covering 484 acres on forest harvesting activities in the county.

## Information and Education

These programs are a vital part of our organization to educate the public in forestry and the prevention of wildfires. We conducted 6 programs including: chainsaw safety, educational resource fairs, basic wildland firefighting courses and various school programs.

## Urban Assistance and Pest Control

We provide Currituck citizens with advice and support on shade trees, yard trees, windbreaks, and insect disease control. Urban assistance will continue to be a priority as the population increases and more land is developed. In an effort to protect urban and forested areas, each year we conduct aerial and ground surveys for forest pest outbreaks. We did not find any significant insect activity this past year. We continually work with cooperative agencies, including the North Carolina Department of Agriculture to monitor forest pest movements. They continue to work the Slow the Spread Project to reduce the gypsy moth population. Currently, only Currituck and a portion of Dare are listed by the state as counties that have quarantines implemented for the gypsy moth.

## Other Services

We are also involved in overall emergency response in Currituck County, the State of North Carolina, and the Southeast Compact. We stand ready for natural disaster recovery efforts such as hurricanes, floods, tornadoes, and ice storms. We also offer assistance for planned events in the county.

## Summary

The NC Forest Service had a successful 2016-2017 FY in Currituck County. Our achievements are made possible with support and cooperation from the Volunteer Fire Departments, Emergency Management Department, and many other county agencies. We strive to provide all Currituck landowners with wildfire control, forest management assistance, water quality protection, information and education programs, urban forestry assistance, and forest pest control. We will also strive to offer assistance in any natural disaster or planned event when possible.

If you need any assistance or have any questions, please feel free to contact me at 252-232-0983 or at [currituck.ncfs@ncagr.gov](mailto:currituck.ncfs@ncagr.gov).

Sincerely,

Eric Lefevres  
Currituck County Ranger



**STAFF REPORT  
PB 15-02 HIDDEN OAKS  
BOARD OF COMMISSIONERS  
OCTOBER 16, 2017**

### APPLICATION SUMMARY

<b>Property Owner:</b> Hidden Oaks LLC Justin Old 417 D Caratoke Highway Moyock, NC 27958	<b>Applicant:</b> Hidden Oaks LLC Justin Old 417 D Caratoke Highway Moyock, NC 27958
<b>Case Number:</b> PB 15-02	<b>Application Type:</b> Amended Use Permit
<b>Parcel Identification Number:</b> <i>Original parcels: 0009-000-026A-0000 and 0009-000-026B-0000 Now: 0009-000-026B-0000, 0009-000-026E-0000, and all the parcel numbers for the lots and open space in Phase 1, as recorded)</i>	<b>Existing Use:</b> Single-Family Development
<b>Land Use Plan Classification:</b> Full Service <b>Moyock Small Area Plan:</b> Full Service	<b>Parcel Size (Acres):</b> 36.5
<b>Number of Units:</b> 67 previously approved. Requesting to convert 6 lots to duplex units for a total of 73 units.	<b>Project Density:</b> Previously approved: 1.81 units/ acre New request: 2 units/acre requested.
<b>Required Open Space:</b> 14.83 acres (40%)	<b>Provided Open Space:</b> 15.86 acres

### SURROUNDING PARCELS

	Land Use	Zoning
North	Residential	AG
South	Residential/Institutional	GB
East	Residential	SFM
West	Industrial	GB

### STAFF ANALYSIS

1. The applicant is requesting to amend the use permit to convert six single-family dwelling lots to duplex lots. This would increase the number of approved units from 67 to 73.
2. The number of lots, amount of open space, and lot coverage limits will remain as previously approved.
3. Project density will increase to 2 units per acre from the previously approved 1.81 units per acre. Two units per acre is the maximum number of dwelling units for this parcel in this zoning district.

4. Two units per acre are allowed under the development regulations at the time of use permit approval.
5. This proposal will provide an alternate housing style that is not currently available in Moyock.
6. The applicant is proposing that duplex units be placed on lots 9 through 14 on North Gumbery Trace.
7. The applicant is proposing building elevations (see attached) that should be incorporated into this approval to insure the architectural standards imposed by the applicant are met.

INFRASTRUCTURE	
Water	Public
Sewer	Public
Schools	Additional Elementary Students Generated: 1.5 students Additional Middle School Students Generated: .48 students Additional High School Students Generated: .84 students
Recreation and Park Area Dedication	.153 acres – Additional payment in lieu of dedication will be accepted in the amount of \$2,243.

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

1. The Technical Review Committee recommends adoption of the amended use permit as presented.
  - a. That the architectural standards of the elevation presented (attached) be maintained for all duplex lots.
2. An amended use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the use permit review standards. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary applicant findings.

## USE PERMIT REVIEW STANDARDS

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

#### Preliminary Applicant Findings:

1. The use will adhere to county health and safety standards. All lots front on low-speed interior streets that are connected to two means of egress. The lots will be served with public water and sewer. The project should not adversely affect the public health or safety.

**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. Over 42% of the land is being preserved as open space and existing trees are being preserved to the greatest degree practicable with tree buffers ranging from 60 to more than 100 isolating the community from neighboring communities. Construction style will be attractive and similar to the adjacent communities. The use will not injure the value of adjoining or abutting lands and will be in harmony with the surrounding area.

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

Preliminary Applicant Findings:

1. The Land Use Plan classifies this area as Full Service within the Moyock subarea. The proposed development density of two units per acre is below the densities envisioned in both the Currituck County Land Use Plan and the Moyock Small Area Plan for a full-service development connected to county sewer.

Relevant MSAP and 2006 LUP Policies:

1. LUP POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
2. LUP POLICY HN2: The county shall encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDENCING ZONING techniques.
3. LUP POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban spraw:
  - 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. The types of development are contemplated for the Full service Areas identified on the Future Land Use Map.
4. LUP POLICY HN5: Currituck County recognizes that there are many types of housing...that are often overlooked in meeting the Currituck County 2006 Land Use Plan for AFFORDABLE HOUSING NEEDS of young families, workers of modest income, senior citizens, and others.
5. LUP POLICY TR7: A system of LOCAL CONNECTOR ROADS shall be identified and implemented to allow local traffic to move in a north-south direction without having to use and further burden US 158.
6. LUP POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists.
7. LUP POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant vegetation, shall be encouraged.
8. MSAP POLICY TR2: Ensure that all development is designed with an interconnected, multi-modal transportation network between neighborhoods, activity centers, and other destinations to improve mobility and emergency access. Development of an interconnected road network east and west of Highway 168 that allows north-south movement for local residential traffic.
9. MSAP POLICY FLU1: Promote compatibility between new development and existing development to avoid adverse impacts to the existing community...

**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:

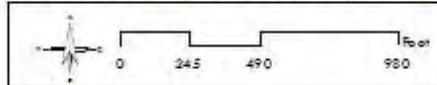
1. Currituck County has adequate public facilities to serve the proposed subdivision.

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

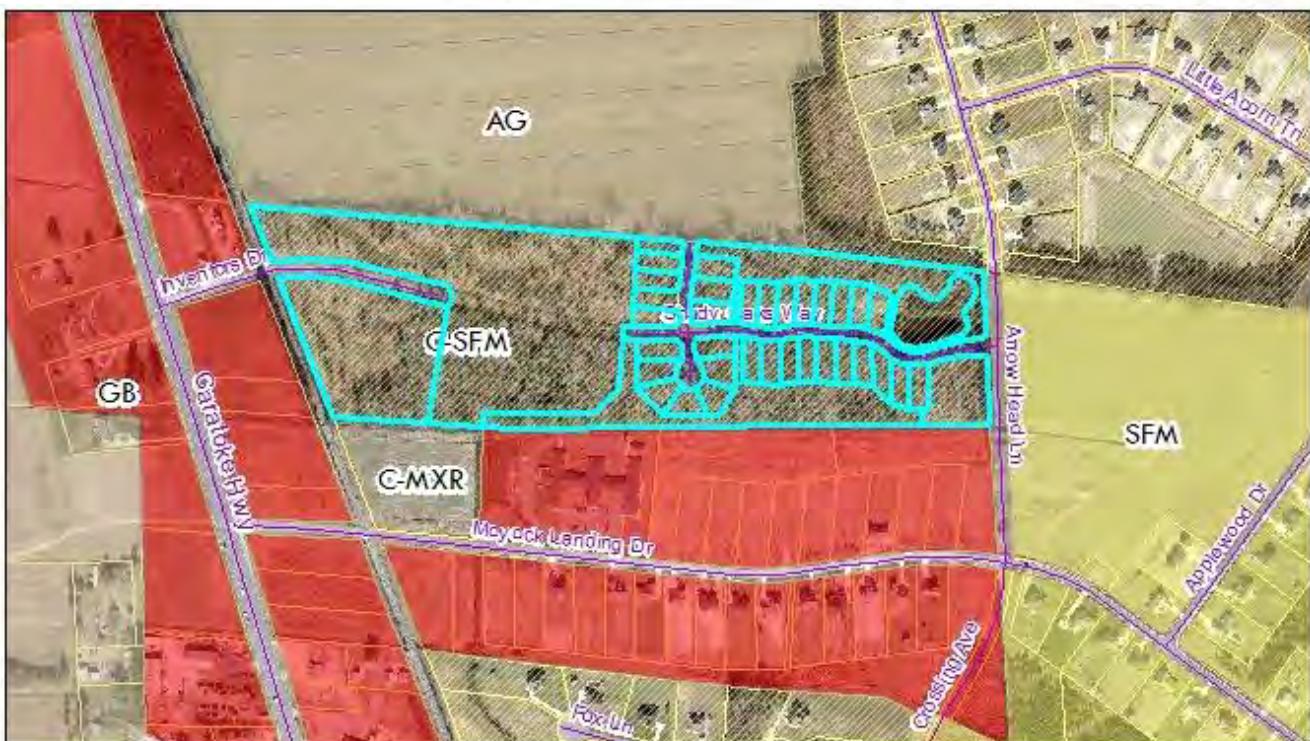
Board of Commissioners: [www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)



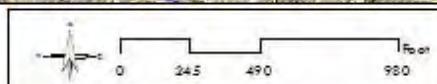
PB 15-02 Hidden Oaks  
Amended Use Permit  
2016 Aerial



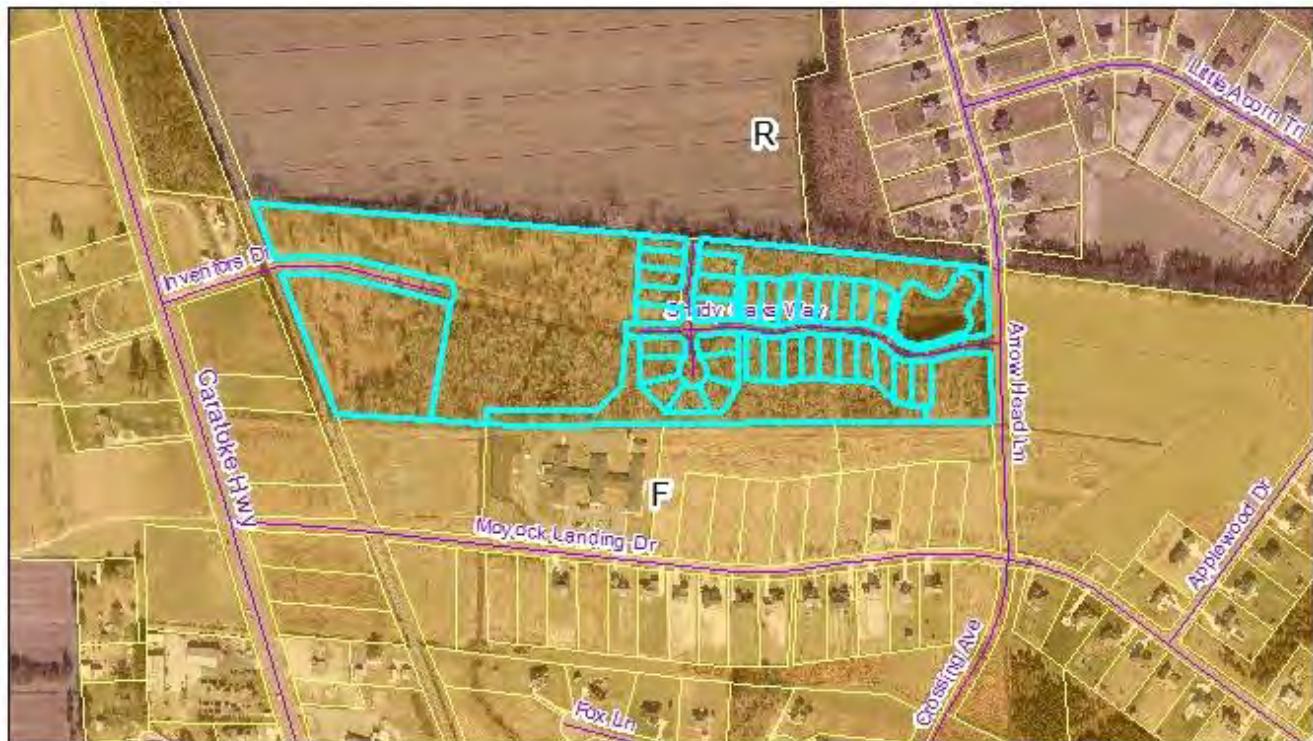
Currituck  
County  
Planning and  
Community Development



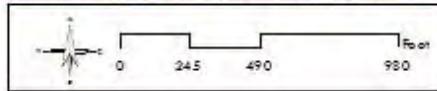
PB 15-02 Hidden Oaks  
Amended Use Permit  
Zoning



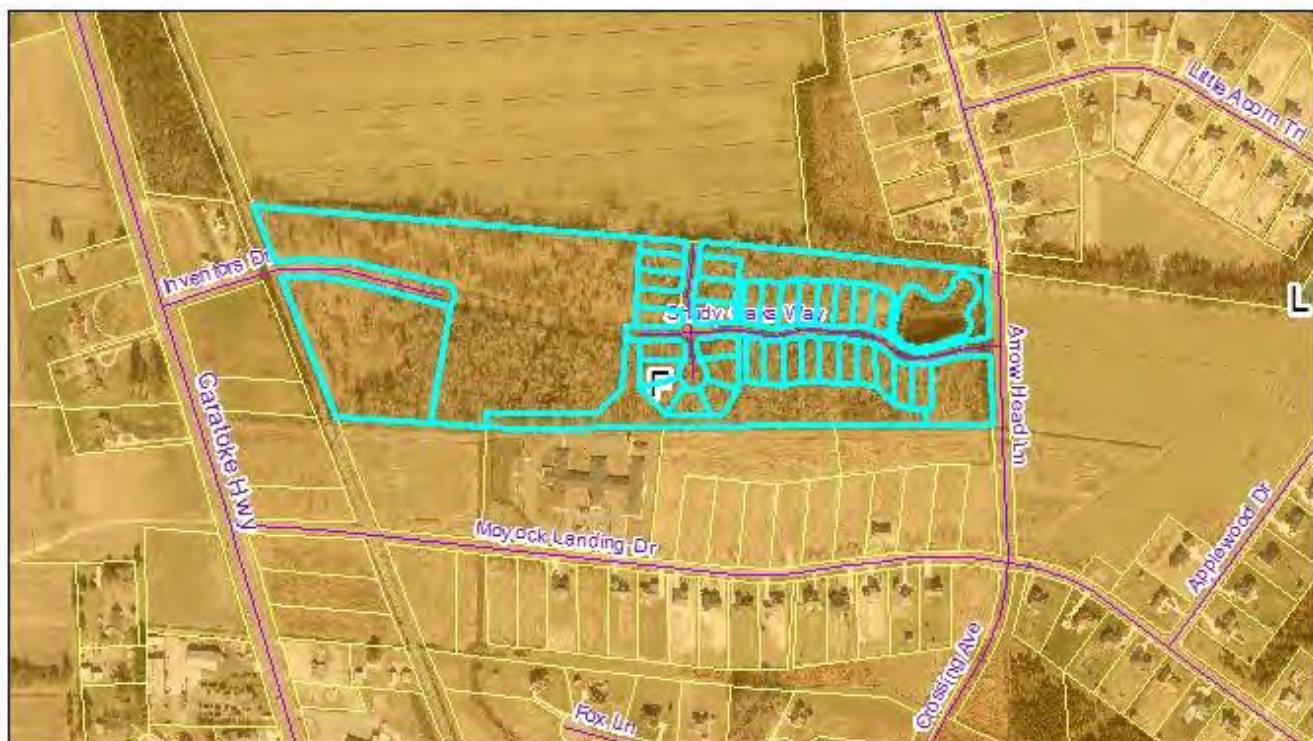
Currituck County  
Planning and  
Community Development



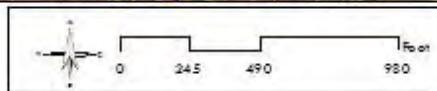
PB 15-02 Hidden Oaks  
Amended Use Permit  
LUP



Currituck County  
Planning and  
Community Development



PB 115-02 Hidden Oaks  
Amended Use Permit  
MSAP



Currituck County  
Planning and  
Community Development







Attachment: Elevation of Duplex (PB 15-02 Hidden Oaks - Use Permit Amendment)



## Currituck County

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

### MEMORANDUM

**To:** Mark Bissell, Bissell Professional Group  
 Justin Old

**From:** Tammy Glave, Senior Planner

**Date:** September 14, 2017

**Re:** PB 15-02 Hidden Oaks, Amended Use Permit, TRC Comments

The following comments have been received for the September 20, 2017 Technical Review Committee meeting. In order to be scheduled for the October 16, 2017 Board of Commissioners meeting, please address all comments and resubmit corrected plan/necessary information by 3:00 p.m. on September 25, 2017. TRC comments are valid for six months from the date of the TRC meeting.

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

Approved with correction:

1. The application indicates that up to 16 lots will be duplex lots. With 67 lots approved for the subdivision, the addition of 16 units would bring the density to 2.27 units per acre which exceed the 2 units per acre allowed under the development regulations at the time of use permit approval. (83 units/36.5 acres = 2.27 units per acre). Staff cannot support a density above two units per acre, so the maximum number of duplex units allowed must be adjusted.
2. Please indicate which lots are intended as duplex lots so building permits can be tracked accordingly.

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

Approved with comment:

1. Need to clear up CBU installation and accessibility.

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

Reviewed without comment.

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

Approved with corrections:

1. Please verify no modifications are required to the stormwater permit or other state permits.
2. Please confirm this modification will require 8 additional water and sewer tap fees.

#### **Currituck County Fire Marshal (James Mims, 252-232-6641)**

Reviewed without comment.

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

Reviewed with comment:

1. If duplex units are placed on some lots, property/unit addresses will need to be modified from those already approved.

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

Reviewed without comment.

**Currituck County Utilities - Water (Yama Jones, 252-232-6061)**

Reviewed without comment.

**Currituck County Utilities – Wastewater (William Nash, 252-232-6062)**

Reviewed with comment:

1. If duplexes are allowed each unit within the dwelling will need a separate cleanout connection to the sewer.

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

Reviewed with comment:

1. Owner/developer needs to consult with Currituck County for public water and public sewer approval for each lot that makes up this proposed subdivision.

**NC Department of Transportation (Randy Midgett, 252-331-4737)**

Reviewed without comment.

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

Reviewed without comment.

**NC Office of State Archaeology (Mary Beth Fitts, 919-807-6554)**

Reviewed without comment.

**US Postal Service, Moyock Postmaster**

1. Please contact the local postmaster (Moyock) to determine the mode of delivery and type of delivery equipment.

**Comments not received from:**

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

**The following items are necessary for resubmittal, if applicable:**

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

## Hidden Oaks

### Community Meeting for Amended Use Permit

May 12, 2017

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

**Meeting Began at 6:05 pm (waited for late arrivals)/ Meeting Ended: at approximately 6:45 pm**

**Attendees:** (See attached sign-in sheet)

Susan & Dan Davis – Creekside Drive  
 Emory & Janet McCoy – Arrowhead Lane  
 Ron Melton – Moyock Landing Drive  
 Mark Bissell - Engineer

**Summary:**

Mark Bissell presented a brief summary of the land and setting and the approval process, and showed the style of dwelling unit that is being proposed.

Community comments were received and are being addressed as shown below.

Comments from the Community	How Being Addressed
Drainage is blocked	Hidden Oaks is limited to 24% coverage & ponds limit runoff is 2-year storm. Proposal will not increase coverage or runoff.
Traffic concern at Baxter Lane	Hidden Oaks constructed the Arrowhead connector road so that residents of both communities have more than one way out; the Baxter egress was not available previously.
Opposed to mixed housing types in a single-family community. How many will there be?	Duplex is considered the same as single-family by the State. Houses will look similar to SF homes. Will limit to 25% maximum.
Concerned about kids & school buses	A few children will likely be added (per County statistics 2 HS students, 1 MS student & 4 elementary school students)
Concerned about home values	Homes will be attractive & similar to other homes in area with 8:12 roof pitches, exterior siding, and architectural features. Should not adversely impact values in any nearby community.
Concerned about renters	Any home can be rented and there are likely renters in many of the homes in the nearby communities. Renting a home does not equate to not maintaining it. Covenants will require maintenance, enforced by the H.O.A.

The meeting was adjourned at about 6:45 pm.



## Use Permit Application

OFFICIAL USE ONLY:  
 Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

#### APPLICANT:

Name: Hidden Oaks, LLC  
 Address: 417 Caratoke Highway, Unit D  
Moyock, NC 27958  
 Telephone: 252-435-2718  
 E-Mail Address: jold@qhoc.com

#### PROPERTY OWNER:

Name: Hidden Oaks, LLC  
 Address: 417 Caratoke Highway, Unit D  
Moyock, NC 27958  
 Telephone: 252-435-2718  
 E-Mail Address: jold@qhoc.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

### Property Information

Physical Street Address: Shady Oaks Way

Location: Moyock, NC

Parcel Identification Number(s): 0009-000-026D-0000 & 0009-000-026B-0000

Total Parcel(s) Acreage: 36.5

Existing Land Use of Property: Subdivision

### Request

Project Name: Hidden Oaks

Proposed Use of the Property: Subdivision with some duplex dwellings

Deed Book/Page Number and/or Plat Cabinet/Slide Number: 1342/674/G/392 & 1342/674/O/59

Total square footage of land disturbance activity: N/A

Total lot coverage: \_\_\_\_\_

Total vehicular use area: \_\_\_\_\_

Existing gross floor area: \_\_\_\_\_

Proposed gross floor area: \_\_\_\_\_

### Community Meeting

Date Meeting Held: May 12, 2017 Meeting Location: Moyock Library

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

Please see attachment

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.

Please see attachment

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.

Please see attachment

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

Please see attachment

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.

Please see attachment

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



Property Owner(s)/Applicant\*

Date

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

Use Permit Application  
Page 6 of 8

Purpose:

The requested amendment will be to allow approximately 25% of the homes that are to be constructed in Hidden Oaks to be duplex homes (up to 16 lots) to provide an alternate housing style that is not currently available in Moyock. Open space and lot coverage limits will remain as previously approved.

Suggested Findings:

- A. This use will adhere to County health and safety standards. All lots front on low-speed interior streets that are connected to two means of egress. The lots will be served with public water and sewer. The project should not adversely affect the public health or safety.
- B. Over 42% of the land is being preserved as open space and existing trees are being preserved to the greatest degree practicable with tree buffers ranging from 50 to more than 100 isolating this community from neighboring communities. Construction style will be attractive and similar to the adjacent communities. The use will not injure the value of adjoining or abutting lands, and will be in harmony with the surrounding area.
- C. The Land Use Plan classifies this area as Full Service within the Moyock subarea. The proposed development density will be 2.2 units per acre, below the densities envisioned in both the Currituck County Land Use Plan and the Moyock Small Area Plan for a full-service development connected to County sewer.

The following Land Use Plan policies are relevant to and support this request:

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

**POLICY HN2:** The County shall ... encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING techniques.

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

- 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

**POLICY HN5:** Currituck County recognizes that there are many types of housing ... that are often overlooked in meeting the Currituck County 2006 Land Use Plan 9-8 AFFORDABLE HOUSING NEEDS of young families, workers of modest income, senior citizens and others.

**POLICY TR7:** A system of LOCAL CONNECTOR ROADS shall be identified and implemented to allow local traffic to move in a north-south direction without having to use and further burden US 158.

**POLICY TR8:** Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists.

POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged.

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



## **COUNTY OF CURRITUCK**

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

### **USE PERMIT GRANTED**

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

**Owner:** The Currituck Club Property Owner's Association, Inc.  
 619 Clubhouse Drive  
 Corolla, NC 27927

**Applicant:** The Currituck Club Property Owner's Association, Inc. by Heidi Corsello,  
 General Manager  
 619 Clubhouse Drive  
 Corolla, NC 27927

**Property Location:** 475 Yaupon Lane, Corolla NC  
 "Surf Shack"  
 The Currituck Club Oceans Subdivision, Tax Map 127E, Parcel OPEN003,  
 Poplar Branch Beach Township.

**Project:** PB 94-49 The Currituck Club Planned Unit Development

**Proposed Use:** Amenity Area in Open Space

**Meeting Dates:** October 2, 2017 – Board of Commissioners' Public Hearing/Action

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

- (A) The applicant shall complete the development in compliance with the conceptual development plan prepared by Quible and Associates, P.C. entitled "Conceptual Sketch Surf Shack The Currituck Club" and dated September 25, 2017, as modified by the conditions of this permit. The conceptual development plan was submitted to and approved with conditions by this Board, a copy of which is filed in the office of the Planning and Community Development Department.
- (B) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

(C) This permit shall remain valid so long as the conditions under which it was granted are met.

### **Use Permit Approval Standards**

(D) The use will not endanger the public health or safety.

1. The proposed use allows the continued historical use of the parcel for amenities and reduces the number of pedestrian and vehicular trips made across NC12 to access the beach.
2. Testimony from expert witness, Cathleen Saunders, Professional Engineer with Quible and Associates PC, verified that the use will not endanger the public health or safety. There is adequate infrastructure to serve the use.

(E) 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.

1. The proposed use is similar to that of many Outer Banks communities that offer similar recreational amenities for their members and guests.
2. Testimony from M. Curtis West, certified North Carolina appraiser, verified that 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. Adjoining and abutting properties include the Southern Beach Public Access owned by Currituck County, open space owned by Spindrift property Owners Association, single family residential property owned by Blue Marlin Development, LLC.

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

1. The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea.
2. The property is part of The Currituck Club Planned Unit Development that meets the bulk and dimensional standards of the UDO with respect to density, required open space and commercial use areas.
3. Testimony from expert witness, Laurie LoCicero, County Planning Directory, verified that the use is in conformity of with the 2006 Land Use Plan.

(G) 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.

1. The proposed use will have no impact on schools.
2. Currituck County has adequate public facilities to serve the proposed use of the Surf Shack parcel.
3. Testimony from expert witness, Laurie LoCicero, County Planning Directory, verified that the use will not impact schools or the County's ability to provide fire, rescue or law enforcement services.

### **Conditions of Approval**

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

(I) 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, restricted to picnic/eating areas, sail shelters, and golf cart parking areas. Allowable accessory uses are 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, as modified by the conditions of this permit. Expansions of golf cart parking on the Conceptual Site Plan are approved as to use and location. Expansions of bocce ball, putting green and shuffleboard courts are not approved.
- 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, as modified by the conditions of this permit, 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.

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

ATTEST:

(Seal)

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

\_\_\_\_\_  
Chairman  
Board of Commissioners

\_\_\_\_\_  
Date

(NOT VALID UNTIL FULLY EXECUTED)

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 May 1, 2018.

34

35      ADOPTED this 16th day of October, 2017.

1  
2  
3  
4  
5  
6

---

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.

(b) Exceptions. The county manager may grant exceptions to this section for limited duration special events or other reasons in the general public interest upon presentation of a written request 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 restoration or nourishment, construction or similar activities occurring upon the ocean beach pursuant 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 16<sup>th</sup> 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



**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**

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

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

#### SURROUNDING PARCELS

	<b>Land Use</b>	<b>Zoning</b>
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.**

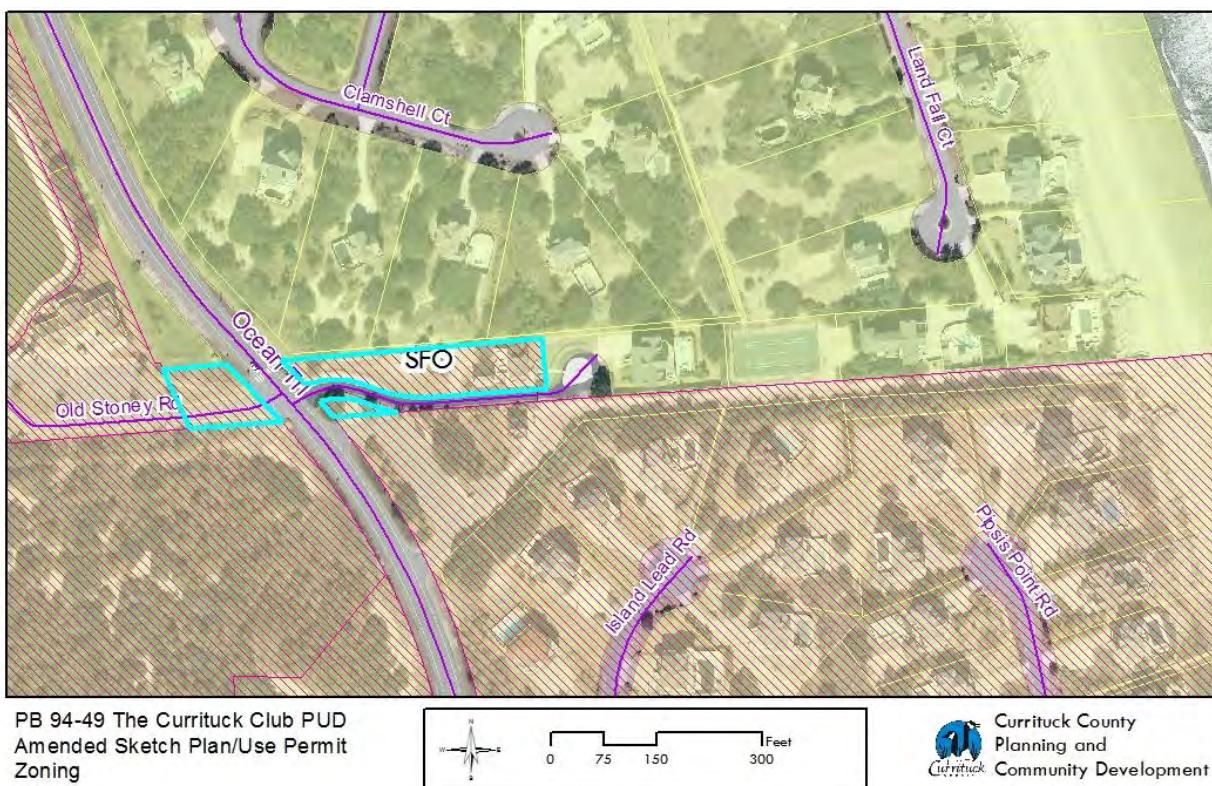
Preliminary Staff Findings:

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.<sup>2</sup>
2. What is the intended use/range of uses of the “beach club” parcel?<sup>2</sup>
3. What is the intended use of the oceanfront parcel? Why is commercial allocation requested for this parcel?<sup>2</sup>  
*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.<sup>1</sup>  
*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.<sup>2</sup>  
*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 Application<sup>1</sup>*

*County Comment on Amended Sketch Plan/Use Permit Application<sup>2</sup>*

**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.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Commissioner
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner
<b>ABSENT:</b>	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.)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marion Gilbert, Commissioner
<b>SECONDER:</b>	Bob White, Commissioner
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner
<b>ABSENT:</b>	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.)

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

#### 1) Approval Of Minutes for September 18, 2017

##### 1. Minutes for September 18, 2017

##### 2. Budget Amendments

		Debit	Credit
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
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	
		<b>\$ 60,000</b>	<b>\$ 60,000</b>

**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	
		<b>\$ 19,400</b>	<b>\$ 19,400</b>

**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.

Account Number	Account Description	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>
<b>Explanation:</b>	Governing Body (10420) - Increase appropriations for review of Board of Education.		
<b>Net Budget Effect:</b>	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 2<sup>nd</sup> 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.)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner
<b>ABSENT:</b>	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****Resolution Accepting Conveyance of Real Property from Currituck County for Wastewater Treatment and Disposal**

iber

20180027

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th 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>
10510-536000	Uniforms	\$ 20,346	
10330-449900	Miscellaneous Grants		\$ 20,346
		<u><b>\$ 20,346</b></u>	<u><b>\$ 20,346</b></u>

**Explanation:** Sheriff (10510) - Increase appropriations for bulletproof vest grant carry-forward from FY 2017.

**Net Budget Effect:** Operating Fund (10) - Increased by \$20,346.

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

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

Clerk to the Board

iber

20180028

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th 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
10750-590000	Capital Outlay	\$ 3,900	
10460-516000	Repairs and Maintenance		\$ 3,900
		<u><u>\$ 3,900</u></u>	<u><u>\$ 3,900</u></u>

**Explanation:** Public Works (10460); Social Services Administration (10750) - Transfer budgeted funds to replace a HVAC system at the Social Services building.

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

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 taken to electronics recycling as it is no longer functioning.

<u>County Asset Tag</u>	<u>Description</u>	<u>Serial Number</u>
7148	2009 4x4 Cub Cadet Utility	II127G40013

**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 16th day of October 2017.

---

Bobby Hanig  
County of Currituck, Board of Commissioners

---

Leeann Walton  
Clerk to the Board (Seal)

**Ocean Sands Water and Sewer District**  
**Resolution Approving Financing Terms**

**WHEREAS:** Ocean Sands Water and Sewer District (the "District") has previously determined to undertake a project for the financing of the Ocean Sands Wastewater Treatment Plant Project, (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The District hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated September 14, 2017. The amount financed shall not exceed \$8,000,000.00, the interest rate shall not exceed 2.45% and the financing term shall not exceed fifteen (15) years from closing.

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

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

4. The District shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The District hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

SEAL