



## **CURRITUCK COUNTY NORTH CAROLINA**

September 17, 2018

Minutes – Regular Meeting of the Board of Commissioners

### **WORK SESSION**

#### **1. 5:00 PM Solar Ordinance Draft Review**

The Board of Commissioners attended a 5:00 PM work session in the Historic Courthouse Conference Room for a review of the draft solar ordinance, presented to the Board by Planning and Community Development Director Laurie LoCicero. Chairman Hanig said that there were still items of concern expressed by Commissioners with the draft as it was written. Opinions differed as to whether size restrictions were necessary and, if so, what the limits should be. Discussion also included language related to requirements for installation of monitoring wells, water testing and decommissioning. Commissioner Etheridge provided statistical data to Board members on the average size and number of farms located in Currituck County and copies of a recent article talking about chemical compounds in solar panels was distributed. Ms. LoCicero provided statistical information on solar in North Carolina. She said the average size is 34 acres and a 200-250 acre site could produce 20 megawatts according to North Carolina State University data.

Commissioner Gilbert moved to recess the work session so Commissioners could move into the Board room for the regular meeting. The motion was seconded by Commissioner White and carried unanimously. The work session was recessed and Commissioners agreed to resume the solar discussion after adjournment of the regular meeting. The work session reconvened at 6:52 PM and discussion resumed. After continued discussion the Board reached a consensus and Commissioners directed staff to revise the solar ordinance language. A maximum size was established of 250 acres or one half of the parcel, whichever is greater; the interior buffer would not be required if adjoining property owners make application and develop concurrently. Commissioners agreed to leave language pertaining to monitoring wells and testing as written. The Board also directed staff to include language to prohibit wind farms. Ms. LoCicero said the revised ordinance would be presented at the next Planning Board meeting and then to the Board of Commissioners for adoption. Board members discussed the need to consider a resolution to address campaign activity during one-stop voting and the establishment of an overnight parking permit once camping platforms for overnight stays are constructed. The work session concluded at 7:12 PM.

#### **6:00 PM CALL TO ORDER**

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

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
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 Joe Griffith, Rehoboth Baptist Church**

Pastor Griffith was not in attendance. Commissioner Beaumont offered the Invocation and led the Pledge of Allegiance.

**B) Approval of Agenda**

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

Approved agenda:

**Work Session**

5:00 PM Solar Ordinance Draft Review

**6:00 PM Call to Order**

A) Invocation & Pledge of Allegiance-Pastor Joe Griffith, Rehoboth Baptist Church

B) Approval of Agenda

**Public Comment**

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

**Commissioner's Report**

**Public Hearings**

A) **Consideration and Action: PB 13-17 Moyock Crossing, Phase 2:** Request for an amended preliminary plat/use permit to change setbacks for lots 39 through 46 for phase 2 in a conservation subdivision located on the north side of Shingle Landing Road, Moyock Township.

**New Business**

A) **Consent Agenda**

1. Approval Of Minutes for September 4, 2018
2. Budget Amendments
3. Harn RO Piggyback contract for Membrane Elements & Trains-Mainland Water
4. Consideration of Water Shortage Response Plan for Mainland Water
5. Verizon Tower Lease Amendment #5 for 734 Ocean Trail
6. Pine Island Cell Tower 1st Amendment for modification of equipment on tower at 468 Ocean Trail, Pine Island

**B) County Manager's Report**

**Adjourn**

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

**PUBLIC COMMENT**

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

Chairman Hanig opened the public comment period. Alton Brooke, a new resident of Moyock Crossing, said he doesn't understand why his lot, number 45, was included in the request for the reduced setback.

Chairman Hanig said Moyock Crossing Public Hearing was on the agenda and that his questions would be answered at that time. No one else wished to speak and Chairman Hanig closed the public comment period.

**COMMISSIONER'S REPORT**

Chairman Hanig commended Emergency Management, Law Enforcement, Fire and Emergency Medical Services, Department Heads and staff for their efforts with notification, preparation, coordination and response to Hurricane Florence. He said community event cancellations could be reported to the county for assistance with public notification. He asked that we remember our neighbors to the south who were affected and assist if possible.

Commissioner Beaumont also discussed Hurricane Florence and said all storms should be taken seriously and each one prepared for. He highlighted an increased risk to first responders if people don't listen or prepare.

Commissioner Etheridge spoke of Hurricane Florence and thanked everyone for their hard work and long hours. She congratulated Social Services Director Samantha Hurd and the

Department of Social Services Medicaid Unit for passing the single-county audit with distinction with no findings cited.

Commissioner Hall discussed Hurricane Florence and acknowledged how lucky our area was. He thanked staff for keeping the information coming and said he shared our communications with Commissioners from other counties who were amazed at the amount of information. He talked about the amount of backyard items he saw at the convenience center in Moyock as people prepared for the storm.

Commissioner White presented Chairman Hanig with a pair of Reese's Peanut Butter Cup socks and the County Attorney with a giant bag of Twizzlers, items he brought back from his visit to Hershey, Pennsylvania, where he toured the chocolate factory. Commissioner White also commended staff on the amount of information communicated to the public during the storm.

Commissioner Gilbert responded to questions regarding the county's suspension of alcohol sales during a state of emergency declaration. She said it has been part of a policy for many years and noted safety is first and foremost during an evacuation. She announced the upcoming Senior Center Volunteer Awards Banquet on September 28 and thanked all who volunteer. Commissioner Gilbert also announced a BBQ Platter fundraiser in Moyock and the free rabies clinic for Currituck residents, both taking place on Saturday.

Commissioner Payment also acknowledged staff for job well done and said Currituck County's Mass Casualty bus and Fire and Emergency Medical Service staff were down south assisting with evacuations. He said the Crawford Volunteer Fire Department also sent apparatus and personnel to assist.

## PUBLIC HEARINGS

### A. Consideration and Action: PB 13-17 Moyock Crossing, Phase 2:

<b>APPLICATION SUMMARY</b>	
<b>Property Owner:</b> Gee's Group of North Carolina, Inc. 600 Lynnhaven Pkwy, Suite 200 Virginia Beach, VA 23452 *NRV, Inc. 860 Greenbrier Circle, #100 Chesapeake, VA 23320	<b>Applicant:</b> Gee's Group of North Carolina, Inc. 600 Lynnhaven Pkwy, Suite 200 Virginia Beach, VA 23452
<b>Case Number:</b> PB 13-17	<b>Application Type:</b> Amended Preliminary Plat/Use Permit
<b>Parcel Identification Number:</b> 009E-000-00S1-0000 009E-000-(0038-0076)-0000*	<b>Existing Use:</b> Residential Subdivision
<b>Land Use Plan Classification:</b> Full Service and Rural <b>Moyock Small Area Plan:</b> Full Service and Rural	<b>Parcel Size (Acres):</b> 13.08 (Phase 2)
<b>Number of Units:</b> 39 (Phase 2)	<b>Project Density:</b> 1.3 units/acre for total subdivision
<b>Required Open Space:</b> 23.26 acres total	<b>Provided Open Space:</b> 25.26 acres total
<i>*The setback amendment request is for lots 39-46 in Phase 2 which are owned by Gee's Group of North Carolina, Inc.</i>	



<b>SURROUNDING PARCELS</b>		
	<b>LAND USE</b>	<b>ZONING</b>
NORTH	LOW DENSITY RESIDENTIAL	SFM/GB
SOUTH	LOW DENSITY RESIDENTIAL/ AUTO SERVICE/STORAGE	GB
EAST	SINGLE LANDING CREEK/LOW DENSITY RESIDENTIAL	SFM
WEST	LOW DENSITY RESIDENTIAL	AG/C-SFM

The applicant is requesting an amendment to the preliminary plat/use permit to reduce the minimum setback for 7 residential lots in Phase 2 (lots 39-46). The seven lots are adjacent to wetlands and within the internal portion of the subdivision.

A conservation subdivision allows the developer to establish the minimum required setbacks for the development. The developer established an increased setback for lots 39-46 of 65'. The 65' setback includes a 30' riparian buffer, 20' drainage easement, and additional area.

The applicant proposes to maintain the riparian buffer (30') and drainage easement (20'), but remove the increased area (10' - 15'). The proposed rear setback for the seven lots (lots 39-46) is the 50'. The UDO requires the 30' riparian buffer to be undisturbed and development in the 20' drainage easement is restricted. The proposed modification maintains the 50' restricted area and is consistent with the UDO. There are no proposed changes that will affect the subdivision design or conditions of the use permit.

<b>INFRASTRUCTURE</b>		
<b>WATER</b>		PUBLIC
<b>SEWER</b>		PUBLIC
<b>TRANSPORTATION</b>		PEDESTRIAN: SIDEWALKS ON BOTH SIDES OF STREETS
		CONNECTIVITY SCORE: 1.5
<b>STORMWATER/DRAINAGE</b>		CURB AND GUTTER WITH PONDS
<b>RIPARIAN BUFFERS</b>		30'
<b>Schools - Adequate Public Facilities</b>		
<b>ACTUAL CAPACITY - JANUARY 2018</b>		<b>STUDENTS GENERATED BY THIS DEVELOPMENT</b>
MOYOCK ELEMENTARY	83	THE EXISTING LOTS ARE INCLUDED IN PLANNED SCHOOL CAPACITIES.
SHAWBORO ELEMENTARY	%	
CENTRAL ELEMENTARY		
GRIGGS ELEMENTARY	64	
JARVISBURG ELEMENTARY	%	
KNOTTS ISLAND ELEMENTARY	30	
	%	
MOYOCK MIDDLE	78	
CURRITUCK MIDDLE	%	
CURRITUCK HIGH JP	80	
KNAPP EARLY COLLEGE	%	
<b>RECOMMENDATIONS</b>		
<b>TECHNICAL REVIEW COMMITTEE</b>		

THE TECHNICAL REVIEW COMMITTEE RECOMMENDS ADOPTION OF THE USE PERMIT AND APPROVAL OF THE AMENDED PRELIMINARY PLAT BASED ON THE FOLLOWING:

1. The application complies with all applicable review standards of the UDO.
2. The applicant demonstrates the proposed use will meet the use permit review standards of the UDO.

#### USE PERMIT REVIEW STANDARDS

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

PRELIMINARY APPLICANT FINDINGS:

1. The improvements previously constructed are in accordance with all state and county regulations and the amended setbacks as proposed will not create an unsafe condition for the public.

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

Preliminary Applicant Findings:

1. The residential nature of the subdivision is in harmony with the adjacent single family subdivisions.
2. The proposed reductions to rear setbacks of lots 39-46 are adjacent to existing buffered areas and will not detract from the overall look.

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

Preliminary Staff Findings:

1. The 2006 Land Use Plan classifies this site as Full Service and Rural within the Moyock subarea.
2. The Full Service area contemplates a residential density of 2 units per acre but could have densities of 3-4 units per acre through overlay zoning depending on services available and the potential impact on the surround area.
3. The policy emphasis for the Moyock subarea indicates in areas where central sewer is planned or existing, additional services are available and the character of the surrounding areas supports a higher density ranging from 3-4 units per acre could be considered through overlay zoning. The proposed development density is 1.3 units per acre.
4. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY ES2: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the US Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.

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

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

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

1. **OPEN SPACE DEVELOPMENTS** that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.

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 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.

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.

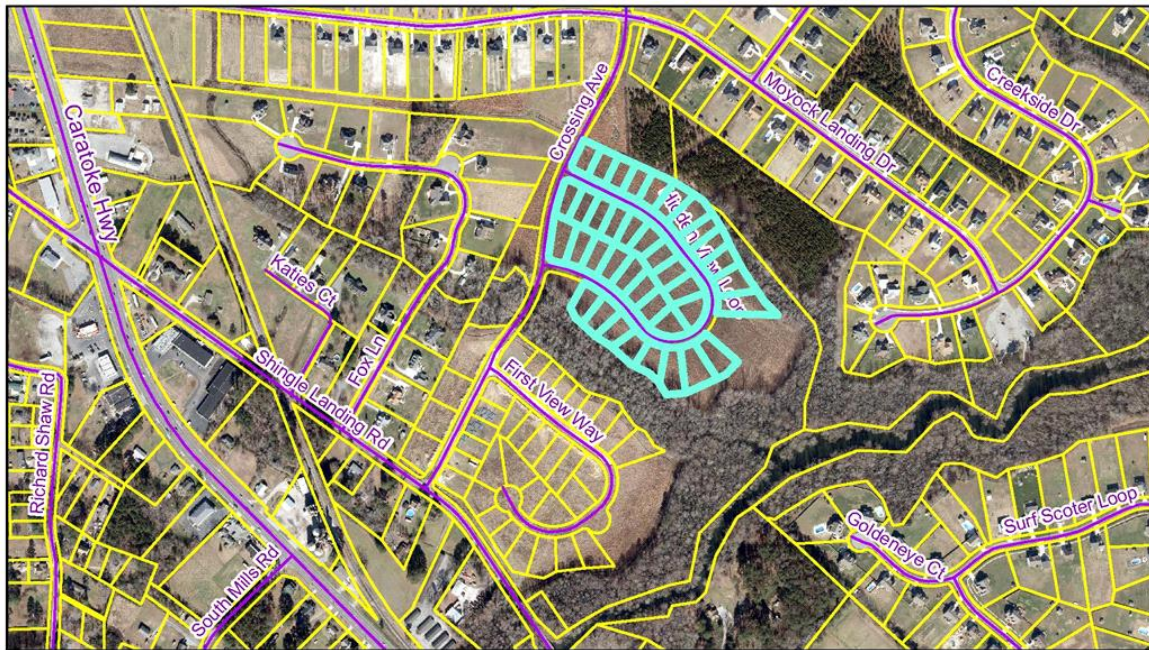
Preliminary Staff Findings:

1. Infrastructure for the subdivision was installed and accepted by the county and state for compliance and use.
2. The existing vacant lots within the subdivision are included in the projected school demands and, the existing occupied dwellings with are included in the total average daily membership.
- 3.

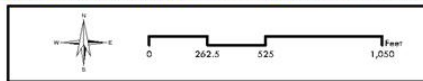
<b>Schools - Adequate Public Facilities</b>		
<b>ACTUAL CAPACITY - JANUARY 2018</b>		<b>STUDENTS GENERATED BY THIS DEVELOPMENT</b>
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GRIGGS ELEMENTARY JARVISBURG ELEMENTARY	64 %	
KNOTTS ISLAND ELEMENTARY	30 %	
MOYOCK MIDDLE CURRITUCK MIDDLE	78 %	
CURRITUCK HIGH JP KNAPP	80	



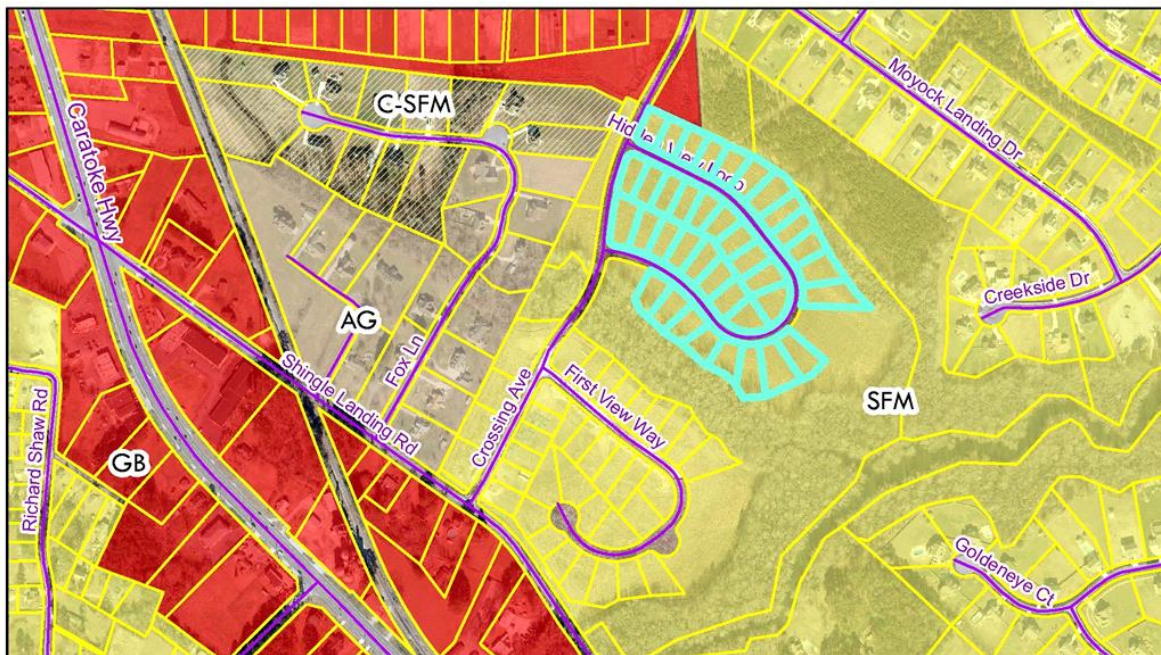
EARLY COLLEGE	%	
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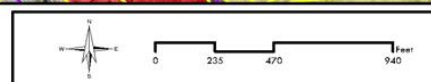
PB 13-17  
Moyock Crossing, Phase 2  
Aerial




 Currituck County  
Planning and Community  
Development

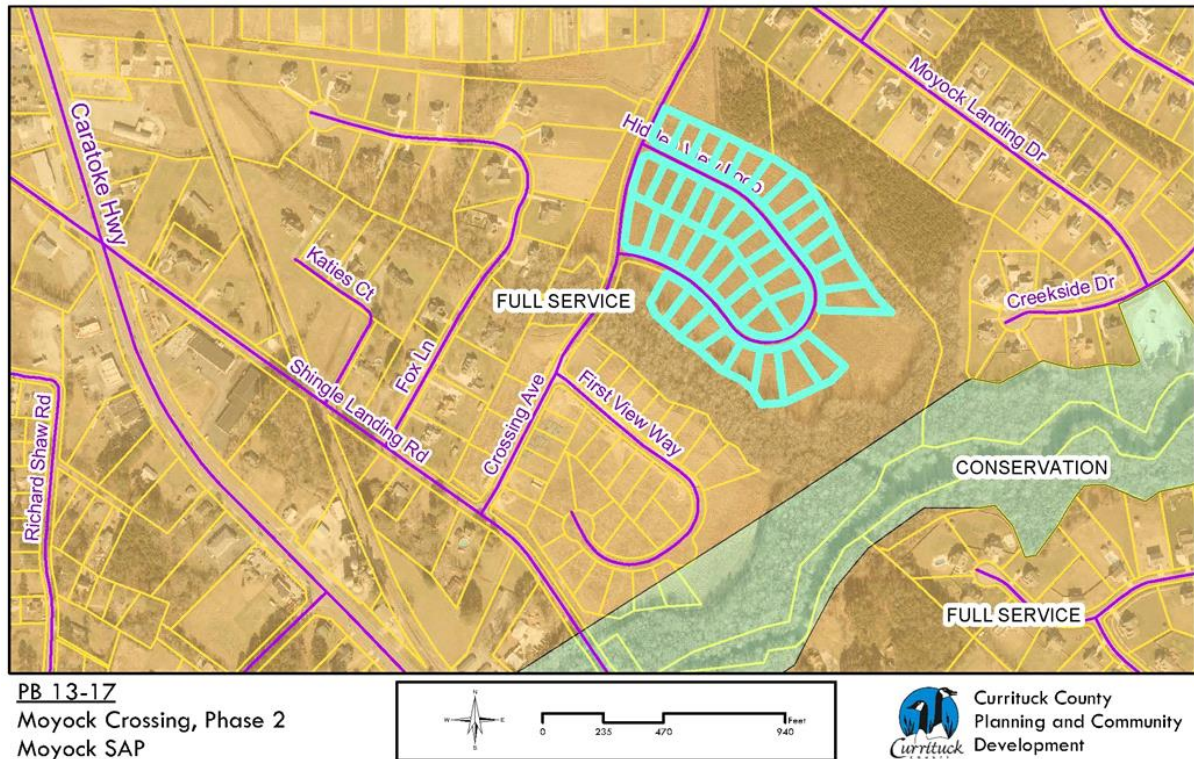


PB 13-17  
Moyock Crossing, Phase 2  
Zoning



 Currituck County  
Planning and Community  
Development





Parties to testify were sworn in. Planning and Community Development Director, Laurie LoCicero, reviewed the application with the Board of Commissioners. During review she explained the reduced rear setback the applicant is requesting still exceeds the requirement in the Unified Development Ordinance (UDO). Ms. LoCicero read the findings of fact and said staff recommends approval. She responded to questions posed by the Board and utilized the powerpoint map to highlight the affected lots and revised buffer and drainage areas. She noted the change will increase the buildable areas on the lots.

Jason Mizelle from Timmons Group spoke on behalf of the applicant. He corrected the affected lot numbers and said they are 39 through 44, not 46. He said the lot boundary is to the wetland area and no portion of the lots extend into the wetland areas. Mr. Mizelle confirmed that the riparian buffer could not be touched and explained the reduced setback will allow the builder's single-story floor plans to fit on the lots consistent with the neighborhood.

Chairman Hanig opened the Public Hearing.

Gary Cubik said he is under contract to buy lot 44 and questioned whether there would be any affect to taxes or maintenance with the increased setback.

Leo Butler a resident of Phase 1, Moyock crossing, expressed concerns about the change affecting drainage on his property.

Bobby Brooke said she didn't understand why the increased setback was being proposed and why lots that were already sold were included. Mr. Mizelle said he does not believe any of the lots were sold when the process began and he clarified that the builder wished to

create larger lots to encourage sales. Ms. LoCicero said all of the lots that back up to the riparian buffer and are contiguous were included.

No others wished to speak. Chairman Hanig closed the Public Hearing and asked the Board for a motion.

Commissioner Beaumont moved to approve PB 13-17, Moyock Crossing, Phase II, because the applicant has demonstrated the proposed use meets the use permit review standards of the UDO. The motion was seconded by Commissioner Gilbert and passed unanimously.

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

## NEW BUSINESS

### A) Consent Agenda

Commissioner Payment moved to approve the consent agenda and the motion was seconded by Commissioner Beaumont. The motion passed and the consent agenda was approved unanimously.

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

### 1) Approval Of Minutes for September 4, 2018

#### 1. Minutes approval for September 4, 2018

#### 2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-545800	Contracted Services	\$ 5,000	
10460-590000	Capital Outlay		\$ 5,000
		<u>\$ 5,000</u>	<u>\$ 5,000</u>
<b>Explanation:</b>	Public Works (10460) - Transfer budgeted funds for contractual agreements for the COA campus.		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
67878-545000	Contracted Services	\$ 21,000	
67390-499900	Appropriated Fund Balance		\$ 21,000
		<u>\$ 21,000</u>	<u>\$ 21,000</u>
<b>Explanation:</b>	Mainland Sewer (67878) - Increase appropriations for emergency pumping in Walnut Island and Waterside Villages during the July 2018 flooding.		
<b>Net Budget Effect:</b>	Mainland Sewer Fund (67) - Increased by \$21,000.		

### 3. Harn RO Piggyback contract for Membrane Elements & Trains-Mainland Water

#### RESOLUTION AUTHORIZING THE "PIGGYBACKING" ON A PURCHASE AGREEMENT FROM COUNTY OF GLOUCESTER, VIRGINIA FOR WATER PLANT MEMBRANE ELEMENTS FROM HARN RO SYSTEMS, INC.

WHEREAS, the County of Currituck desires to "piggyback" on a purchase agreement by the County of Gloucester, Virginia for the purchase of 288 FilmTec Model BW30XFRLE-400/43 membrane elements to replace membrane elements install in Trains 1 and 2 at the county's mainland water plant from Harn RO Systems, Inc., Venice, Florida; and

WHEREAS, the conditions of "piggybacking" on the original contract have been met in accordance with N.C. Gen. Stat. §143-129; and

WHEREAS, public notice of purchase of the material and equipment set forth above was published in The Daily Advance, a newspaper with general circulation within the county, on August 24, 2018.

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

Section 1. The County of Currituck is authorized to "piggyback" on County of Gloucester, Virginia for the purchase of 288 FilmTec Model BW30XFRLE-400/43 membrane elements from Harn RO Systems, Inc., Venice, Florida.

Section 2. This resolution shall be effective upon its adoption.  
This the 17th day of September, 2018.

\_\_\_\_\_  
Bobby Hanig, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Clerk to the Board of Commissioners

**4. Consideration of Water Shortage Response Plan for Mainland Water**

**5. Verizon Tower Lease Amendment #5 for 734 Ocean Trail**

**6. Pine Island Cell Tower 1st Amendment for modification of equipment on tower  
at 468 Ocean Trail, Pine Island**

**B) County Manager's Report**

No report.

**ADJOURN**

**Motion to Adjourn Meeting**

There was no further business and Commissioner Etheridge made a motion to adjourn. The motion was seconded by Commissioner Gilbert. The motion passed unanimously and the meeting of the Board of Commissioners adjourned at 6:42 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>SECONDER:</b>	Marion Gilbert, 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





**STAFF REPORT**  
**PB 13-17**  
**MOYOCK CROSSING, PHASE 2**  
**BOARD OF COMMISSIONERS**  
**SEPTEMBER 17, 2018**

### APPLICATION SUMMARY

<b>Property Owner:</b> Gee's Group of North Carolina, Inc. 600 Lynnhaven Pkwy, Suite 200 Virginia Beach, VA 23452  *NRV, Inc. 860 Greenbrier Circle, #100 Chesapeake, VA 23320	<b>Applicant:</b> Gee's Group of North Carolina, Inc. 600 Lynnhaven Pkwy, Suite 200 Virginia Beach, VA 23452
<b>Case Number:</b> PB 13-17	<b>Application Type:</b> Amended Preliminary Plat/Use Permit
<b>Parcel Identification Number:</b> 009E-000-00S1-0000 009E-000-(0038-0076)-0000*	<b>Existing Use:</b> Residential Subdivision
<b>Land Use Plan Classification:</b> Full Service and Rural <b>Moyock Small Area Plan:</b> Full Service and Rural	<b>Parcel Size (Acres):</b> 13.08 (Phase 2)
<b>Number of Units:</b> 39 (Phase 2)	<b>Project Density:</b> 1.3 units/acre for total subdivision
<b>Required Open Space:</b> 23.26 acres total	<b>Provided Open Space:</b> 25.26 acres total
<i>*The setback amendment request is for lots 39-46 in Phase 2 which are owned by Gee's Group of North Carolina, Inc.</i>	

### SURROUNDING PARCELS

	Land Use	Zoning
North	Low density residential	SFM/GB
South	Low density residential/ auto service/storage	GB
East	Single Landing Creek/Low density residential	SFM
West	Low density residential	AG/C-SFM

### STAFF ANALYSIS

The applicant is requesting an amendment to the preliminary plat/use permit to reduce the minimum setback for 7 residential lots in Phase 2 (lots 39-46). The seven lots are adjacent to wetlands and within the internal portion of the subdivision.

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INFRASTRUCTURE		
<b>Water</b>		Public
<b>Sewer</b>		Public
<b>Transportation</b>		Pedestrian: Sidewalks on both sides of streets
		Connectivity Score: 1.5
<b>Stormwater/Drainage</b>		Curb and gutter with ponds
<b>Riparian Buffers</b>		30'
<b>Schools - Adequate Public Facilities</b>		
Actual Capacity – January 2018		Students Generated by this Development
Moyock Elementary Shawboro Elementary Central Elementary	83%	The existing lots are included in planned school capacities.
Griggs Elementary Jarvisburg Elementary	64%	
Knotts Island Elementary	30%	
Moyock Middle Currituck Middle	78%	
Currituck High JP Knapp Early College	80%	

## RECOMMENDATIONS

### TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends adoption of the use permit and approval of the amended preliminary plat based on the following:

1. The application complies with all applicable review standards of the UDO.
2. The applicant demonstrates the proposed use will meet the use permit review standards of the UDO.

## USE PERMIT REVIEW STANDARDS

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

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

Preliminary Applicant Findings:

1. The improvements previously constructed are in accordance with all state and county regulations and the amended setbacks as proposed will not create an unsafe condition for the public.

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

Preliminary Applicant Findings:

1. The residential nature of the subdivision is in harmony with the adjacent single family subdivisions.
2. The proposed reductions to rear setbacks of lots 39-46 are adjacent to existing buffered areas and will not detract from the overall look.

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2. The Full Service area contemplates a residential density of 2 units per acre but could have densities of 3-4 units per acre through overlay zoning depending on services available and the potential impact on the surround area.
3. The policy emphasis for the Moyock subarea indicates in areas where central sewer is planned or existing, additional services are available and the character of the surrounding areas supports a higher density ranging from 3-4 units per acre could be considered through overlay zoning. The proposed development density is 1.3 units per acre.
4. The proposed use is in keeping with the policies of the plan, some of which are:

**POLICY ES2:** NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the US Army Corps of Engineers in protecting such wetlands through the Section 404 permit program of the Clean Water Act, as well as Section 401 water quality certifications by the State of North Carolina.

**POLICY HN1:** Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

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

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.

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 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.

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. Infrastructure for the subdivision was installed and accepted by the county and state for compliance and use.
2. The existing vacant lots within the subdivision are included in the projected school demands and, the existing occupied dwellings with are included in the total average daily membership.
- 3.

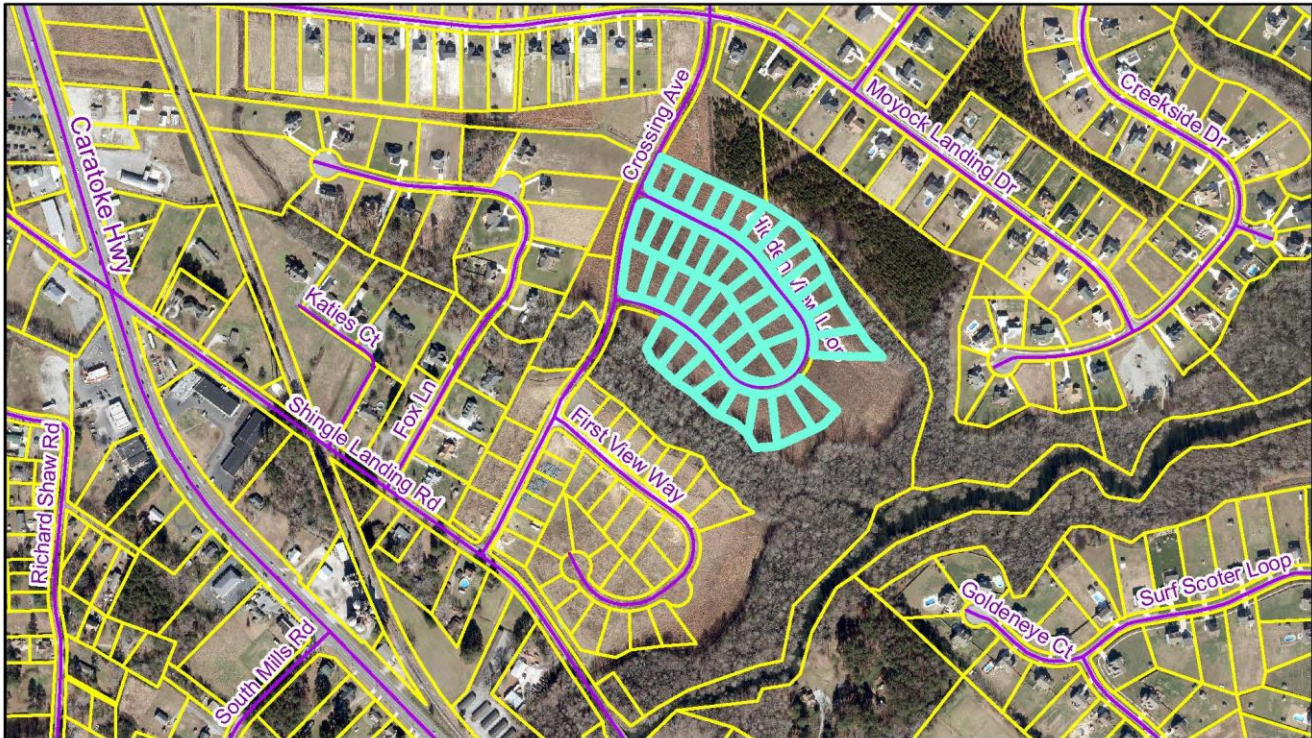
<b>Schools - Adequate Public Facilities</b>		
<b>Actual Capacity – January 2018</b>		<b>Students Generated by this Development</b>
Moyock Elementary Shawboro Elementary Central Elementary	83%	The existing lots are included in planned school capacities.
Griggs Elementary Jarvisburg Elementary	64%	
Knotts Island Elementary	30%	
Moyock Middle Currituck Middle	78%	



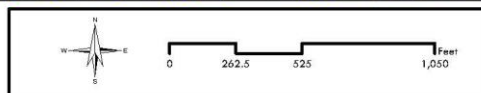
Currituck High  
JP Knapp Early College

80%

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)



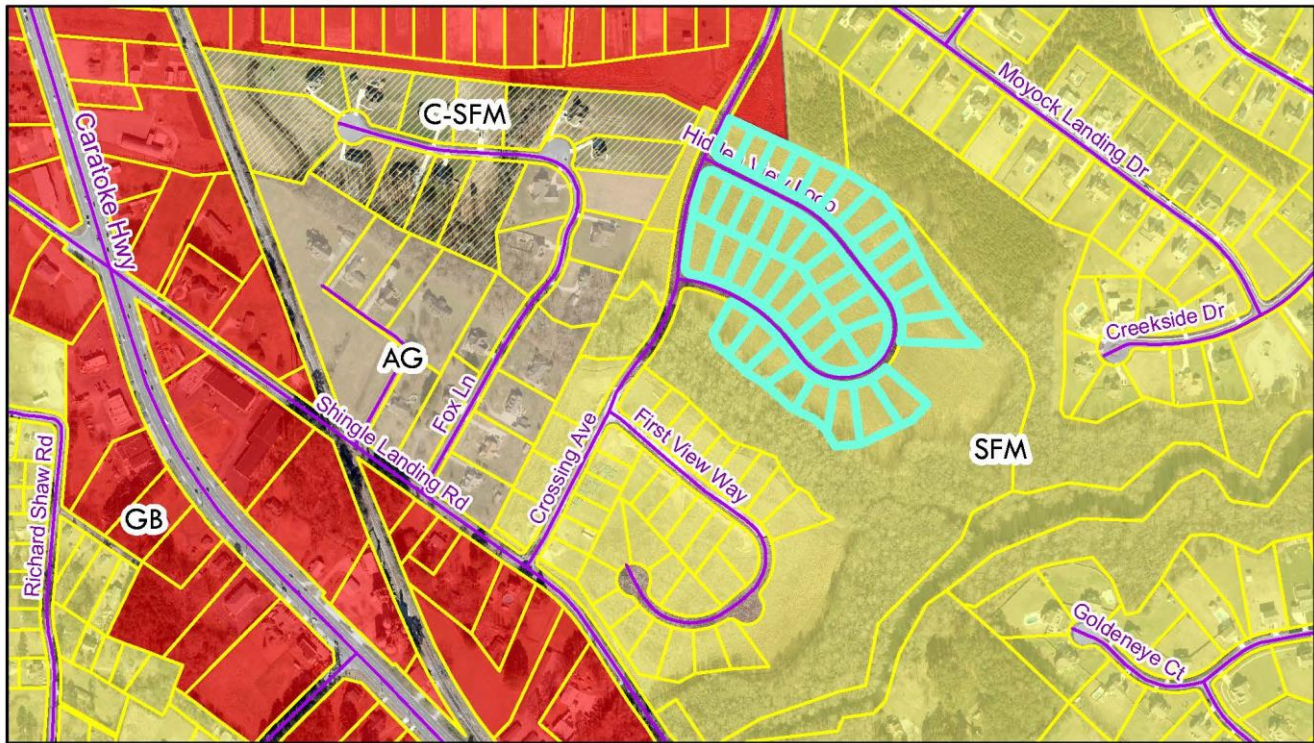
**PB 13-17**  
**Moyock Crossing, Phase 2**  
**Aerial**



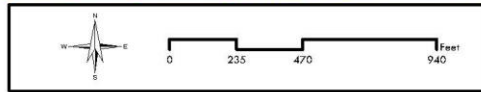
Currituck County  
Planning and Community  
Development

Attachment: 1 Moyock Crossing P2 APP UP Staff Report (PB 13-17 Moyock Crossing)

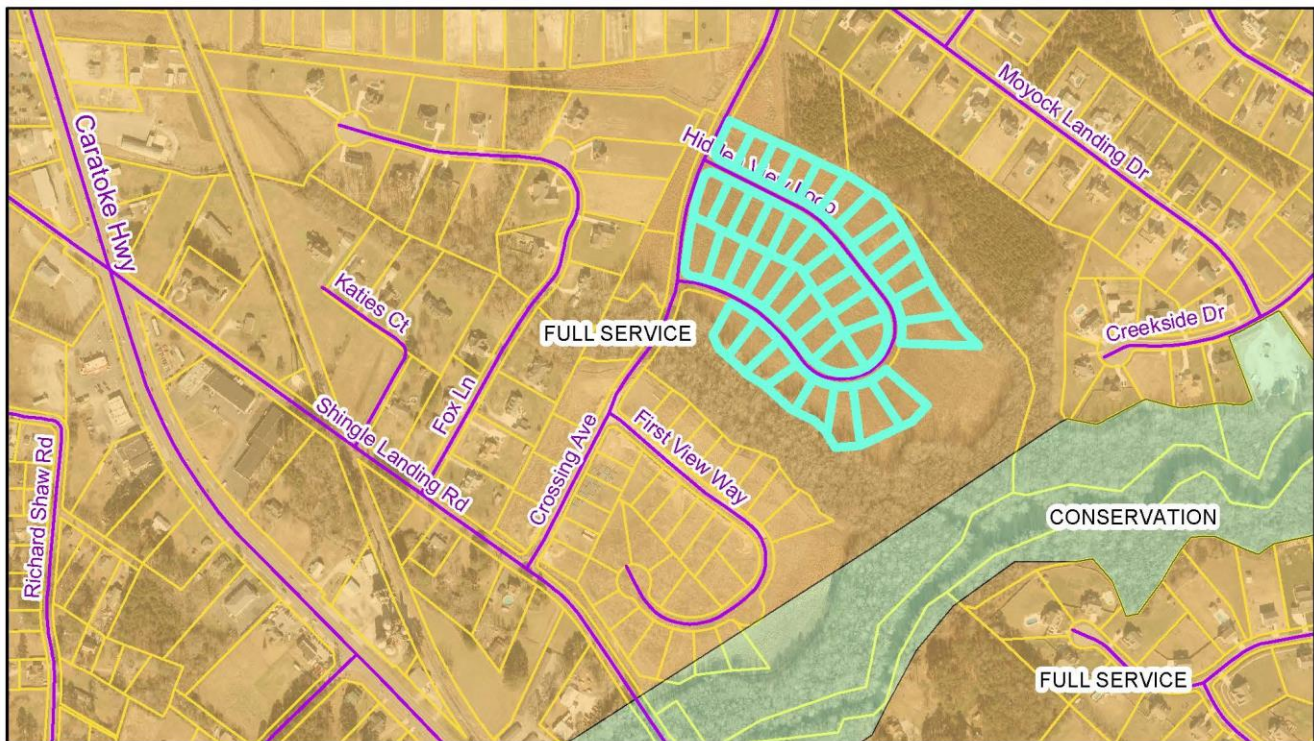




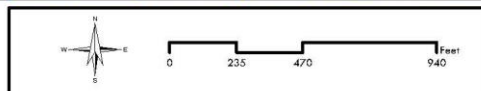
PB 13-17  
Moyock Crossing, Phase 2  
Zoning



Currituck County  
Planning and Community  
Development



PB 13-17  
Moyock Crossing, Phase 2  
Moyock SAP



Currituck County  
Planning and Community  
Development





## Major Subdivision Application

**OFFICIAL USE ONLY:**

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

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

Name: GEES GROUP OF NORTH CAROLINA INC  
 Address: 600 LYNNHAVEN PKWY STE 200  
VIRGINIA BEACH, VA 23452  
 Telephone: 757-340-7355  
 E-Mail Address: DSCOLI@GEESGROUP.COM

**PROPERTY OWNER:**

Name: GEES GROUP OF NORTH CAROLINA INC  
 Address: 600 LYNNHAVEN PKWY STE 200  
VIRGINIA BEACH, VA 23452  
 Telephone: 757-340-7355  
 E-Mail Address: DSCOLI@GEESGROUP.COM

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: OWNER

**Request**

Physical Street Address: N/A  
 Parcel Identification Number(s): 009E-000-00S1-0000 (OPEN SPACE); 009E-000-(38 - 76)-0000 (PHASE 2 LOTS)  
 Subdivision Name: MOYOCK CROSSING  
 Number of Lots or Units: 39 Phase: 2

**TYPE OF SUBMITTAL**

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

**TYPE OF SUBDIVISION**

- ☐ Traditional Development  
☒ Conservation Subdivision  
☐ Planned Unit Development  
☐ Planned Development

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

Property Owner(s)/Applicant\*

7.17.18  
 Date

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

**Community Meeting, if applicable**

Date Meeting Held: N/A Meeting Location: N/A

**Use Permit Review Standards, if applicable***PUD Amended Sketch Plan/Use Permit, Type II Preliminary Plat*

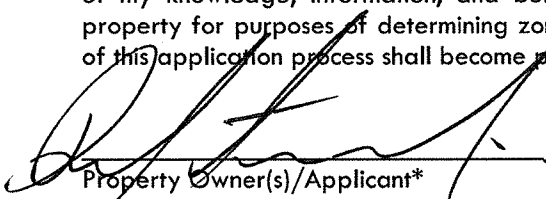
Purpose of Use Permit and Project Narrative (please provide on additional paper if needed): \_\_\_\_\_

PURPOSE OF THIS APPLICATION IS TO AMEND THE SETBACKS FOR LOTS 39-46 TO PROVIDE FOR MORE VARIETY  
IN HOUSE PLAN CHOICES FOR THE DEVELOPMENT.

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

- A. The use will not endanger the public health or safety.  
THE IMPROVEMENTS PREVIOUSLY CONSTRUCTED ARE IN ACCORDANCE WITH ALL STATE  
AND COUNTY REGULATIONS AND THE AMENDED SETBACKS AS PROPOSED WILL NOT  
CREATE AN UNSAFE CONDITION FOR THE PUBLIC.
- B. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.  
THE RESIDENTIAL NATURE OF THE SUBDIVISION IS HARMONY WITH THE ADJACENT SINGLE  
FAMILY SUBDIVISIONS. THE PROPOSED REDUCTIONS TO REAR SETBACKS OF LOTS 39-46  
ARE ADJACENT TO EXISTING BUFFERED AREAS AND WILL NOT DETRACT FROM THE OVERALL LOOK.
- C. The use will be in conformity with the Land Use Plan or other officially adopted plan.  
SINGLE FAMILY RESIDENTIAL IS IN CONFORMITY WITH THE APPROVED COUNTY LAND  
USE PLAN AND ZONING FOR THE PARCEL. THE AMENDMENTS PROPOSED ARE IN  
COMPLIANCE WITH WHAT IS ALLOWED IN THE COUNTY'S UDO.
- 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.  
INFRASTRUCTURE FOR THE SUBDIVISION HAS BEEN INSTALLED AND ACCEPTED BY THE STATE  
AND COUNTY AGENCIES FOR COMPLIANCE AND USE. THE PROPOSED SETBACK CHANGES  
WILL NOT HAVE ANY ADDITIONAL IMPACTS ON PUBLIC AND COUNTY FACILITIES.

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



Property Owner(s)/Applicant\*

8.16.18  
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.



### Major Subdivision Design Standards Checklist

The table below depicts the design standards for a major subdivision. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

	Preliminary Plat	Construction Drawings	Final Plat
<b>GENERAL AND ZONING</b>			
Name of Subdivision, Township, County, State	X	X	X
Name, signature, license number, seal, and address of engineer, land surveyor, architect, planner, and/or landscape architect involved in preparation of the plat	X	X	X
Property owner(s) name and address	X	X	X
Site address and parcel identification number	X	X	X
North arrow and scale (1" = 100' or larger)	X	X	X
Vicinity map showing property's general location in relation to streets, railroads, and waterways	X	X	X
Zoning classification of the property and surrounding properties	X		
All applicable certificates and statements as listed in Section 3.1.1 of the Administrative Manual			X
A scaled drawing showing the following existing features within the property and within 50' of the existing property lines: boundary lines, total acreage, adjacent use types, sidewalks and pedestrian circulation courses, streets, rights-of-way, easements, structures, septic systems, wells, utilities lines (water, sewer, telephone, electric, lighting, and cable TV), fire hydrant, culverts, stormwater infrastructure (drainage pipes, ditches, etc.), water bodies, wooded areas, and cemeteries	X	X	X
Lot layout including lot line locations and dimension, total number of lots, total lot area, and lot numbers for entire tract (No future development area left undefined)	X	X	X
Location or areas to be used for non-residential and multi-family purposes, if applicable	X	X	X
Location of recreation and park area dedication (or payment in-lieu)	X	X	X
Proposed landscape plan including common areas, open space set-aside configuration and schedule, required buffers, fences and walls, and tree protection plan. Open space calculations must be shown on plat	X	X	
As-built for landscaping including street trees, heritage trees, and required buffers, fences, and walls. Open space calculations must be shown on plat			X
Water access and recreational equipment storage locations, if applicable	X	X	X
Cultural resources protection plan, if applicable	X	X	X
Zoning conditions and/or overlay standards listed on plat	X	X	X
Contour intervals of two feet, if required by the administrator	X	X	
Phasing schedule, if applicable	X	X	

	Preliminary Plat	Construction Drawings	Final Plat
<b>ENVIRONMENTAL PROTECTION</b>			
Location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency	X	X	X
Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County"	X	X	X
Delineate all soil series based on Currituck County Soils Map or NC Licensed Soil Scientist.	X		
<b>STREETS, STORMWATER, AND INFRASTRUCTURE</b>			
Approximate location of streets, sidewalks, pedestrian circulation paths, and utilities	X		
Street name(s) as approved by GIS	X	X	X
Sight triangles	X	X	X
Street connectivity index	X		
Location and type of site identification signs, traffic control signs, street name signs, and directional signs.		X	
Proposed street, stormwater management infrastructure, and utility construction drawings including water, sanitary sewer, telephone, electric, fire hydrant, lighting, and cable TV. Drawings must include design data, details, and profiles.		X	
Proposed lighting plan, if street lights are proposed	X	X	
Stormwater management narrative, approximate BMP locations, and preliminary grading plan	X		
Final stormwater management narrative, BMP locations, and grading plan		X	
Building pad and first floor elevation, including datum		X	X
Engineering certificate of all required improvements installed (streets, water/sewer lines, stormwater management, and lighting)			X
As-builts for streets, stormwater management infrastructure, lighting (if applicable), sidewalks, pedestrian circulation paths, and utility construction drawings including water, sanitary sewer, telephone, electric, fire hydrant, lighting, and cable TV			X
Moumentation set and control corner(s) established			X
<b>PERMITS AND OTHER DOCUMENTATION</b>			
ARHS septic evaluations for each individual lot or letter of commitment from centralized sewer service provider	X		
NCDEQ wastewater line extension permit, if applicable		X	
NCDEQ wastewater plant construction permit, if applicable		X	
NCDEQ wastewater system completion/connection certifications for central systems and permit to authorize wastewater flows if a dry-line construction permit was previously issued			X
NCDEQ waterline extension permit, if applicable		X	
NCDEQ waterline acceptance certification			X

	Preliminary Plat	Construction Drawings	Final Plat
Water/sewer district documents and approvals, if applicable			X
NCDEQ approved stormwater permit (including application, plan, narrative, and calculations)		X	
NCDEQ approved Soil Erosion and Sedimentation Control plan and permit		X	
NCDEQ Coastal Area Management Act permits for improvements, if applicable		X	
NCDOT driveway permit		X	
NCDOT right-of-way encroachment agreement		X	
NCDOT pavement certification with asphalt test data			X
Street, open space, and stormwater infrastructure performance guarantees, if applicable			X
Fire chief certification for dry hydrant installation, if applicable			X
Geological analysis for development or use of land containing a significant dune, if applicable	X		
Economic and public facilities impact narrative, if required by administrator	X		
Copy of Homeowner's Association documents, restrictive covenants which are to be recorded, and establishment of reserve fund account.			X
<b>ADDITIONAL INFORMATION FOR CONSERVATION SUBDIVISION</b>			
Approved conservation and development plan	X		
Proposed density per acre (not including CAMA wetlands)	X		
Minimum lot area, lot width, setbacks, and lot coverage	X	X	X
Screening from major arterials	X		

### Major Subdivision Submittal Checklist – Preliminary Plat

Staff will use the following checklist to determine the completeness of your application for preliminary plat within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

## Major Subdivision Submittal Checklist – Preliminary Plat

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: MOYOCK CROSSING, PHASE 2 (AMENDED)

Applicant/Property Owner: GEES GROUP OF NORTH CAROLINA INC

Major Subdivision – Preliminary Plat Submittal Checklist		
1	Complete Major Subdivision application	
2	Complete Use Permit Review Standards, if applicable	
3	Application fee at Preliminary Plat (\$100 per lot) or \$250 for amended plats	
4	Community meeting written summary, if applicable	
5	Preliminary Plat with professional's seal	
6	Existing features plan	
7	Proposed landscape plan, including common areas, open space set-aside configuration and schedule, required buffers, fences and walls, and tree protection plan	
8	Stormwater management narrative and preliminary grading plan	
9	Completely executed street name approval form	
10	Septic evaluations by ARHS for each individual lot or letter of commitment from centralized sewer service provider	
11	Letter of commitment from centralized water provider, if applicable	
12	Wetland certification letter and map, if applicable	
13	Geological analysis for development or use of land containing a significant dune, if applicable	
14	Economic and public facilities impact narrative, if required by administrator	
15	Conservation Subdivision: Approved conservation and development plan	
16	3 copies of plans	
17	1- 8.5" x 11" copy of plan	
18	2 hard copies of ALL documents	
19	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

#### For Staff Only

#### Pre-application Conference

Pre-application Conference was held on \_\_\_\_\_ and the following people were present:

\_\_\_\_\_

#### Comments

\_\_\_\_\_

\_\_\_\_\_

### Major Subdivision Submittal Checklist – Construction Drawings

Staff will use the following checklist to determine the completeness of your application for construction drawings within ten business days of submittal. Please make sure all of the listed items are included. The Planning Director shall not process an application for further review until it is determined to be complete.

## Major Subdivision

### Submittal Checklist – Construction Drawings

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant/Property Owner: \_\_\_\_\_

Construction Drawings Submittal Checklist		
1	Complete Major Subdivision application	
2	Construction drawing with engineer's seal	
3	Proposed landscape plan, including common areas, open space set-aside configuration and schedule, required buffers, fences and walls, and tree protection plan	
4	Final stormwater management narrative and grading plan, if changed since preliminary plat	
5	Proposed construction drawings (road, stormwater management infrastructure, utilities)	
6	NCDEQ wastewater line extension permit, if applicable	
7	NCDEQ wastewater plant construction permit, if applicable	
8	NCDEQ waterline extension permit, if applicable	
9	NCDEQ stormwater permit including application, plan, and narrative with calculations	
10	NCDEQ soil erosion and sedimentation control permit	
11	NCDEQ CAMA major permit, if applicable	
12	NCDOT driveway permit and encroachment agreement, if applicable	
13	Wetland fill permit(s), if applicable	
14	3 copies of plans	
15	1- 8.5" x 11" copy of plan	
16	2 hard copies of ALL documents	
17	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

#### For Staff Only

#### Pre-application Conference (Optional)

Pre-application Conference was held on \_\_\_\_\_ and the following people were present:

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

#### Comments

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

**Major Subdivision Submittal Checklist – Final Plat**

Staff will use the following checklist to determine the completeness of your final plat application within ten business days of submittal. Please make sure all of the listed items are included. The Planning Director shall not process an application for further review until it is determined to be complete.

## Major Subdivision Submittal Checklist – Final Plat

Date Received: \_\_\_\_\_

TRC Date: \_\_\_\_\_

Project Name: MOYOCK CROSSING, PHASE 2 (AMENDED)Applicant/Property Owner: GEES GROUP OF NORTH CAROLINA INC**Final Plat Submittal Checklist**

1	Complete Major Subdivision application	
2	Final plat with professional's seal	
3	As-built drawings (streets, stormwater management infrastructure, utilities (including hydrant locations), and lighting (if applicable)	
4	As-built for landscaping including street trees, heritage trees, and required buffers, fences, and walls	
5	Fire Chief certification for dry hydrant installation, if applicable	
6	Water/sewer district documents and approvals, if applicable	
7	Copy of homeowners association by-laws, restrictive covenants to be recorded, and verification of reserve fund account.	
8	Street, stormwater infrastructure, and open space performance bonds, if applicable	
9	NCDOT pavement certification (with asphalt test documents)	
10	NCDEQ waterline acceptance certification form	
11	NCDEQ wastewater system completion/connection certificates for central systems. Permit to authorize wastewater flows if a dry-line construction permit was previously approved.	
12	3 copies of plans	
13	1- 8.5" x 11" copy of plans	
14	2 hard copies of ALL documents	
15	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

**For Staff Only****Pre-application Conference (Optional)**

Pre-application Conference was held on \_\_\_\_\_ and the following people were present:

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

**Comments**

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



SITE DATA:

1.

OWNERSHIP: GEE'S GROUP OF NORTH CAROLINA, INC.  
600 LYNNHAVEN PARKWAY, SUITE 200  
VIRGINIA BEACH, VA 23452  
PHONE: (757) 340-7355
2.

PIN: 009E-000-00S1-0000 (OPEN SPACE); 009E-000-(38 - 76)-0000 (PHASE 2 LOTS)  
  
REFERENCE: D.B. 1019, PG. 34; P.C. O, SLD. 171-176; P.C. P, SLD. 87-89  
  
TRACT AREA: 58.22 AC (ROD); 58.16 AC (CAD)  
  
ADDRESS: LOCATED (N) OFF SHINGLE LANDING RD., AND (S) OFF MOYOCK LANDING DR.  
  
THIS SITE IS LOCATED IN FLOOD ZONE "SHADED X" AND "AE (5.4)" AS SHOWN ON F.I.R.M. MAPS 3721802200J AND 3721803200J, EFFECTIVE DATE: DECEMBER 16, 2005. BUILDING AREAS REMOVED FROM AE ZONE PER LOMR #18-04-0036A DATED 11-22-17.  
  
WETLANDS SHOWN HEREON DELINEATED BY ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC ON APRIL 18, 2013. U.S. ARMY CORPS OF ENGINEERS APPROVED DELINEATION ONSITE APRIL 29, 2013. PLAT SIGNED JULY 19, 2013.
3.

PHASE 1 LOTS: 671,086 SF = 15.41 AC (26.5%)  
(LOTS 1-37)  
PHASE 2 LOTS: 569,961 SF = 13.08 AC (22.5%)  
(LOTS 38-76)  
OPEN SPACE: 1,025,690 SF = 23.55 AC (40.5%)  
AREA OF R/W: 266,698 SF = 6.12 AC (10.5%)  
SUBD. TOTAL: 2,533,435 SF = 58.16 AC (100%)  
  
WETLANDS AREA = 15.51 AC  
UPLANDS AREA = 42.65 AC  
TOTAL AREA = 58.16 AC
4.

CONSERVATION AREA REQUIRED  
  
40% OF TOTAL ACREAGE TO BE SET ASIDE AS CONSERVATION OPEN SPACE  
  
0.40 X 58.16 = 23.26 AC OPEN SPACE REQUIRED  
  
PRIMARY CONSERVATION AREA PROVIDED = 20.84 AC  
(WETLANDS AND RIPARIAN BUFFERS)  
SECONDARY CONSERVATION AREA PROVIDED = 4.42 AC  
TOTAL CONSERVATION AREA PROVIDED = 25.26 AC (43.4%)  
  
OVERALL DENSITY CALCULATION:  
FULL SERVICE AREA: 47.68 AC @ 2.00 UNITS/AC = 95 UNITS  
RURAL AREA: 10.48 AC @ 0.33 UNITS/AC = 3 UNITS  
TOTAL UNITS ALLOWED = 98 UNITS  
  
TOTAL NUMBER OF CONSERVATION SUBDIVISION LOTS: 76  
TOTAL NUMBER OF SPLITS FROM PARENT TRACT: 76
5.

MINIMUM DIMENSIONAL STANDARDS:  
MINIMUM LOT SIZE: 12,000 SF  
AVERAGE LOT SIZE: 16,327 SF  
MINIMUM WIDTH @ SETBACK: 65 FT  
MINIMUM DEPTH: 105 FT  
MINIMUM FRONT SETBACK: 30 FT
6.

STREETS:  
CROSSING AVENUE (50' R/W) = 2,341 LF  
HIDDEN VIEW LOOP (50' R/W) = 1,928 LF  
FIRST VIEW WAY (50' R/W) = 1,425 LF
7.

AN EASEMENT FOR UTILITIES AND DRAINAGE OF 10' WIDTH ALONG SIDE PROPERTY LINES, 20' WIDTH ALONG RIGHTS-OF-WAY AND MINIMUM 15' WIDTH FROM PROPERTY LINE OR RIPARIAN BUFFER LINE ALONG REAR PROPERTY LINES ARE HEREBY ESTABLISHED, UNLESS OTHERWISE LABELED.
8.

MINIMUM BUILDING SETBACKS:  
  
FRONT: 30' \* REAR YARD SETBACKS ADJACENT TO WETLANDS AND SHINGLE LANDING FARM SUBDIVISION VARY AND ARE AS NOTED. SOME REAR AND SIDE YARD SETBACKS HAVE BEEN INCREASED TO ACCOMMODATE DRAINAGE AND UTILITY EASEMENTS AND SHALL BE AS NOTED.  
REAR: 20' \*  
SIDE: 10' \*  
CORNER: 30'

9.

ANY EXCAVATED MATERIAL REMOVED FROM SITE MUST BE TRANSPORTED TO AN APPROVED LOCATION. ANY FILL MATERIAL TRANSPORTED TO SITE MUST BE FROM AN APPROVED LOCATION.
10.

SEE PLAT CABINET Q, SLIDE 171-176 FOR PHASE ONE LOTS, OPEN SPACE AND RIGHT OF WAY DEDICATION.
11.

ELEVATION DATUM IS NAVD 88 (OPUS SOLUTION).
12.

TREES SHALL BE RETAINED PER UDO SECTION 5.2.
13.

ACCESS/DRIVEWAYS TO CORNER LOTS SHALL BE TO THE INTERNAL STREET AS FOLLOWS:  
  
LOT # ACCESS ONTO: NO ACCESS ONTO:  
PHASE 1  
10 FIRST VIEW WAY CROSSING AVENUE  
37 FIRST VIEW WAY CROSSING AVENUE  
  
PHASE 2  
54 HIDDEN VIEW LOOP CROSSING AVENUE  
55 HIDDEN VIEW LOOP CROSSING AVENUE  
76 HIDDEN VIEW LOOP CROSSING AVENUE
14.

SOIL TYPES PRESENT ON SITE:  
Ro = Roanoke At = Augusta Do = Dorovan Wa = Wahee  
StA = State Cb = Conaby AaA = Altavista  
  
NO STREET LIGHTING IS PROPOSED.
15.

RECREATION AND PARK AREA DEDICATION:  
  
76 LOTS X 0.0255 AC/LOT = 1.94 AC
16.

RECREATIONAL EQUIPMENT STORAGE:  
  
76 LOTS / 20 = 3.8 (4 SPACES PROVIDED IN PHASE 1)
17.

STREET INTERCONNECTIVITY INDEX CALCULATION:  
  
NUMBER OF LINKS = 6 NUMBER OF NODES = 4  
  
CONNECTIVITY INDEX = 6/4 = 1.50  
(FOR SFM, MIN. INDEX SCORE REQ'D = 1.20)
18.

ALL SIDEWALKS SHALL BE MINIMUM 4" THICK, 5' WIDE AND SHALL BE CONSTRUCTED WITHIN THE STREET RIGHT OF WAY.
19.

10-YEAR STORM STORAGE ELEVATION = 3.95 FT  
MINIMUM BUILDING PAD ELEVATION = 7.50 FT  
MINIMUM FINISH FLOOR ELEVATION = 8.00 FT
20.

BOUNDARY INFORMATION SHOWN HEREON TAKEN FROM A MAP ENTITLED "BOUNDARY SURVEY FOR GEE'S GROUP OF NORTH CAROLINA, INC., PIONEER TITLE AND GATEWAY BANK" PREPARED BY HYMAN & ROBEY, PC DATED AUGUST 23, 2007.
21.

CENTRAL MAILBOX FOR PHASE ONE & PHASE TWO LOCATED IN PHASE ONE. (SEE SHEET KEY THIS SHEET)
22.

THE INFORMATION SHOWN HEREON TAKEN FROM RECORDED PLAT ENTITLED "FINAL PLAT, MOYOCK CROSSING, PHASE 2" AS PREPARED BY EASTERN CAROLINA ENGINEERING, PC AND SIGNED BY JASON A. MIZELLE, PLS DATED JANUARY 18, 2018 AND RECORDED ON PLAT CABINET P, SLIDES 87-89.
23.

TIMMONS GROUP CERTIFIES TO THE REVISIONS SHOWN ON THIS PLAT ONLY. THE PURPOSE OF THIS PLAT IS TO AMEND THE REAR SETBACKS OF LOTS 39 - 46.

EASEMENT ESTABLISHMENT STATEMENT

A 10 FOOT EASEMENT FOR UTILITIES AND DRAINAGE ALONG REAR AND SIDE PROPERTY LINES AND A 15 FOOT EASEMENT ALONG THE FRONT PROPERTY LINE IS HEREBY ESTABLISHED.

FLOODWAY/FLOODPLAIN STATEMENT

USE OF LAND WITHIN A FLOODWAY OR FLOODPLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 7 OF THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.

INTERCONNECTIVITY STATEMENT

THIS SUBDIVISION CONTAINS A RIGHT-OF-WAY THAT IS PLATTED WITH THE INTENT OF BEING EXTENDED AND CONTINUED TO AND FROM ADJOINING PROPERTIES. ACCESS WITHIN THE RIGHT-OF-WAY FOR STREETS AND UTILITIES SHALL NOT BE RESTRICTED.

PUBLIC DEDICATION OF RECREATION AND PARK AREA STATEMENT

A PAYMENT-IN-LIEU OF RECREATION AND PARK AREA DEDICATION HAS BEEN PROVIDED IN ACCORDANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE. PAYMENTS-IN-LIEU RECEIVED BY THE COUNTY SHALL BE USED ONLY FOR THE ACQUISITION OR DEVELOPMENT OF RECREATION AND PARK AREAS, AND OPEN SPACE SITES CONSISTENT WITH THE REQUIREMENTS OF NORTH CAROLINA GENERAL STATUTES SECTION 153A-331.

STORMWATER STATEMENT

NO MORE THAN 7,500 SF OF ANY LOT SHALL BE COVERED BY IMPERVIOUS STRUCTURES AND MATERIALS, INCLUDING ASPHALT, GRAVEL, CONCRETE, BRICK STONE, SLATE, OR SIMILAR MATERIAL, NOT INCLUDING WOOD DECKING OR THE WATER SURFACE OF SWIMMING POOLS THIS COVENANT IS INTENDED TO ENSURE COMPLIANCE WITH THE STORMWATER PERMIT NUMBER SW7150311 ISSUED BY THE STATE OF NORTH CAROLINA. THE COVENANT MAY NOT BE CHANGED OR DELETED WITHOUT THE CONSENT OF THE STATE. FILLING IN OR PIPING OF ANY VEGETATIVE CONVEYANCES (DITCHES, SWALES, ETC.) ASSOCIATED WITH THIS DEVELOPMENT, EXCEPT FOR AVERAGE DRIVEWAY CROSSINGS, IS STRICTLY PROHIBITED BY ANY PERSON. THE LOT COVERAGE ALLOWANCE PROVIDED IN THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE MAY BE DIFFERENT THAN THE NC STATE STORMWATER PERMIT. THE MOST RESTRICTIVE LOT COVERAGE SHALL APPLY.

WETLANDS STATEMENT

PROPERTY ON THIS PLAT MAY CONTAIN 404 WETLANDS AND MAY REQUIRE U.S. CORP OF ENGINEERS APPROVAL PRIOR TO DEVELOPMENT OF THE PROPERTY.

APPROVAL CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE AND, THEREFORE, THIS PLAT HAS BEEN APPROVED BY THE CURRITUCK COUNTY TECHNICAL REVIEW COMMITTEE AND SIGNED BY THE ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE CURRITUCK COUNTY REGISTRY WITHIN 90 DAYS OF THE DATE BELOW.

DATE ADMINISTRATOR

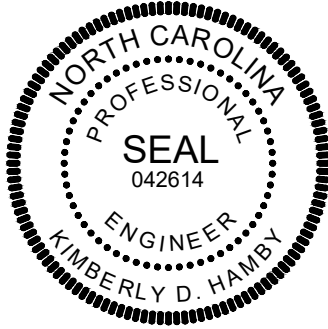
ENVIRONMENTAL CONCERN CERTIFICATE

THIS SUBDIVISION IS LOCATED WITHIN AN AREA OF ENVIRONMENTAL CONCERN.

DATE LOCAL PERMIT OFFICER

IMPROVEMENTS CERTIFICATE

I HEREBY CERTIFY THAT ALL IMPROVEMENTS REQUIRED BY THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE HAVE (1) BEEN INSTALLED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY EASTERN CAROLINA ENGINEERING, PC, AND SAID IMPROVEMENTS COMPLY WITH CURRITUCK COUNTY SPECIFICATIONS, AND (2) A PERFORMANCE GUARANTEE HAS BEEN POSTED WITH CURRITUCK COUNTY GUARANTEEING THAT ALL REMAINING IMPROVEMENTS MUST BE COMPLETED BY THE 10TH DAY OF APRIL, 2019 ACCORDING TO PLANS AND SPECIFICATIONS PREPARED BY EASTERN CAROLINA ENGINEERING, PC.



KIMBERLY D. HAMBY  
PROFESSIONAL ENGINEER  
  
042614  
LICENSE NUMBER

OWNERSHIP AND DEDICATION CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF CURRITUCK COUNTY, THAT I HEREBY FREELY ADOPT THIS PLAT OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREA SHOWN ON THIS PLAT AS STREETS, UTILITIES, ALLEYS, WALKS, RECREATION AND PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY OR HOME OWNERS' ASSOCIATION. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR A PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH USE IS APPROVED BY THE APPROPRIATE PUBLIC AUTHORITY IN THE PUBLIC INTEREST.

DATE OWNER

I, \_\_\_\_\_, A NOTARY PUBLIC OF \_\_\_\_\_ COUNTY,  
DO HEREBY CERTIFY THAT  
PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.

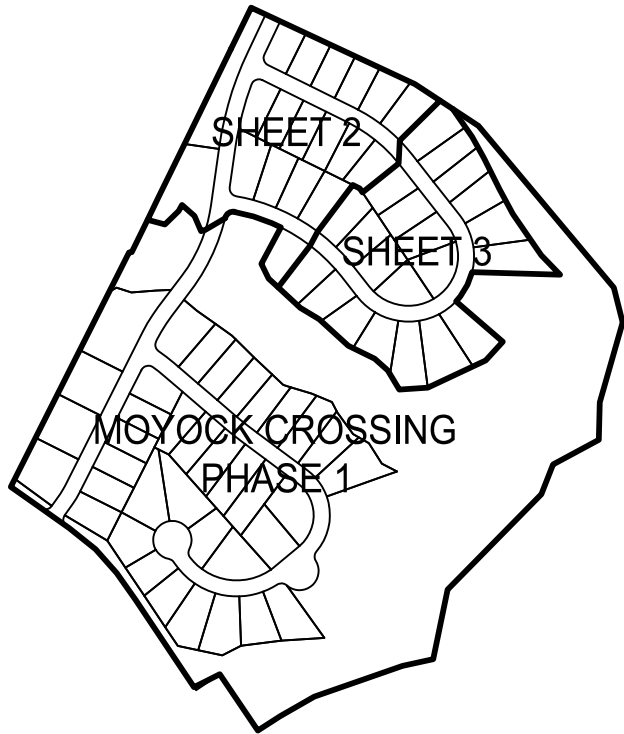
WITNESS MY HAND AND OFFICIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

NOTARY PUBLIC MY COMMISSION EXPIRES \_\_\_\_\_

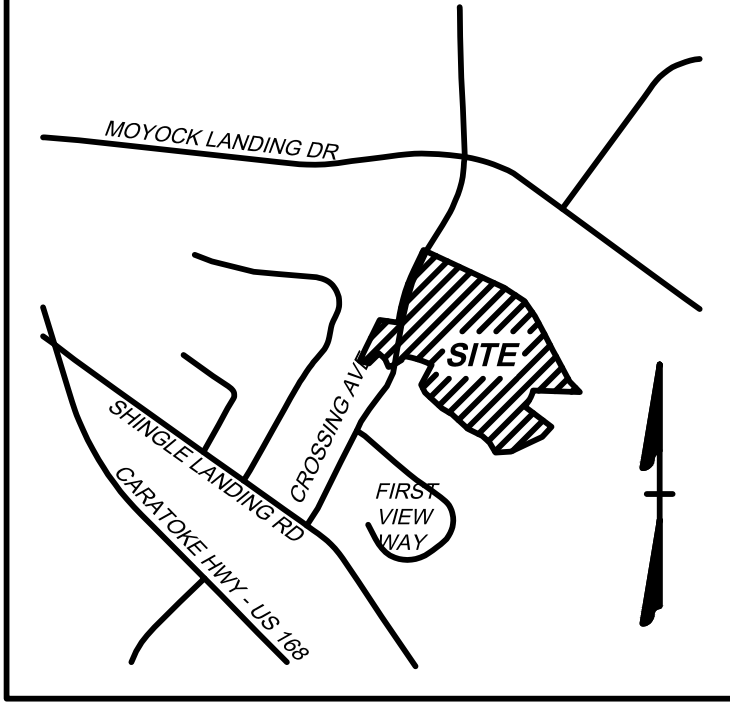
PUBLIC STREETS DIVISION OF HIGHWAY DISTRICT ENGINEER CERTIFICATE

I HEREBY CERTIFY THAT THE PUBLIC STREETS SHOWN ON THIS PLAT ARE INTENDED FOR DEDICATION AND HAVE BEEN DESIGNED OR COMPLETED IN ACCORDANCE WITH AT LEAST THE MINIMUM SPECIFICATIONS AND STANDARDS OF THE NC DEPARTMENT OF TRANSPORTATION FOR ACCEPTANCE OF SUBDIVISION STREETS ON THE NC HIGHWAY SYSTEM FOR MAINTENANCE.

DATE DISTRICT ENGINEER



SHEET KEY



VICINITY MAP  
(NOT TO SCALE)

REVIEW OFFICE CERTIFICATE

STATE OF NORTH CAROLINA, COUNTY OF CURRITUCK

I, \_\_\_\_\_, REVIEW OFFICER OF CURRITUCK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE REVIEW OFFICER

SURVEY AND ACCURACY CERTIFICATE

I, JASON A. MIZELLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; DEED DESCRIPTION RECORDED IN DEED BOOK 1019, PAGE 34 ; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE REFERENCES SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

(F)(11)a. - THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 14TH DAY OF JUNE, 2018.



JASON A. MIZELLE  
PROFESSIONAL LAND SURVEYOR  
  
L-4917  
LICENSE NUMBER

PRELIMINARY ONLY  
NOT FOR RECORDATION,  
CONVEYANCES OR SALES

AMENDED PRELIMINARY PLAT  
MOYOCK CROSSING  
PHASE 2

(PREVIOUSLY RECORDED ON PLAT CABINET P, SLIDE 87-89)  
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

TIMMONS GROUP

1805 West City Drive, Unit E, Elizabeth City, NC 27909  
TEL 252.621.5030 / FAX 252.562.6974  
www.timmons.com  
North Carolina License Number C-1652

FILE NO:	SHEET	DRAFTED:	DATE:	CHECKED:
41805	1 OF 3	JAM	JUNE 20, 2018	JAM



PRELIMINARY ONLY  
NOT FOR RECORDATION,  
CONVEYANCES OR SALES

- LEGEND
- SUBDIVISION BOUNDARY
  - LOT LINES
  - RIGHT OF WAY
  - ADJACENT PROPERTY
  - BUILDING SETBACK
  - EASEMENT
  - FLOOD ZONE
  - RIPARIAN BUFFER
  - WETLANDS
  - IRON REBAR FOUND
  - MAG NAIL
  - CALCULATED POINT
  - IRON REBAR SET



JASON A. MIZELLE  
PROFESSIONAL LAND SURVEYOR  
L-4917  
LICENSE NUMBER

N/F  
CTX, INC.  
D.B. 629, PG. 84  
PIN 014J00000S20000  
USE: RESIDENTIAL  
(OPEN SPACE)

N/F  
NATHAN & BOBBIE SHOEMAKER  
D.B. 1304, PG. 313  
PIN 009C00000120000  
USE: RESIDENTIAL

N/F  
LARRY & JENNIFER FREEMAN  
D.B. 1419, PG. 136  
PIN 009C00000110000  
USE: RESIDENTIAL

N/F  
JOHN & HOPE GODFREY  
D.B. 1030, PG. 42  
PIN 009C00000080000  
USE: RESIDENTIAL

N/F  
JOHN & HEIDI HOLLIS  
D.B. 1306, PG. 284  
PIN 009C00000090000  
USE: RESIDENTIAL

N/F  
ROBERT & SANDRA GREGORY  
D.B. 1204, PG. 69  
PIN 009C00000100000  
USE: RESIDENTIAL

LINE TABLE		
LINE	BEARING	LENGTH
L1	S47°23'34"E	40.70'
L7	N29°35'32"E	21.74'
L8	N73°07'25"E	14.80'

CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING
C1	550.00'	152.93'	76.96'	15°55'53"	S71°41'00"E
C2	550.00'	108.21'	54.28'	11°16'23"	N58°04'52"W
C15	525.00'	81.30'	40.73'	8°52'23"	N49°01'07"W
C16	525.00'	81.31'	40.74'	8°52'27"	N57°53'32"W
C17	525.00'	12.30'	6.15'	1°20'34"	N63°00'02"W
C18	25.00'	38.91'	24.65'	89°10'51"	S19°04'54"E
C19	25.00'	38.39'	24.13'	87°58'46"	N35°55'22"W
C20	600.00'	54.08'	27.06'	5°09'50"	N77°19'51"W
C21	600.00'	75.01'	37.55'	7°09'47"	N71°10'02"W
C22	600.00'	75.44'	37.77'	7°12'15"	N63°59'02"W
C23	600.00'	75.29'	37.70'	7°11'23"	N56°47'12"W
C32	475.00'	104.73'	52.58'	12°37'58"	N45°00'33"W
C33	475.00'	96.10'	48.21'	11°35'30"	N57°07'17"W
C34	475.00'	6.26'	3.13'	0°45'18"	N63°17'41"W
C35	25.00'	41.90'	27.78'	96°01'22"	S68°19'00"W
C36	975.00'	143.02'	71.64'	8°24'16"	S16°06'11"W
C37	975.00'	65.24'	32.63'	3°50'02"	S9°59'02"W
C38	475.00'	77.53'	38.85'	9°21'09"	N12°44'35"E

AMENDED PRELIMINARY PLAT  
MOYOCK CROSSING  
PHASE 2  
(PREVIOUSLY RECORDED ON PLAT CABINET P, SLIDE 87-89)  
MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

**TIMMONS GROUP**  
1805 West City Drive, Unit E, Elizabeth City, NC 27909  
TEL 252.621.5030 / FAX 252.562.6974  
www.timmons.com  
North Carolina License Number C-1652

FILE NO:	41805	SHEET	2 OF 3	DRAFTED:	JAM	DATE:	JUNE 20, 2018	CHECKED:	JAM
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R:\10141805 - Moyock Crossing-Currituck NC1805V.PPLAT.dwg | Plotted on 7/16/2018 4:32 PM | by Jason Mizelle

Attachment: 3 Moyock Crossing P2 APPLAT (PB 13-17 Moyock Crossing)



PRELIMINARY ONLY  
NOT FOR RECORDATION,  
CONVEYANCES OR SALES

N/F  
CTX, INC.  
D.B. 1168, PG. 393  
PIN 014J0000OPEN000C  
USE: RESIDENTIAL  
(OPEN SPACE)

LEGEND

SUBDIVISION BOUNDARY	---
LOT LINES	---
RIGHT OF WAY	---
ADJACENT PROPERTY	---
BUILDING SETBACK	---
EASEMENT	---
FLOOD ZONE	o o o o o o o
RIPARIAN BUFFER	---
WETLANDS	---
IRON REBAR FOUND	⊙
MAG NAIL	△
CALCULATED POINT	●
IRON REBAR SET	⊙

LINE TABLE

LINE	BEARING	LENGTH
L2	S47°23'34"E	14.03'
L3	S47°30'19"E	8.18'
L4	S63°57'38"E	16.20'
L5	S30°51'30"E	13.54'
L6	S38°08'20"E	2.64'

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C3	550.00'	108.27'	54.31'	11°16'43"	N46°48'18"W	108.09'
C4	550.00'	29.06'	14.53'	3°01'37"	N39°39'09"W	29.05'
C5	205.00'	75.44'	38.15'	21°05'07"	S48°40'54"E	75.02'
C6	205.00'	77.45'	39.19'	21°38'46"	S70°02'50"E	76.99'
C7	205.00'	65.50'	33.03'	18°18'20"	N89°58'37"E	65.22'
C8	205.00'	65.82'	33.20'	18°23'49"	N71°37'32"E	65.54'
C9	205.00'	66.83'	33.72'	18°40'47"	N53°05'14"E	66.54'
C10	205.00'	105.91'	54.17'	29°36'08"	N28°56'46"E	104.74'
C11	205.00'	78.33'	39.65'	21°53'33"	N3°11'56"E	77.85'
C12	205.00'	79.75'	40.39'	22°17'23"	N18°53'32"W	79.25'
C13	205.00'	28.99'	14.52'	8°06'06"	N34°05'17"W	28.96'
C14	525.00'	59.04'	29.55'	6°26'35"	N41°21'38"W	59.01'
C24	600.00'	75.23'	37.66'	7°11'02"	N49°36'00"W	75.18'
C25	600.00'	81.38'	40.75'	7°46'18"	N42°07'20"W	81.32'
C26	600.00'	1.02'	0.51'	0°05'51"	N38°11'16"W	1.02'
C27	155.00'	19.10'	9.56'	7°03'42"	S41°40'11"E	19.09'
C28	155.00'	203.84'	119.69'	75°20'57"	S82°52'31"E	189.46'
C29	155.00'	207.09'	122.31'	76°33'09"	N21°10'26"E	192.03'
C30	155.00'	56.91'	28.78'	21°02'12"	N27°37'14"W	56.59'
C31	475.00'	4.59'	2.30'	0°33'14"	N38°24'57"W	4.59'

R:\10141805 - Moyock Crossing-Currituck NCDWG41805V.PPLAT.dwg | Plotted on 7/16/2018 4:33 PM | by Jason Mizelle



JASON A. MIZELLE  
PROFESSIONAL LAND SURVEYOR  
L-4917  
LICENSE NUMBER

AMENDED PRELIMINARY PLAT  
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PHASE 2  
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41805	3 OF 3	JAM	JUNE 20, 2018	JAM



## 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:** Gees Group of North Carolina, Inc.  
 Jason Mizelle, Timmons Group

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

**Date:** August 8, 2018

**Re:** PB 13-17 Moyock Crossing, Phase 2 Amended Preliminary Plat/Use Permit and Final Plat TRC Comments

The application for Moyock Crossing, Phase 2, is determined complete. The following comments have been received for the August 15, 2018 Technical Review Committee meeting. TRC comments are valid for six months from the date of the TRC meeting.

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

Reviewed

1. Provide the detailed findings for the use permit.

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

Reviewed

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

No Comment

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

No comment

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

Approved

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

Reviewed

1. Wastewater treatment and disposal for each proposed lot will need to be approved by the Moyock Sewage District. Please contact Eric Weatherly, PE (County Engineer) at 252-232-6035.

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

Reviewed

Attachment: 4 Moyock Crossing P2 APP\_AFP\_TRC Comments 882018 (PB 13-17 Moyock Crossing)

No comments received from the following members:

- **Currituck Soil and Water (Will Creef, 252-232-3360)**
- **Currituck County Inspections and Fire (Bill Newns, 252-232-6023)**

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

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





**CURRITUCK COUNTY  
NORTH CAROLINA**

September 4, 2018

Minutes – Regular Meeting of the Board of Commissioners

**WORK SESSION**

**1. 5:00 PM Re-entry Council-David Taylor**

The Currituck County Board of Commissioners attended a 5:00 PM work session in the Conference Room of the Historic Courthouse. Information was presented by David Taylor who works with the prison system as a volunteer helping inmates to reintegrate into their communities after incarceration. Mr. Taylor reviewed documents distributed to Commissioners which contained statistics and information on the structure and responsibilities of a Re-entry Council. He reviewed challenges associated with inmate re-entry, such as a lack of transitional housing or awareness of available assistance programs. Costs of inmate incarceration, recidivism rates, education, grant opportunities, workforce development and resources to assist with reintegration were discussed. Mr. Taylor proposed and asked the Board to support the creation of a regional council composed of several counties. He responded to Commissioner questions and agreed to provide links to additional council resources. The work session concluded at 5:53 PM.

**6:00 PM CALL TO ORDER**

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

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

Chairman Hanig called the meeting to order.

**A) Invocation & Pledge of Allegiance-Dawn Hollis-Custer, Currituck United Methodist Charge**

Reverend Jerry Cribb attended for Reverend Hollis-Custer to offer the Invocation and lead the Pledge of Allegiance.

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

**B) Approval of Agenda**

Commissioner Gilbert motioned for approval of the Agenda. The motion was seconded by Commissioner Payment and passed unanimously.

Approved agenda:

**Work Session**

5:00 PM Re-entry Council-David Taylor

**6:00 PM Call to Order**

A) Invocation & Pledge of Allegiance-Dawn Hollis-Custer,  
Currituck United Methodist Charge

B) Approval of Agenda

**Public Comment**

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

**Commissioner's****Report****Public Hearings**

A) **PB 18-18 David Stumph, Veterinary Clinics:** Request to modify Chapter 4 of the Unified Development Ordinance to allow veterinary clinics with no outdoor facilities to locate on lots smaller than two acres.

**New Business**

A) **Consideration and Action: PB 15-10 The Landing:** A request for a two year extension of the preliminary plat/use permit for a conservation subdivision consisting of 29 residential lots located off of Baxter Lane and Little Acorn Trail in Moyock.

B) **Cooperative Agreement Between North Carolina Wildlife Resources Commission and Currituck County to Design, Permit, Renovate, Operate and Maintain Public Camping Platforms.**

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

C) **Cooperative Agreement Between North Carolina Wildlife Resources Commission (WRC) and Currituck County to Incorporate the Brumley Road Access Area into the WRC Boating Access Area Program.**

D) **Resolution Accepting Final Bid for County-owned Property Located at 103 Bluefish Court, Walnut Island Estates Subdivision, Currituck County**

**E) Board Appointments**

1. Game Commission
2. Veterans Advisory Board

**F) Consent Agenda**

1. Approval Of Minutes-August 20, 2018
2. Budget Amendments
3. Project Ordinance: North Aircraft Apron Pavement Rehab
4. Project Ordinance: Airport Layout Plan Update & 18B Survey
5. Project Ordinance - Corolla Greenway Phase V
6. Water Shortage Response Plan for SOBWS
7. Resolution Authorizing Sole Source Purchase of Ambulance from Select Custom Apparatus
8. Consideration and Action: Adoption of Out of State Travel Policy for County Commissioners

**G) County Manager's**

**Report**

**Adjourn**

**Special Meeting of the Tourism Development Authority**

TDA Budget Amendments

**Adjourn Meeting of the Tourism Development Authority**

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

<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, 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.***

Chairman Hanig opened the Public Comment period.

Courtney Gallop of Nags Head, founder of Gallop Funeral Services and Gallop Memorial Chapel in Barco, announced Sheriff Matt Beichert's recent institution of a rotation policy for the recommendation of funeral home services in Currituck County. Ms. Gallop thanked Currituck County Sheriff Matthew Beichert and others who assisted in the effort to change what she called unfair practices in the past. A second speaker, Ben Andrews, ceded his time to Ms. Gallop and she continued, reading a copy of the new policy.

Barbara Snowden of Courthouse Road, Currituck, said each family in Currituck County should receive a post-card invitation in the mail to attend the county's 350th anniversary celebration. Ms. Snowden announced Currituck's next event taking place at Noon Saturday, September 15, at the Rural Center.

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

## COMMISSIONER'S REPORT

Chairman Hanig congratulated the following Currituck County employees:

- Nick Aisthorpe of Planning and Community Development earned Certified Floodplain Manager designation.
- Ron Schaecher, Inspections, achieved Level III Building Inspection certification in all trades.
- Sandra Hill and the Finance Department earned the Excellence in Finance award.

Commissioner Beaumont reported Currituck County Fire and Emergency Medical Services receipt of a \$995,000 grant to purchase self-contained breathing apparatus for county fire departments. He announced two additional grants for airport improvements and noted North Carolina Highway 158 received regional approval for its expansion.

Commissioner Etheridge announced her recent attendance at the North Carolina Association of County Commissioners state conference in Hickory, North Carolina. She discussed workshops attended and the benefits of attending. She was pleased to have had the opportunity spend some time with the state's 4-H Council President from Currituck County, Tucker Melton, and encouraged young people to vote, to be involved and to take

pride in Currituck County.

Commissioner Hall encouraged people to attend the festivities at the Rural Center on Spot Road at Noon on Saturday, September 15. He acknowledged Labor Day and thanked everyone for their hard work and contributions.

Commissioner White talked about the Beach Parking Permit and said the holiday weekend was much more enjoyable with less people on the off-road beach and hopes everyone there had a more enjoyable experience. He thanked the Board of Commissioners for making the tough decision and said a committee would be assembled to provide feedback on the first season. He said the Wild Horse Fund is working to purchase a farm.

Commissioner Gilbert said she had an opportunity to drive on the beach in Galveston, Texas, and noted the beauty of our beach area. She reminded everyone of the Bulls and BBQ at the Rural Center from 1 PM till 4 PM on Saturday. She said all proceeds from the \$10 ticket sales for BBQ meals will go to Currituck Kids.

Commissioner Payment recalled his trip to his hometown in Sault Ste. Marie, Michigan, who coincidentally are also celebrating their 350th anniversary. He remembered Ed Bailey, a beloved, long-time coach in Currituck County, who passed away.

## **PUBLIC HEARINGS**

### **A. PB 18-18 David Stumph, Veterinary Clinics:**

Planning and Community Development Director, Laurie LoCicero, reviewed the text amendment application for Commissioners. If approved, the amendment would allow veterinary clinics to locate on commercial properties less than two acres if no outdoor facilities are present.

After review the Board requested clarification on the lot size revision designated in the text amendment and Ms. LoCicero reviewed lot size maximums for the various zoning districts. She clarified the use of indoor cages and outdoor areas for dog walking at the applicant's proposed location.

Jessica Stumph speaking for the applicant, stated she currently serves as a mobile vet but is limited, and she would like to perform additional services. She said she has no desire to board and would have a small capacity for inpatient after care. She said there is available space for dog walking. The facility would be located in the southern part of the county and Ms. LoCicero confirmed adequate parking at the location and said the site plan would need approval going forward.

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

Commissioner Beaumont moved to approve PB 18-18 ordinance change, adopting the Planning Board's revised wording of the text amendment. The motion was seconded by Commissioner Payment and passed unanimously, 7-0.



To: Board of Commissioners

From: Planning Staff

Date: September 4, 2018

Subject: PB 18-18 David Stumph, Text Amendment, Veterinary Clinics

The enclosed text amendment submitted by David Stumph revises Chapter 4 of the Unified Development Ordinance as it pertains to veterinary clinics. In the current ordinance a minimum lot area of two acres is required for all veterinary clinics. The minimum lot area is intended to provide space for, and separation from, outdoor facilities such as runs, kennels, or training areas. The text amendment proposes to allow clinics with no outdoor facilities to locate on lots smaller than two acres.

#### **Planning Board Meeting - 8/14/2018**

##### **Discussion:**

##### **PB 18-18 David Stumph, Veterinary Clinics**

Chairman Whiteman asked the applicant to come before the board to state their name and address. David Stumph appeared and stated his address as 3916 Tabor Ridge Drive, Kitty Hawk. Chairman Whiteman asked the applicant to take a seat while staff presented his case.

Jason Litteral, Planner II, presented the staff report. The text amendment is requesting to modify Chapter 4 of the Unified Development Ordinance (UDO) to allow veterinary clinics with no outdoor facilities to locate on lots smaller than two acres.

Planning Board members were concerned with the repercussions of an applicant choosing a nonconforming lot. Mr. Litteral said there is a section in the UDO concerning the nonconforming lots with the purpose of providing a means whereby the county may require certain nonconforming site features to be brought into compliance.

Mr. Craddock asked which zoning districts currently allow veterinary clinics. Mr. Litteral said they are allowed in the Agriculture (AG) zoning district with a Use Permit and in the General Business (GB), Limited Business (LB) and Light Industrial (LI) zoning districts without a Use Permit.

David Stumph introduced himself and his wife Jessica Stumph, who is also a veterinarian. He said she runs a mobile service, but it is getting increasingly more difficult with more clientele. They had started looking for a site to locate their business in Currituck County and found the rules as stated in the UDO made it difficult for new veterinary clinics.

Mr. McColley asked if they had a site in mind for the business and Mr. Stumph said the 1,100 square foot space was located beside the Post Office in Point Harbor.

Mr. Litteral noted this text amendment would also be an opportunity to bring the two existing veterinary clinics in the county into compliance since they do not have dog runs.

Chairman Whiteman asked if other businesses were located in the building they are considering and what is the zoning district. Mr. Stumph said the post office and an antique store are in the same connected building. Mr. Litteral said it is zoned GB.

Mr. Craddock noted the discussion in the work session to change the minimum lot size requirement for the veterinary clinic to match the requirements of the zoning districts it is located in. Chairman Whiteman asked the applicant if they were okay with the noted change and Mr.

Stumph said the change was acceptable to their requested text amendment. Mr. Litteral said he will modify the text amendment as noted.

The board asked staff the minimum lot size requirements for the allowed zoning districts for veterinary clinics. Mr. Litteral gave the following minimum lot sizes:

Agriculture - 30,000 sq. ft. (on county water supply)  
 General Business - 40,000 sq. ft.  
 Limited Business - 40,000 sq. ft.  
 Light Industrial - 60,000 sq. ft.

**Planning Board Motion:**

Mr. Craddock motioned to approve PB 18-18 David Stumph, Veterinary Clinics text amendment for the requested change to the UDO to allow veterinary clinics with no outdoor facilities to locate on lots smaller than two acres provided they meet the minimum lot size requirements for the zoning district. A line item #2 shall be added to the text amendment for the minimum lots size requirement. The requested text amendment is in the public's interest; it will not injure adjoining property owners and public facilities are adequate for the change. Mr. McColley seconded the motion and the motion carried unanimously.

**RESULT: RECOMMENDED APPROVAL [UNANIMOUS]**

**AYES:** Fred Whiteman, Chairman, C. Shay Balance, Vice Chairman, Steven Craddock, Board Member, John McColley, Board Member, J. Timothy Thomas, Board Member

**ABSENT:** Carol Bell, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

**PB 18-18**

**David Stumph, Veterinary Clinics**

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Chapter 4 of the Unified Development Ordinance is amended by adding the following underlined language.

**AS PROPOSED BY THE APPLICANT**

**Animal Care Uses**

Animal shelters, grooming, kennels (indoor and outdoor), and veterinary clinics shall comply with the following standards:

- (1) Except for veterinary clinics with no outdoor facilities, the minimum lot area shall be at least two acres. Outdoor facilities include but are not limited to runs, kennels, and training areas.
- (3) All fenced runs or training areas shall maintain a 25-foot setback from lot lines and be at least 50 feet from any adjacent single-family dwellings.
- (4) Runs and training areas shall be enclosed with fencing at least six feet in height.
- (5) All gates and entrances to the runs, kennels, and training areas shall remain locked when not in use.

**AS RECOMMENDED BY THE PLANNING BOARD**

## Animal Care Uses

Animal shelters, grooming, kennels (indoor and outdoor), and veterinary clinics shall comply with the following standards:

- (1) The minimum lot area shall be at least two acres.
- (2) Veterinary Clinics with no outdoor facilities shall locate on lots meeting the minimum requirements for the zoning district in which they are proposed. Outdoor facilities include, but are not limited to, runs, kennels, and training areas.
- (3) All fenced runs or training areas shall maintain a 25-foot setback from lot lines and be at least 50 feet from any adjacent single-family dwellings.
- (4) Runs and training areas shall be enclosed with fencing at least six feet in height.
- (5) All gates and entrances to the runs, kennels, and training areas shall remain locked when not in use.

**Item 2:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 3:** This ordinance amendment shall be in effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2017.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul M. Beaumont, 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 and Action: PB 15-10 The Landing: A request for a two year extension of the preliminary plat/use permit for a conservation subdivision consisting of 29 residential lots located off of Baxter Lane and Little Acorn Trail in Moyock.**

Planning and Community Development Director, Laurie LoCicero, reviewed the application and reason for the applicant's request for a 2-year extension with the Board of Commissioners.

Mark Bissell, Engineer, answered questions about two easements the applicant provided to the county, a camping platform and pedestrian easement, that had been discussed by the Board during review.

Commissioner Payment moved to approve the two-year extension for PB 15-10. The motion was seconded by Commissioner Etheridge and passed unanimously, 7-0.

To: Board of Commissioners

From: Planning Staff

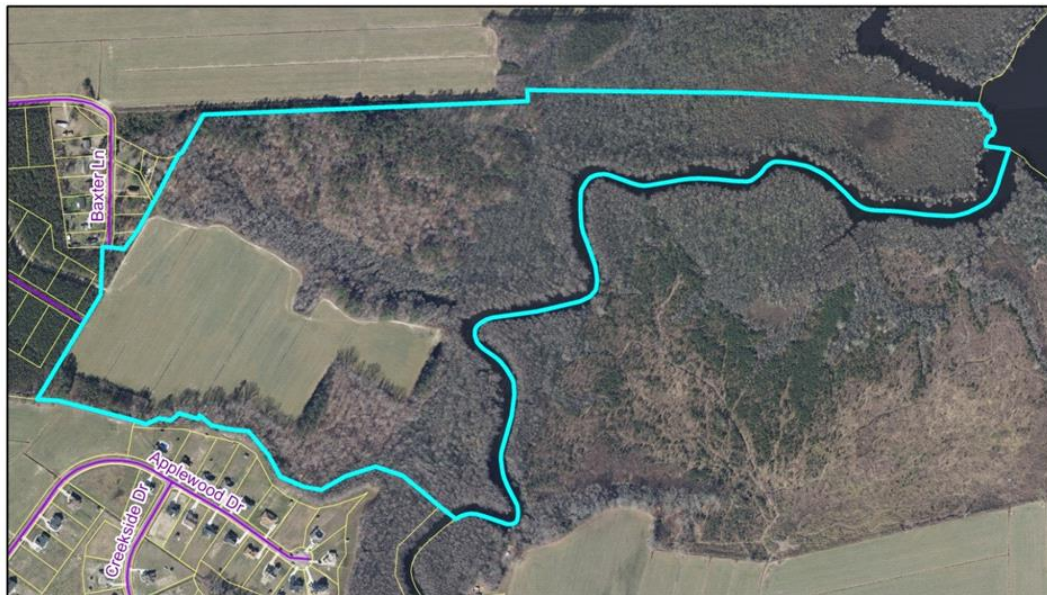
Date: August 27, 2018

Subject: PB 15-10 The Landing, Preliminary Plat/Use Permit Extension

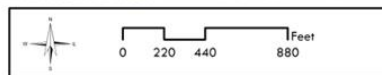
On August 15, 2016, the Board of Commissioners approved the preliminary plat/use permit for The Landing, a conservation subdivision consisting of 29 residential lots, located off of Baxter Lane and Little Acorn Trail in Moyock. The preliminary plat approval was due to expire on August 15, 2018.

On August 14, 2018 the engineer, Mark Bissell of Bissell Professional Group, submitted a request for preliminary plat extension indicating the applicants are currently proceeding with the preparation of construction drawings and specifications and intend to initiate construction soon after all of the required permits have been issued.

In accordance with the UDO Section 2.4.8.E., the Board of Commissioners may, for good cause, grant a two-year extension of the preliminary plat. The applicant is requesting a two-year extension.



PB 15-10 The Landing  
Preliminary Plat - Use Permit  
Aerial



Currituck County  
Planning and  
Community Development

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<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

**B. Cooperative Agreement Between North Carolina Wildlife Resources Commission and Currituck County to Design, Permit, Renovate, Operate and Maintain Public Camping Platforms.**



County Manager, Dan Scanlon, reviewed the plan that partners the county with Wildlife Resources Commission (WRC), who would allow the county access for the construction of water accessible camping platforms to promote eco-tourism. Photos were displayed for Commissioners to see similar style camping platforms in other locations.

Commissioner Hall moved to approve the agreement and the motion was seconded by Commissioner White. The motion passed unanimously, 7-0.

**COOPERATIVE AGREEMENT  
BETWEEN  
NORTH CAROLINA WILDLIFE RESOURCES COMMISSION  
AND  
CURRITUCK COUNTY**

**AGREEMENT TO DESIGN, PERMIT, RENOVATE, OPERATE, AND MAINTAIN PUBLIC CAMPING PLATFORMS**

This agreement is made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the **NORTH CAROLINA WILDLIFE RESOURCES COMMISSION**, hereinafter referred to as the **COMMISSION**, and **CURRITUCK COUNTY**, hereinafter referred to as the **COUNTY**.

**WITNESSETH:**

**Whereas**, the **Commission** is authorized through its strategic plan to provide opportunities that allow outdoor enthusiasts to enjoy wildlife-associated recreation; and

**Whereas**, it is desirable for the **County** to provide no-fee public camping platforms located on Northwest River Marshes Game Land, owned by the State and allocated to the **Commission** for management; and

**Whereas**, it is desirable for the **Commission** to improve public use opportunities for the public by cooperating with the **County** to provide no-fee public camping platforms at Northwest River Marshes Game Land;

**Now, therefore**, in consideration of the mutual advantages likely to result from this Agreement and the respective obligations assumed herein,

**A. The COMMISSION agrees, at its sole expense:**

1. To permit **County** personnel or its contractors engaged in planning, construction or post-construction work, access to Shingle Landing Boating Access Area and Northwest River Marshes Game Land.
2. To allow the **County** to make modifications to the Shingle Landing Boating Access Area that would allow for use of the facility by kayaks/canoes.
3. Allow the **County** to install three camping platforms, a privy area, and boardwalk access to the platforms.

**B. The COUNTY agrees, at its sole expense:**

1. To provide a design and fund the construction of the platforms, privy area, boardwalks, and kayak/canoe access improvements made to the Shingle Landing Boating Access Area.
2. Provide construction drawings of the proposed modifications and new construction for review revision and approval of the **Commission** prior to construction.
3. To serve as the manager of the construction project, applying for, complying with, and receiving all permits necessary for the Boating Access Area modifications and camping platforms at Northwest River Marshes Game Land.
4. To provide construction materials for Shingle Boating Access Area work and camping platforms at Northwest River Marshes Game Land.
5. To provide personnel or contractor for the construction, transportation and installation of the camping platforms and Shingle Landing Boating Access Area modifications.
6. To ensure that the **Commission** is recognized in all press releases, brochures and, advertisements developed by the **County** concerning visitation and usage of the Northwest River Marshes Game Land camping platforms;
7. To be responsible for any future necessary repairs to the platforms and kayak/canoe access.
8. Maintain the grounds surrounding the camping platform site keeping the litter removed regularly.

**C. It is mutually agreed:**

1. Manage the camping platform area as a **County** facility with no closure of the site except for repair purposes, emergency situations, limited special uses or best management practices. The facility will be posted with **County** park facilities and rentals/reservations will be handled through the Parks and Recreation Department.
2. That nothing in this Agreement shall obligate either party to any conditions not specifically stated herein;
3. That this Agreement shall become effective as soon as it is signed and dated by both parties and shall continue in effect for 25 years from the date of signing;
4. That the camping platforms become property of the **Commission** after construction is completed;
5. That either party may terminate its involvement in this agreement by written notice to the other at least 120 days in advance of the date on which termination is to become effective. If the agreement is terminated before the end of the agreement as described below, the **County** will relinquish management authority of the camping platforms to the **Commission**. If the termination request is made by the **Commission**, the **Commission** agrees to refund the **County** a pro-rated portion of the funds used to construct and install the camping platforms based on a 25-year life expectancy of the camping platforms;
6. That during and after the term hereof, the State Auditor and any using agency's internal auditors shall have access to persons and records related to this Agreement to verify accounts and data affecting fees or performance under the Agreement, as provided in G.S. 143-49(9).
7. That the **County** shall hold and save the **Commission**, its officers, agents, and employees, harmless from liability of any kind, including all claims and losses accruing or resulting to any

other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the **County** in the performance of this Agreement and that are attributable to the negligence or intentionally tortious acts of the **County**. The **County** represents and warrants that it shall make no claim of any kind or nature against the **Commission's** agents who are involved in planning or any other facet of the project. The representation and warranty in the preceding sentence shall survive the termination or expiration of this Agreement.

8. This Agreement and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral or written statements or agreements;
9. This Agreement may be amended only by a written amendment duly executed by the **Commission** and the **County**;
10. The failure to enforce or the waiver by the **Commission** of any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance;
11. Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations as a result of events beyond its reasonable control, including without limitation, fire, power failures, any act of war, hostile foreign action, nuclear explosion, riot, strikes or failures or refusals to perform under subcontracts, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God;
12. That notwithstanding any other term or provision in this contract, nothing herein is intended nor shall be interpreted as waiving any claim or defense based on the principle of sovereign immunity that otherwise would be available to the **Commission** under applicable law.

IN TESTIMONY WHEREOF, this Cooperative Agreement has been executed by the parties hereto, in duplicate originals, as of the day and year of the last signatory.

Approved and agreed to:

**N.C. Wildlife Resources Commission**

\_\_\_\_\_  
Gordon Myers, Executive Director Date

ATTEST

\_\_\_\_\_  
Date

**Currituck County**

\_\_\_\_\_  
Daniel F. Scanlon II, County Manager Date

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

ATTEST

\_\_\_\_\_  
Leeann Walton, Clerk to the Board of Commissioners\_\_\_\_\_  
Date

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

**C. Cooperative Agreement Between North Carolina Wildlife Resources Commission (WRC) and Currituck County to Incorporate the Brumley Road Access Area into the WRC Boating Access Area Program.**

County Manager, Dan Scanlon, reviewed the agreement between the county and Wildlife Resources Commission (WRC) which would incorporate the Brumley parking area in Knotts Island into WRC's boating access area.

Commissioner White moved for approval and the motion was seconded by Commissioner Gilbert. The motion passed unanimously, 7-0.

**COOPERATIVE AGREEMENT**

**BETWEEN**

**NORTH CAROLINA WILDLIFE RESOURCES COMMISSION**

**AND**

**CURRITUCK COUNTY**

THIS Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between the **North Carolina Wildlife Resources Commission**, hereinafter called the **Commission**, and **Currituck County**, hereinafter called the **County**;

**WITNESSETH:**

**Whereas**, the **Commission** is authorized to create and improve public boating access for the benefit of the boaters of North Carolina; and

**Whereas**, it is desirable for the **Commission** to improve public boating access at Brumley Road Access Area ramp and parking area, owned by the **County**, hereinafter called the Brumley Road Access Area; and

**Whereas**, it is desirable for the **County** to increase the recreational opportunities for the public by cooperating with the **Commission** to improve boating access at the Brumley Road Access Area;

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)



**Now, therefore,** in consideration of the mutual advantages likely to result from this Agreement and the respective obligations assumed herein,

**A. The COMMISSION agrees, at its sole expense:**

1. To incorporate the Brumley Road Access Area owned by the **County** into its Boating Access Area Program;
2. To install informational kiosks and signage at the boating access area;
3. That the Brumley Road Access Area be included in the patrols of **Commission** Wildlife Law Enforcement Officers; and
4. To install signage to the parking and access areas that identify **Commission** regulations at boating access areas as stated in 15A NCAC 10E .0104(e).

**B. The County agrees, at its sole expense:**

1. To be responsible for all repairs to the Brumley Road Boating Access Area parking lot;
2. To maintain the grounds surrounding the site, keep the grass mowed at regular intervals year-round, and remove litter regularly;
3. To ensure that the **Commission** is recognized in all press releases, brochures and, advertisements developed by **County** concerning visitation and usage of the Brumley Road Access Area;
4. To permit boating access to the public at the Brumley Road Access Area;
5. To take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of people with disabilities, and concerning the treatment of all employees without regard to discrimination by reason of race, color, religion, sex, national origin or disability; and
6. To comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business and its performance in accordance with this Agreement including those of federal, state, and local agencies having jurisdiction and/or authority.

**C. It is mutually agreed:**

1. That the formal name of the access area will remain as Brumley Road Boating Access Area;
2. The purpose of the Brumley Road Boating Access Area is for the launching of boats and parking of vehicles and boat trailers as stated in 15A NCAC 10E .0104(e);
3. That the boating access area remain the property of the **County**;
4. That the boating access area regulations, as required by state law, shall be publicized and enforced by the **Commission**;
5. That nothing in this Agreement shall obligate a party to any conditions not specifically stated herein;

6. That this Agreement shall become effective as soon as it is signed and dated by all parties and shall continue in effect for 25 years from the date of signing;
7. That any party may terminate its involvement in this Agreement by written notice to the others at least 90 days in advance of the date on which termination is to become effective;
8. That during and after the term hereof, the State Auditor and any internal auditors, subject to applicable federal laws, rules and regulations, shall have access to persons and records related to this Agreement to verify accounts and data affecting performance under the Agreement, as provided in G.S. 143-49(9);
9. That the **County** shall hold and save the **Commission**, its officers, agents, and employees, harmless from liability of any kind, including all claims and losses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the **County** in the performance of this Agreement and that are attributable to the negligence or intentionally tortious acts of the **County**. The **County** represent and warrant that it shall make no claim of any kind or nature against the **Commission's** agents who are involved in any planning, construction or post-construction work, and patrol activities. The representation and warranty in the preceding sentence shall survive the termination or expiration of this Agreement;
10. This Agreement and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral or written statements or agreements;
11. This Agreement may be amended only by a written amendment duly executed by the **Commission**, and **County**;
12. The failure to enforce or the waiver of any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance;
13. Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations as a result of events beyond its reasonable control, including without limitation, fire, power failures, any act of war, hostile foreign action, nuclear explosion, riot, strikes or failures or refusals to perform under subcontracts, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God;
14. That notwithstanding any other term or provision in this contract, nothing herein is intended nor shall be interpreted as waiving any claim or defense based on the principle of sovereign immunity that otherwise would be available to any party under applicable law.

**In witness whereof**, the parties hereto have executed this Agreement the day and year of the last signatory.

Approved and agreed to:

**N.C. Wildlife Resources Commission**

\_\_\_\_\_  
Gordon Myers, Executive Director

\_\_\_\_\_  
Date

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

**Currituck County**


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 Date

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

**D. Resolution Accepting Final Bid for County-owned Property Located at 103 Bluefish Court, Walnut Island Estates Subdivision, Currituck County**

County Attorney, Ike McRee, reviewed the Resolution with the Board of Commissioners for acceptance of the final bid of \$8,500.00. This would complete the upset bid process initiated by Resolution of the Board of Commissioners on July 16, 2018. Staff recommended adoption of the Resolution.

Commissioner Payment moved to adopt the Resolution and was seconded by Commissioner Gilbert. The motion passed unanimously.

**RESOLUTION ACCEPTING HIGH BID FOR SURPLUS COUNTY PROPERTY LOCATED AT 103 BLUEFISH COURT, GRANDY, NORTH CAROLINA**

WHEREAS, by resolution adopted July 16, 2018 the Board of Commissioners for Currituck County acknowledged receipt of an unsolicited bid to purchase county property located at 103 Bluefish Court, Grandy, North Carolina, (the "Property"); and

WHEREAS, determining that the county had no need for as surplus property the Board of Commissioners for Currituck County adopted a resolution authorizing sale of the Property thorough the upset bid procedure set forth in N.C. Gen. Stat. §160A-269; and

WHEREAS, the last and highest bid for the Property is \$8,500.00 submitted by James and Ursula Decesare.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for Currituck County that the high bid in the amount of \$8,500.00 for the county property located at 103 Bluefish Court, Grandy, North Carolina submitted by James and Ursula Decesare is accepted and the appropriate county officials are authorized to execute documents necessary to transfer title to the property upon payment of the bid amount to the county.

ADOPTED the 4th day of September, 2018.

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 Bobby Hanig, Chairman  
 Board of Commissioners

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

ATTEST:

\_\_\_\_\_  
Clerk to the Board of Commissioners

(COUNTY SEAL)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<b>SECONDER:</b>	Marion Gilbert, 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

## E) Board Appointments

### 1. Game Commission

Commissioner Gilbert nominated Trevor Old and Commissioner White nominated Ardell Waterfield to the Game Commission.

Commissioner Etheridge moved for approval of the nominees. The motion was seconded by Commissioner Hall and the nominees were unanimously approved by the Board.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, 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

### 2. Veterans Advisory Board

Commissioner Hall nominated Steve Shawgo to the Veterans Advisory. The nomination was seconded by Commissioner Payment and unanimously approved by the Board.

Chairman Hanig thanked all who were willing to serve and said a press release would be forthcoming with general information and a date for the first meeting of the Veterans Advisory.

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)



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

## F) Consent Agenda

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

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

### 1) Approval Of Minutes-August 20, 2018

#### 1. Minutes for August 20, 2018

#### 2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50550-592020	ALP Update & 18B Survey	\$ 359,000	
50550-592021	North Aircraft Apron Pavement Rehab	\$ 474,000	
50390-495015	Transfer from Occupancy Tax		\$ 41,650
50390-495042	Transfer from Land Transfer Tax		\$ 41,650
50330-448000	State Aid to Airports		\$ 749,700
42450-587050	T T - County Govt Facilities Fund	\$ 41,650	
42320-414000	Land Transfer Tax		\$ 41,650
		<u>\$ 874,650</u>	<u>\$ 874,650</u>
<b>Explanation:</b>	Co Governmental Construction (50550) - Increase appropriations to record two NC Division of Aviation airport grant programs. Grant 36244.10.7.1 for the North Aircraft Apron Pavement Rehabilitation that will be funded by \$426,600 in grant funds, \$23,700 from Occupancy Tax and \$23,700 from Land Transfer Tax. Grant 36237.8.14.1 for the Airport Layout Plan Update and 18B Survey, required for continued grant funding, that will be funded by \$323,100 in grant funds and \$17,950 funds from Occupancy Tax and \$17,950 funds from Land Transfer Tax.		
<b>Net Budget Effect:</b>	County Governmental Construction Fund (50) - Increased by \$833,000. Land Transfer Tax Capital Fund (42) - Increased by \$41,650.		

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50442-597007	Connect Corolla PH V	\$ 98,500	
50390-495015	T F - Occupancy Tax Fund		\$ 98,500
		<u>\$ 98,500</u>	<u>\$ 98,500</u>
<b>Explanation:</b>	Co Governmental Construction (50442) -Set-up budget for design and contract administration for Corolla Greenway Phase V: This section of the project will connect the existing path on the west side of NC 12 at the north end of Monterey Shores at the intersection of NC 12 and Ocean Forest Court to the trolley stop at the north end of the Brindley Sports Center.		
<b>Net Budget Effect:</b>	County Governmental Construction Fund (50) - Increased by \$98,500.		

**Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)**

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
51848-593005	KI Elem HVAC	\$ 7,570	
51848-594004	MMS - Roof replacement A Wing N	\$ 80,000	
51848-594005	MMS - Roof Replacement A Wing S	\$ 80,000	
51848-594006	MMS - Roof Replacement Center	\$ 113,250	
51848-592006	GES - HVAC South	\$ 115,000	
51380-425001	State Lottery Proceeds		\$ 395,820
		<u>\$ 395,820</u>	<u>\$ 395,820</u>

**Explanation:** School Capital Construction (51) - To record lottery fund projects requested by the Board of Education for FY 2019 and to increase funding for the Knotts Island Elementary HVAC project funded in the prior year.

**Net Budget Effect:** School Capital Construction (51) - Increased by \$395,820.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10750-545000	Contract Services	\$ 10,000	
10750-502000	Salaries		\$ 10,000
		<u>\$ 10,000</u>	<u>\$ 10,000</u>

**Explanation:** Social Services Administration (10750) - Transfer lapsed salary funding to contract services to contract for temporary DSS staff until position vacancies can be filled.

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



		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
67878-553000	Dues and Subscriptions	\$ 20,000	
67878-545000	Contracted Services		\$ 5,000
67878-513000	Utilities		\$ 5,000
67878-532000	Supplies		\$ 5,000
67878-516000	Repairs and Maintenance		\$ 5,000
		<u>\$ 20,000</u>	<u>\$ 20,000</u>
<b>Explanation:</b>	Mainland Sewer (67878) - Transfer budgeted funds for increased payments to the NC Department of Environmental Quality.		
<b>Net Budget Effect:</b>	Mainland Sewer Fund (67) - No change.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
30850-545000	Contract Services	\$ 1,579	
30380-481000	Investment Earnings		\$ 1,579
		<u>\$ 1,579</u>	<u>\$ 1,579</u>
<b>Explanation:</b>	Postemployment Benefits (30850) - Increase appropriations for increase in cost of mandated actuarial study due to increased number of retirees in the program.		
<b>Net Budget Effect:</b>	Postemployment Benefits Fund (30) - Increased by \$1,579.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-545000	Contract Services	\$ 50,000	
10390-499900	Fund Balance Appropriated		\$ 50,000
		\$ 50,000	\$ 50,000
<b>Explanation:</b>	Public Works (10460) - Increase appropriations for mosquito spraying throughout the County.		
<b>Net Budget Effect:</b>	Operating Fund (10) - Increased by \$50,000.		

### 3. Project Ordinance: North Aircraft Apron Pavement Rehab

#### COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**SECTION 1.** The project authorized is the North Aircraft Apron Pavement Rehabilitation, grant 36244.10.7.1.

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

Corolla Greenway Phase V	\$ 98,500
	<u>\$ 98,500</u>

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

Transfer from Occupancy Tax	\$ 98,500
	<u>\$ 98,500</u>

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

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

#### **SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

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

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

#### **SECTION 6. CONTRACTUAL OBLIGATIONS**

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

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

#### **SECTION 7. USE OF BUDGET ORDINANCE**

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

ADOPTED this 4<sup>th</sup> day of September 2018.

\_\_\_\_\_  
Bobby Hanig, Chairman Board of  
Commissioners

ATTEST:

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

#### **4. Project Ordinance: Airport Layout Plan Update & 18B Survey**

#### **COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE**

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**SECTION 1.** The project authorized is Airport Layout Plan Update & 18B Survey, grant 36237.8.14.1.

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

Corolla Greenway Phase V	\$ 98,500
	<u>\$ 98,500</u>

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

Transfer from Occupancy Tax	\$ 98,500
	<u>\$ 98,500</u>

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

#### **SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

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

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

#### **SECTION 6. CONTRACTUAL OBLIGATIONS**

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

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted



departmental appropriations; and (3) services which are within budgeted departmental appropriations.

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

## **SECTION 7. USE OF BUDGET ORDINANCE**

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

ADOPTED this 4<sup>th</sup> day of September 2018.

\_\_\_\_\_  
Bobby Hanig, Chairman Board of  
Commissioners

ATTEST:

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

## **5. Project Ordinance - Corolla Greenway Phase V**

### **COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**SECTION 1.** The project authorized is the design and contract administration for the Corolla Greenway - Phase V: connect the existing path along the west side of NC 12 at the north end of Monteray Shores at the intersection of NC 12 and Ocean Forest Court to the trolley stop at the north end of the Brindley Sports Center.

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

Corolla Greenway Phase V	\$	98,500
	<u>\$</u>	<u>98,500</u>

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

Transfer from Occupancy Tax	\$ 98,500
	<u>\$ 98,500</u>

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

#### **SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

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

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

#### **SECTION 6. CONTRACTUAL OBLIGATIONS**

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

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

#### **SECTION 7. USE OF BUDGET ORDINANCE**

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

ADOPTED this 4<sup>th</sup> day of September 2018.

\_\_\_\_\_  
Bobby Hanig, Chairman Board of  
Commissioners

ATTEST:

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Leeann Walton Clerk to the Board

## 6. Water Shortage Response Plan for SOBWS

### **RESOLUTION ESTABLISHING AND CREATING THE WATER SHORTAGE RESPONSE PLAN (the “WSRP”) FOR SOUTHERN OUTER BANKS WATER SYSTEM (SOBWS)**

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Southern Outer Banks Water System (SOBWS), Currituck County, North Carolina, has been developed and submitted to the Currituck County Board of Commissioners for approval; and

WHEREAS, the Currituck County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for SOBWS, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Currituck County Board of Commissioners of SOBWS that the Water Shortage Response Plan entitled, Water Shortage Response Plan for Southern Outer Banks Water System dated September \_\_, 2018 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Currituck County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

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

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

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\_\_\_\_\_  
Bobby Hanig, Chairman  
Board of Commissioners

ATTEST:

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

(COUNTY SEAL)

**7. Resolution Authorizing Sole Source Purchase of Ambulance from Select Custom Apparatus**

**RESOLUTION AUTHORIZING THE PURCHASE OF CHASSIS, ASSOCIATED ACCESSORIES AND REMOUNTING OF WHEELED COACH AMBULANCES FROM SELECT CUSTOM APPARATUS THROUGH SOLE SOURCE PURCHASE**

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

WHEREAS, to lengthen the service life of its Wheeled Coach ambulances the county Department of Fire and EMS is acquiring new ambulance chassis and associated accessories upon which the patient and equipment compartment is remounted; and;

WHEREAS, ninety percent of the ambulances operated by the county Department of Fire and EMS are Wheeled Coach ambulances and the department has previously contracted with Select Custom Apparatus, a Wheeled Coach dealer, for purchase of chassis, associated accessories and remount of patient and equipment compartments; and;

WHEREAS, crew familiarity and knowledge of the chassis, associated equipment and the patient and equipment compartment is critical to the success of the department's mission and patient safety as crews transition from one ambulance unit to another requiring standardization and compatibility of ambulances and associated equipment; and;

WHEREAS, the acquisition of chassis, associated accessories and remount of patient and equipment compartments by Select Custom Apparatus will assure standardization and compatibility of the ambulance fleet operated by the Currituck County Department of Fire and EMS, and;

WHEREAS, Select Custom Apparatus, is supplying the county with one (1) 2020 Freightliner M2 LP 4x2 chassis' for \$72,701.00, one (1) Wheeled Coach Ambulance module

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)



remount for \$62,496.29, Modification Additions for \$17,128.23, and Additional Harness Restraint System for the Bench Seat Area for \$3,346.00, and;

WHEREAS, the Board of Commissioners for Currituck County, North Carolina declares the following property as surplus and authorizes its use as a trade-in with \$2,500.00 trade-in allowance: Asset tag #6979, 2009 Freightliner M2 Ambulance, VIN #1FVACWDK09HAF8508 and;

WHEREAS, the total price of the 2020 Freightliner, module remount, modification additions and restraint system is \$155,671.52 minus the \$2,500.00 trade-in units for a total amount of \$153,171.52.

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

Section 1. The County of Currituck is authorized to enter into a contract in the amount of \$153,171.52 with Select Custom Apparatus for the sole source purchase of chassis, associated accessories and remount of patient and equipment compartments on county ambulance numbers 530-17 and 530-20 in accordance with the sole source provision requirements set forth by N.C. Gen. Stat. §143-129(e)(6). Further, the county manager is authorized to execute the agreement with Select Custom Apparatus for the acquisition apparatus, materials, trade-in approval and equipment acquisition described in this resolution and the proposed contract.

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

This the \_\_\_\_\_<sup>th</sup> day of September, 2018.

\_\_\_\_\_  
Daniel F. Scanlon, II  
County Manager

ATTEST:

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

## **8. Consideration and Action: Adoption of Out of State Travel Policy for County Commissioners**

### PURPOSE

Currituck County recognizes that its board of commissioners may at times receive value from attending workshops, conferences, and events. This policy establishes uniform guidelines to approve and reimburse commissioners for reasonable expenses incurred while traveling out of the County on official business for the benefit of the County.

### GENERAL

Attending workshops, conferences, and events can be an important and valuable function of a commissioner. The commissioners may appropriate funds in the annual budget for registration and out of county travel, lodging, and meal costs incurred while traveling on official business for the benefit of the County. A commissioner traveling on official County business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, delays, or luxury accommodations and services unnecessary, unjustified, or for the convenience or personal preference of the commissioner in the performance of official County business are prohibited. Travel that would not directly benefit the County will not be reimbursable.

PROCEDURES

- A. Attendance at a workshop, conference or event shall be approved in advance by the Board at an open meeting for travel costs to qualify for reimbursement.
- B. Requests for attendance must include a statement of the official business, direct benefit of the County, and an estimated cost.
- C. No reimbursements will be made for attendance at events sponsored by, or affiliated with, political parties.
- D. The County may make payments in advance for airfare, lodging and registration if specifically approved by the Board. Otherwise all payments will be made as reimbursements to the commissioner.
- E. The County will reimburse for transportation, lodging, meals, registration, and incidental costs using the same procedures, limitations and guidelines outlined in the Currituck County Personnel Policy for County employees.
- F. A County vehicle may be available and should be secured in advance. Mileage will be reimbursed at the approved IRS rate. If two or more commissioners travel together by car, only the driver will receive reimbursement. The commissioner must use the most cost-efficient mode of travel available, taking into consideration reasonable time constraints. Airfare will be reimbursed at coach rate.
- G. Receipts are required for lodging and airfare and should accompany an expense report form. It is not necessary to have receipts for meals if being reimbursed on the per diem basis outlined in the Currituck County Personnel Policy. Receipts for group meals must be remitted and must be a detailed receipt including items purchased, tax, tip and total. All persons attending the group meal should be listed on the back of the receipt along with a brief description of the group meal purpose. The expense report form must be submitted to the County for payment.
- H. The County will not reimburse for alcoholic beverages, personal telephone calls, entertainment, costs associated with the attendance of a family member, rental of luxury vehicles, and meal expenses included in the cost of registration and/or hotel amenities, or recreational expenses such as golf or tennis.
- I. Limitations may be imposed on paying for expenses for a commissioner who has announced intention to resign, not to seek re-election, or who has been defeated in an election.
- J. The County may request an oral or written report from the commissioner on the results of the trip.
- K. The Commissioner must make available to the County or other commissioners material related to the workshops, conferences, and events so that it may be copied if desired.
- L. Requests for reimbursement shall be filed within 7 days after the travel period ends for which the reimbursement is being requested, except for an unforeseen cause.

**G) County Manager's Report**

Dan Scanlon, County Manager, announced the rabies vaccination clinic to be held on Saturday, Sept 22, from 8 AM till 10 AM at the Currituck County Judicial Center. There is no charge to county residents with proper identification. Mr. Scanlon recognized the Moyock Animal Hospital for working with us.

Mr. Scanlon updated the Board on the status of Moyock Park. He noted a recent meeting with Quible Engineering, said we are working through developing the scope of services for bidding purposes, and hopes to be under construction by spring.

## ADJOURN

### Motion to Adjourn Meeting

There was no further business and Commissioner Gilbert made a motion to adjourn. The motion was seconded by Commissioner White. The motion passed unanimously and the meeting of the Board of Commissioners concluded at 7:00 PM.

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

## SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners held a Special Meeting sitting as the Tourism Development Authority immediately following the regular 6:00 PM meeting of the Board of Commissioners in the Historic Courthouse Board Meeting Room.

### H. TDA Budget Amendments

Tameron Kugler, Tourism Director, was seated with the Board and began a review of the 2017 Tourism Impact Fact Sheet provided earlier to Commissioners. During review, Ms. Kugler noted tourism spending resulted in an annual savings of \$906 per county resident and \$2,517 per household in local and state taxes.

Ms. Kugler discussed Currituck County's 350th Anniversary Celebration and Currituck Heritage Festival events scheduled Saturday, September 15, at the Rural Center.

Dan Scanlon, County Manager, reviewed the budget amendments for the Board and Commissioner White moved for approval. The motion was seconded by Commissioner Payment and passed unanimously, 7-0.

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 4th day of September 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
15447-587050	T T - Co Govt Construction	\$ 41,650	
15320-415000	Occupancy Tax		\$ 41,650
		\$ 41,650	\$ 41,650

**Explanation:** Occupancy Tax - Tourism Related (15447) - Increase appropriations for cash match to Airport grants 36244.10.7.1 N Aircraft Apron Pavement Rehab and 36237.8.14.1 ALP Update & 18B Survey.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$41,650.

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 4th day of September 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
15442-526200	Tourism Promotion	\$ 50,000	
15320-415000	Occupancy Tax		\$ 50,000
		\$ 50,000	\$ 50,000

**Explanation:** Occupancy Tax - Promotion(15442) - Increase appropriations to provide funding for 350th Anniversary celebration activities.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$50,000.

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)



The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 4th day of September 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-590000	Capital Outlay	\$ 63,500	
15320-415000	Occupancy Tax		\$ 63,500
		\$ 63,500	\$ 63,500
<b>Explanation:</b>	Occupancy Tax - Tourism Related - Increase appropriations to design and construct camping platforms along Northwest River on Wildlife game lands.		
<b>Net Budget Effect:</b>	Occupancy Tax Fund (15) - Increased by \$63,500.		

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

#### ADJOURN MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

There was no further business. Commissioner Gilbert motioned for adjournment and was seconded by Commissioner White. The motion passed unanimously and the meeting of the Tourism Development Authority adjourned at 7:13 PM.

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

Communication: Minutes approval for September 4, 2018 (Approval Of Minutes for September 4, 2018)

Number

20190023

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of September 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-545800	Contracted Services	\$ 5,000	
10460-590000	Capital Outlay		\$ 5,000
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

**Explanation:** Public Works (10460) - Transfer budgeted funds for contractual agreements for the COA campus.

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

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

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

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

Attachment: Reg Mtg-Budget Amendments 09172018 (Budget Amendments)

Number 20190024

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 17th day of September 2018, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
67878-545000	Contracted Services	\$ 21,000	
67390-499900	Appropriated Fund Balance		\$ 21,000
		<u>\$ 21,000</u>	<u>\$ 21,000</u>

**Explanation:** Mainland Sewer (67878) - Increase appropriations for emergency pumping in Walnut Island and Waterside Villages during the July 2018 flooding.

**Net Budget Effect:** Mainland Sewer Fund (67) - Increased by \$21,000.

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

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

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

Attachment: Reg Mtg-Budget Amendments 09172018 (Budget Amendments)

**RESOLUTION AUTHORIZING THE “PIGGYBACKING” ON A PURCHASE AGREEMENT FROM COUNTY OF GLOUCESTER, VIRGINIA FOR WATER PLANT MEMBRANE ELEMENTS FROM HARN RO SYSTEMS, INC.**

WHEREAS, the County of Currituck desires to “piggyback” on a purchase agreement by the County of Gloucester, Virginia for the purchase of 288 FilmTec Model BW30XFRLE-400/43 membrane elements to replace membrane elements install in Trains 1 and 2 at the county’s mainland water plant from Harn RO Systems, Inc., Venice, Florida; and

WHEREAS, the conditions of “piggybacking” on the original contract have been met in accordance with N.C. Gen. Stat. §143-129; and

WHEREAS, public notice of purchase of the material and equipment set forth above was published in The Daily Advance, a newspaper with general circulation within the county, on August 24, 2018.

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

Section 1. The County of Currituck is authorized to “piggyback” on County of Gloucester, Virginia for the purchase of 288 FilmTec Model BW30XFRLE-400/43 membrane elements from Harn RO Systems, Inc., Venice, Florida.

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

This the 17th day of September, 2018.

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Bobby Hanig, Chairman  
Board of Commissioners

ATTEST:

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Clerk to the Board of Commissioners

(COUNTY SEAL)

Attachment: Resolution authorizing piggyback purchase RO membranes 091718 (Harn RO Piggyback contract for Membrane Elements & Trains)



## PROPOSAL



HARN R/O SYSTEMS, INC. – 310 CENTER COURT - VENICE, FLORIDA 34285  
(P) 941-488-9671 - (F) 941-488-9400

Currituck County – Mainland WTP	ATTN: CHASE BRINKLEY	7/30/2018
444 Maple Road	Chase.Brinkley@CurrituckCountyNC.gov	
Maple, NC 27956	RE: Replacement Membrane Proposal	

Harn R/O Systems is pleased to present the following proposal:

1. Provide two hundred and eighty-eight (288) FilmTec Model BW30XFRLE-400/34 membrane elements to replace the existing FilmTec LE-400 membrane elements installed in Trains 1 and 2 at the Mainland R/O plant. One hundred and forty-four elements to be installed in each R/O train.
2. Provide ninety-six (96) new pressure vessels head seals to be installed in Trains 1 and 2 as part of the membrane replacement.
3. Provide one (1) Harn R/O technician for six (6) eight-hour days to assist Owner's staff with unloading the old membrane elements, swabbing the pressure vessels and loading the new membrane elements. On-site days will be split between two separate trips to the jobsite, three days for each R/O train. Time on-site is based on Owner providing a minimum of three operators to perform the membrane replacement.
4. Harn technician will record serial numbers during membrane loading and provide Owner with loading sequence upon completion of the work.

For the sum of.....\$198,867.00

Exceptions and Clarifications:

1. Sales tax, if applicable, and any necessary permits are not included in the above price.
2. Freight is included. Membranes to be delivered directly to the job-site. Owner shall be responsible for unloading the membranes upon delivery and for providing appropriate storage.
3. Owner is responsible for disposing of the old membrane elements and the packaging for the new membrane elements.
4. Harn shall provide a pig for swabbing the pressure vessels. Owner is responsible for providing chlorine and 5-gallon buckets that are needed to swab the vessels.
5. Harn to provide glycerin, lubricant and disposable gloves needed for proper installation of the membrane elements.
6. Owner is responsible for providing any necessary scaffolding or alternate equipment needed to unload/load top vessels.
7. Owner is responsible for obtaining bacteriological clearance of the R/O trains following membrane installation if required.
8. Harn is not responsible for any leaks that may be present after installation of the new membrane elements.

See above, taxes not included. Terms are Net 30 days.

75% of contract value to be billed at time of membrane delivery if Owner does not plan on installing membranes within 30 days of receipt.

All materials is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_

Authorized

Signature

NOTE: This proposal may be  
Withdrawn by us if not accepted within 60 days.

Signature \_\_\_\_\_

Signature: \_\_\_\_\_

Attachment: Harn RO (Harn RO Piggyback contract for Membrane Elements & Trains)

18-2332C



County of Gloucester  
Central Purchasing Department  
6467 Main Street  
Gloucester, Virginia 23061  
(804) 693-6235 V (804) 693-0061 F

March 20, 2018

Mr. Ronald J. Castle, II  
Corporate Secretary  
Harn R/O Systems, Inc.  
310 Center Court  
Venice, Florida 34285

Via: [mainoffice@harnrosystems.com](mailto:mainoffice@harnrosystems.com)

**RE: IFB No. 18-005-BL, Reverse Osmosis Membrane Replacement**

Dear Mr. Castle:

Attached please find our purchase order for the subject services.

Be advised that Mr. Brent Payne, PE, Utilities Assistant Director, will serve as the County contract administrator for this project and will issue your firm a Notice to Proceed very shortly. Mr. Payne may be reached at (804) 693-4217 or by cell at (804) 832-6232.

Please let me know if you have any questions or if I may be of further service.

Sincerely,

Bill Lindsey, CPPO, C.P.M.  
Purchasing Agent

Attachment

pc: Brent Payne, PE

Attachment: Harn RO (Harn RO Piggyback contract for Membrane Elements & Trains)





**COUNTY OF GLOUCESTER**  
**CENTRAL PURCHASING**  
 6467 MAIN STREET  
 GLOUCESTER, VA 23061 - 0329  
 PHONE 804-693-6235 FAX 804-693-0061

**PURCHASE ORDER NO. 18000373**

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**COUNTY OF GLOUCESTER**

FINANCE DEPARTMENT  
 6467 MAIN STREET  
 GLOUCESTER, VA 23061

PURCHASE ORDER NUMBERS ABOVE MUST APPEAR ON  
 ALL INVOICES, SHIPPING PAPERS AND PACKAGES.

**WATER TREATMENT PLANT**  
 P.O. BOX 329  
 8214 RESERVOIR RIDGE ROAD  
 GLOUCESTER, VA 23061

ATTN: BRENT PAYNE

V 32569 FAX: 941-488-9400  
 E HARN R/O SYSTEMS INC  
 N 310 CENTER COURT  
 D VENICE FL 34285  
 O  
 R

ORDER DATE: 03/12/18		BUYER: BILL LINDSEY		REQ. NO.: 18000330		REQ. DATE: 03/13/18	
TERMS: NET 45 DAYS		F.O.B.: GLOUCESTER VA		DESC.: REVERSE OSMOSIS-MEMBRANE			
ITEM#	QUANTITY	UOM	DESCRIPTION	UNIT PRICE	EXTENSION		
TERMS AND CONDITIONS OF PURCHASE ARE IN ACCORDANCE WITH BID NO: IFB-18-005-BL, DATED 02/27/18. TO INCLUDE LABOR, MATERIALS, EQUIPMENT, TECHNICAL EXPERTISE AND SUPERVISION FOR THE WATER TREATMENT PLANT							
01	1.00	JOB	TO FURNISH AND INSTALL 168-8" X 40" REPLACEMENT MEMBRANE ELEMENTS IN A REVERSE OSMOSIS TREATMENT TRAIN AT THE GLOUCESTER COUNTY WATER TREATMENT FACILITY.	150479.0000	150,479.00		
<i>168 membranes          \$895/membrane</i>							
ITEM#	ACCOUNT		AMOUNT	PROJECT CODE	PAGE TOTAL \$ 150,479.00		
01	5344000490003000 48201000		150,479.00		TOTAL \$ 150,479.00		
<b>NOTICE TO VENDORS</b> 1. WE RESERVE THE RIGHT TO CANCEL THIS ORDER AND REJECT GOODS IF NOT DELIVERED WHEN REQUIRED AND IN ACCORDANCE WITH SPECIFICATIONS. 2. ACCEPTANCE OF THIS ORDER INCLUDES ACCEPTANCE OF ALL TERMS, PRICES, DELIVERY INSTRUCTIONS AND CONDITIONS STATED. SEE REVERSE SIDE 3. UNLESS OTHERWISE STATED OR PREVIOUSLY AGREED UPON, ALL PRICES ARE F.O.B. DESTINATION. DELIVERIES MUST BE PREPAID, INCLUDING INSIDE DELIVERY, BOXING AND CARTAGE.							

APPROVED BY

*Brent Lindsey*  
 PURCHASING AGENT

Attachment: Harn RO (Harn RO Piggyback contract for Membrane Elements & Trains)





## Product Data Sheet

**DOW FILMTEC™ BW30XFRLE-400/34 Element****Description**

Ideal for: reverse osmosis plant managers and operators dealing with challenging waters and wastewaters who are seeking an advanced membrane treatment with good water purity, improved fouling resistance and low energy consumption.



DOW FILMTEC™ BW30XFRLE-400/34:

- Offers good salt-rejection with 30% lower pressures
- Delivers excellent silica, nitrate and ammonium rejection
- Provides the most effective cleaning performance, robustness and durability due to its widest cleaning pH range (1-13) and chemical tolerance and the support of Dow technical representatives

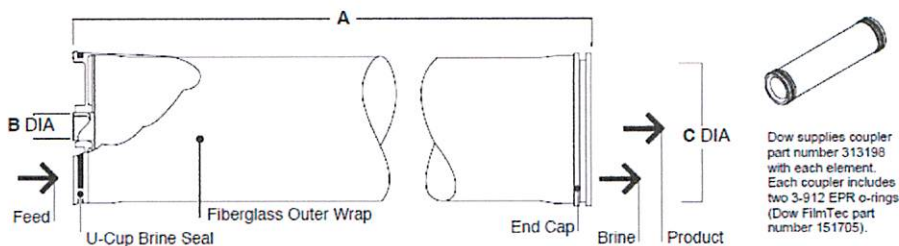
**Product Type**

Spiral-wound element with polyamide thin-film composite membrane

**Product Specifications**

DOW FILMTEC™ Element	Active Area		Feed Spacer Thickness (mil)	Permeate Flow Rate		Typical Stabilized Salt Rejection (%)	Minimum Salt Rejection (%)
	(ft²)	(m²)		(GPD)	(m³/d)		
BW30XFRLE-400/34	400	37	34-LDP	11,500	43	99.3	99.1

1. Permeate flow and salt (NaCl) rejection based on the following standard test conditions: 2,000 ppm NaCl, 150 psi (10.3 bar), 77°F (25°C), pH 8, 15% recovery.
2. Flow rates for individual elements may vary but will be no more than  $\pm 15\%$ .
3. Stabilized salt rejection is generally achieved within 24-48 hours of continuous use; depending upon feedwater characteristics and operating conditions.
4. Sales specifications may vary as design revisions take place.
5. Active area guaranteed  $\pm 3\%$ . Active area as stated by Dow Water & Process Solutions is not comparable to nominal membrane area often stated by some manufacturers. Measurement method described in Form No. 609-00434.

**Element Dimensions**

DOW FILMTEC™ Element	A		B		C	
	(in.)	(mm)	(in.)	(mm)	(in.)	(mm)
BW30XFRLE-400/34	40.0	1,016	1.125 ID	29 ID	7.9	201

1. Refer to Dow Water & Process Solutions Design Guidelines for multiple-element applications. 1 inch = 25.4 mm
2. Element to fit nominal 8-inch (203-mm) I.D. pressure vessel.

## Operating and Cleaning Limits

Maximum Operating Temperature <sup>a</sup>	113°F (45°C)
Maximum Operating Pressure	600 psig (41 bar)
Maximum Element Pressure Drop	15 psig (1.0 bar)
pH Range, Continuous Operation <sup>a</sup>	2 – 11
pH Range, Short-Term Cleaning (30 min.) <sup>b</sup>	1 – 13
Maximum Feed Silt Density Index (SDI)	SDI 5
Free Chlorine Tolerance <sup>c</sup>	< 0.1 ppm

<sup>a</sup> Maximum temperature for continuous operation above pH 10 is 95°F (35°C).

<sup>b</sup> Refer to Cleaning Guidelines in specification sheet 609-23010.

<sup>c</sup> Under certain conditions, the presence of free chlorine and other oxidizing agents will cause premature membrane failure. Since oxidation damage is not covered under warranty, Dow Water & Process Solutions recommends removing residual free chlorine by pretreatment prior to membrane exposure. Please refer to technical bulletin ["Dechlorinating Feedwater"](#) for more information.

## Additional Important Information

Before use or storage, review these additional resources for important information:

- [Usage Guidelines for DOW FILMTEC™ 8" Elements](#)
- [System Operation: Initial Start-Up](#)

\* Permeate obtained from first hour of operation should be discarded

## Regulatory Note

These membranes may be subject to drinking water application restrictions in some countries; please check the application status before use and sale.

## Product Stewardship

Dow has a fundamental concern for all who make, distribute, and use its products, and for the environment in which we live. This concern is the basis for our product stewardship philosophy by which we assess the safety, health, and environmental information on our products and then take appropriate steps to protect employee and public health and our environment. The success of our product stewardship program rests with each and every individual involved with Dow products—from the initial concept and research, to manufacture, use, sale, disposal, and recycle of each product.

## Customer Notice

Dow strongly encourages its customers to review both their manufacturing processes and their applications of Dow products from the standpoint of human health and environmental quality to ensure that Dow products are not used in ways for which they are not intended or tested. Dow personnel are available to answer your questions and to provide reasonable technical support.

## DOW FILMTEC™ Membranes Contact Dow Water & Process Solutions:

North America: 1-800-447-4369  
Latin America: (+55) 11-5188-9222  
Europe: +800-3-694-6367  
Italy: +800-783-825  
South Africa: +0800 99 5078  
Pacific: +800 7776 7776  
China: +400 889-0789

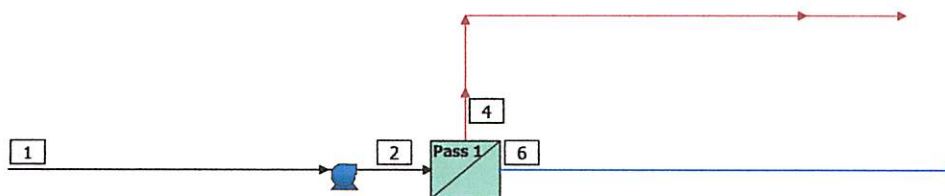
<http://www.dowwaterandprocess.com>

Notice: The use of this product in and of itself does not necessarily guarantee the removal of cysts and pathogens from water. Effective cyst and pathogen reduction is dependent on the complete system design and on the operation and maintenance of the system.

**NOTICE:** No freedom from infringement of any patent owned by Dow or others is to be inferred. Because use conditions and applicable laws may differ from one location to another and may change with time, Customer is responsible for determining whether products and the information in this document are appropriate for Customer's use and for ensuring that Customer's workplace and disposal practices are in compliance with applicable laws and other government enactments. The product shown in this literature may not be available for sale and/or available in all geographies where Dow is represented. The claims made may not have been approved for use in all countries. Dow assumes no obligation or liability for the information in this document. References to "Dow" or the "Company" mean the Dow legal entity selling the products to Customer unless otherwise expressly noted. NO WARRANTIES ARE GIVEN; ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED.





**RO Summary Report**  
**RO System Flow Diagram**

#	Description	Flow (gpm)	TDS (mg/L)	Pressure (psi)
1	Raw Feed to Pump	868.05	2,706	0.00
2	Net Feed to Pass 1	867.52	2,708	194.16
4	Total Concentrate from Pass 1	173.51	12,963	151.45
6	Total Permeate from Pass 1	694.44	138	5.00

**RO System Overview**

Total # of Trains	1	Online =	1	Standby =	0	RO Recovery	80.00 %
System Flow Rate	(gpm)	Net Feed =	868.05	Net Product =	694.46		

Pass	Pass 1
Stream Name	Stream 1
Water Type	Well Water (SDI < 3)
Number of Elements	168
Total Active Area (ft²)	69440.00
Feed Flow per Pass (gpm)	867.52
Feed TDS* (mg/L)	2,708
Feed Pressure (psi)	194.16
Flow Factor	0.95
Permeate Flow per Pass (gpm)	694.44
Pass Average flux (gfd)	14.4
Permeate TDS* (mg/L)	138
Pass Recovery	80.0 %
Average NDP (psi)	68.95
Specific Energy (kWh/kgal)	2.20
Temperature (°C)	24.5
pH	7.80
Chemical Dose	
RO System Recovery	80.0 %
Net RO System Recovery	80.0%

**Footnotes:**

\*Total Dissolved Solids includes ions, SiO<sub>2</sub> and B(OH)<sub>3</sub>. It does not include NH<sub>3</sub> and CO<sub>2</sub>

Attachment: Harn RO (Harn RO Piggyback contract for Membrane Elements & Trains)



## RO Flow Table (Stage Level) - Pass 1

Stage	Elements	#PV	#Els per PV PV	Feed				Concentrate			Permeate			
				Feed Flow	Recirc Flow	Feed Press	Boost Press	Conc Flow	Conc Press	Press Drop	Perm Flow	Avg Flux	Perm Press	Perm TDS
				(gpm)	(gpm)	(psi)	(psi)	(gpm)	(psi)	(psi)	(gpm)	(gfd)	(psi)	(mg/L)
1	BW30XFRLE-400/34	16	7	867.54	0.00	189.16	0.00	386.78	176.97	12.19	480.96	15.5	60.00	60.31
2	XLE-440	8	7	386.79	0.00	171.97	0.00	173.51	151.45	20.52	213.40	12.5	5.00	314

## RO Solute Concentrations - Pass 1

Concentrations (mg/L as ion)						
	Feed	Concentrate		Permeate		Total
		Stage1	Stage2	Stage1	Stage2	
NH <sub>4</sub> <sup>+</sup>	0.37	0.81	1.70	0.01	0.09	0.04
K <sup>+</sup>	12.30	27.13	58.60	0.38	1.52	0.73
Na <sup>+</sup>	939.00	2,083	4,504	19.94	112.82	48.48
Mg <sup>+2</sup>	4.57	10.21	22.48	0.04	0.23	0.10
Ca <sup>+2</sup>	35.28	78.82	173.57	0.29	1.73	0.73
Sr <sup>+2</sup>	0.54	1.21	2.66	0.00	0.03	0.01
Ba <sup>+2</sup>	0.06	0.13	0.30	0.00	0.00	0.00
CO <sub>3</sub> <sup>-2</sup>	2.78	10.87	36.69	0.00	0.01	0.00
HCO <sub>3</sub> <sup>-</sup>	306.04	664.63	1,411	10.15	36.63	18.28
NO <sub>3</sub> <sup>-</sup>	0.00	0.00	0.00	0.00	0.00	0.00
Cl <sup>-</sup>	1,300	2,886	6,242	25.51	155.69	65.51
F <sup>-</sup>	0.00	0.00	0.00	0.00	0.00	0.00
SO <sub>4</sub> <sup>-2</sup>	74.00	165.49	365.07	0.47	3.12	1.29
SiO <sub>2</sub>	25.00	55.86	122.43	0.19	1.72	0.66
Boron	1.06	1.66	3.70	0.58	0.00	0.40
CO <sub>2</sub>	5.18	7.90	14.91	5.84	9.66	7.02
TDS <sup>a</sup>	2,706	5,994	12,963	60.31	314	138
pH	7.80	7.89	7.86	6.43	6.72	6.58

Footnotes:

<sup>a</sup>Total Dissolved Solids includes ions, SiO<sub>2</sub> and B(OH)<sub>3</sub>. It does not include NH<sub>3</sub> and CO<sub>2</sub>

## RO Design Warnings

None

Attachment: Harn RO (Harn RO Piggyback contract for Membrane Elements &amp; Trains)



RO Flow Table (Element Level) - Pass 1

Stage	Element	Element Name	Recovery (%)	Feed Flow (gpm)	Feed Press (psi)	Feed TDS (mg/L)	Conc Flow (gpm)	Perm Flow (gpm)	Perm Flux (gfd)	Perm TDS (mg/L)
1	1	BW30XFRLE-400/34	10.11	54.22	189.16	2,708	48.74	5.48	19.73	31.41
1	2	BW30XFRLE-400/34	10.43	48.74	186.54	3,008	43.66	5.08	18.30	38.11
1	3	BW30XFRLE-400/34	10.74	43.66	184.28	3,354	38.97	4.69	16.88	46.73
1	4	BW30XFRLE-400/34	11.02	38.97	182.33	3,751	34.68	4.30	15.46	57.97
1	5	BW30XFRLE-400/34	11.25	34.68	180.66	4,208	30.78	3.90	14.04	72.79
1	6	BW30XFRLE-400/34	11.38	30.78	179.23	4,731	27.28	3.50	12.61	92.59
1	7	BW30XFRLE-400/34	11.39	27.28	178.01	5,326	24.17	3.11	11.18	119
2	1	XLE-440	13.97	48.35	171.97	5,994	41.60	6.75	22.10	129
2	2	XLE-440	13.42	41.60	167.21	6,944	36.02	5.58	18.27	177
2	3	XLE-440	12.47	36.02	163.34	7,991	31.53	4.49	14.70	246
2	4	XLE-440	11.16	31.53	160.16	9,092	28.01	3.52	11.51	346
2	5	XLE-440	9.64	28.01	157.50	10,189	25.31	2.70	8.84	488
2	6	XLE-440	8.12	25.31	155.23	11,222	23.26	2.05	6.72	682
2	7	XLE-440	6.76	23.26	153.24	12,151	21.69	1.57	5.15	933



## Footnotes:

\*Total Dissolved Solids includes ions, SiO<sub>2</sub> and B(OH)<sub>3</sub>. It does not include NH<sub>3</sub> and CO<sub>2</sub>

## RO Solubility Warnings

Warning	Pass No
Stiff & Davis Stability Index > 0	1
BaSO <sub>4</sub> (% saturation) > 100	1
Anti-scalants may be required. Consult your anti-scalant manufacturer for dosing and maximum allowable system recovery.	1

## RO Chemical Adjustments

	Pass 1 Feed	RO 1" Pass Conc
pH	7.80	7.86
Langelier Saturation Index	0.18	1.55
Stiff & Davis Stability Index	0.25	1.03
TDS* (mg/l)	2,706	12,963
Ionic Strength (molal)	0.05	0.22
HCO <sub>3</sub> <sup>-</sup> (mg/L)	306.04	1,411
CO <sub>2</sub> (mg/l)	5.18	14.91
CO <sub>3</sub> <sup>-2</sup> (mg/L)	2.78	36.69
CaSO <sub>4</sub> (% saturation)	0.38	3.21
BaSO <sub>4</sub> (% saturation)	65.12	422.49
SrSO <sub>4</sub> (% saturation)	0.31	1.83
CaF <sub>2</sub> (% saturation)	0.00	0.00
SiO <sub>2</sub> (% saturation)	20.16	96.83
Mg(OH) <sub>2</sub> (% saturation)	0.00	0.01

## Footnotes:

\*Total Dissolved Solids includes ions, SiO<sub>2</sub> and B(OH)<sub>3</sub>. It does not include NH<sub>3</sub> and CO<sub>2</sub>

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## Product Data Sheet

**DOW FILMTEC™ XLE-440 Element****Description**

Ideal for: reverse osmosis plant managers and operators dealing with controlled-pre-treatment and seeking high-quality permeate water at low operating costs.

DOW FILMTEC™ XLE-440, the lowest pressure DOW FILMTEC™ RO element:

- Provides lower energy costs and more productivity, especially in cold waters
- Minimizes equipment CAPEX in designs with savings in elements and pumping due to the 440 ft<sup>2</sup> active area
- Delivers the most effective cleaning performance, robustness and durability due to its widest cleaning pH range (1-13) tolerance and the support of FilmTec technical representatives

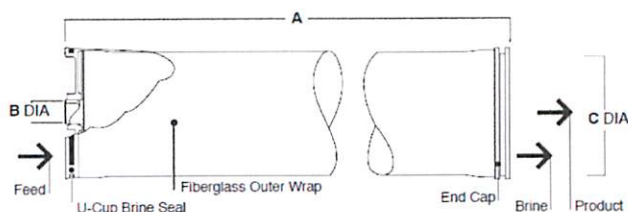
**Product Type**

Spiral-wound element with polyamide thin-film composite membrane

**Product Specifications**

DOW FILMTEC™ Element	Active Area		Feed Spacer Thickness (mil)	Permeate Flow Rate		Typical Stabilized Salt Rejection (%)	Minimum Salt Rejection (%)
	(ft <sup>2</sup> )	(m <sup>2</sup> )		(GPD)	(m <sup>3</sup> /d)		
XLE-440	440	41	28	14,000	53	99.0%	97.0%

1. Permeate flow and salt (NaCl) rejection based on the following standard test conditions: 2,000 ppm NaCl, 125 psi (8.6 bar), 77°F (25°C), pH 8, 15% recovery.
2. Flow rates for individual elements may vary but will be no more than ±15%.
3. Stabilized salt rejection is generally achieved within 24-48 hours of continuous use; depending upon feedwater characteristics and operating conditions.
4. Sales specifications may vary as design revisions take place.
5. Active area guaranteed ± 5%. Active area as stated by Dow Water & Process Solutions is not comparable to nominal membrane area often stated by some manufacturers. Measurement method described in Form No. 609-00434.

**Element Dimensions**

FilmTec supplies coupler part number 259171 with each element. Each coupler includes two 2-125 EPR o-rings (FilmTec part number 216370).

DOW FILMTEC™ Element	A		B		C	
	(in.)	(mm)	(in.)	(mm)	(in.)	(mm)
XLE-440	40.0	1,016	1.50 ID	38 ID	7.9	201

1. Refer to Dow Water & Process Solutions Design Guidelines for multiple-element applications. 1 inch = 25.4 mm
2. Element to fit nominal 8-inch (203-mm) I.D. pressure vessel.



## Operating and Cleaning Limits

Maximum Operating Temperature <sup>a</sup>	113°F (45°C)
Maximum Operating Pressure	600 psig (41 bar)
Maximum Element Pressure Drop	15 psig (1.0 bar)
pH Range, Continuous Operation <sup>a</sup>	2 – 11
pH Range, Short-Term Cleaning (30 min.) <sup>b</sup>	1 – 13
Maximum Feed Silt Density Index (SDI)	SDI 5
Free Chlorine Tolerance <sup>c</sup>	< 0.1 ppm

<sup>a</sup> Maximum temperature for continuous operation above pH 10 is 95°F (35°C).

<sup>b</sup> Refer to Cleaning Guidelines in specification sheet 609-23010.

<sup>c</sup> Under certain conditions, the presence of free chlorine and other oxidizing agents will cause premature membrane failure. Since oxidation damage is not covered under warranty, Dow Water & Process Solutions recommends removing residual free chlorine by pretreatment prior to membrane exposure. Please refer to technical bulletin ["Dechlorinating Feedwater"](#) for more information.

## Additional Important Information

Before use or storage, review these additional resources for important information:

- [Usage Guidelines for DOW FILMTEC™ 8" Elements](#)
- [System Operation: Initial Start-Up](#)

\* Permeate obtained from first hour of operation should be discarded

## Regulatory Note

These membranes may be subject to drinking water application restrictions in some countries; please check the application status before use and sale.

## Product Stewardship

Dow has a fundamental concern for all who make, distribute, and use its products, and for the environment in which we live. This concern is the basis for our product stewardship philosophy by which we assess the safety, health, and environmental information on our products and then take appropriate steps to protect employee and public health and our environment. The success of our product stewardship program rests with each and every individual involved with Dow products—from the initial concept and research, to manufacture, use, sale, disposal, and recycle of each product.

## Customer Notice

Dow strongly encourages its customers to review both their manufacturing processes and their applications of Dow products from the standpoint of human health and environmental quality to ensure that Dow products are not used in ways for which they are not intended or tested. Dow personnel are available to answer your questions and to provide reasonable technical support.

## DOW FILMTEC™ Membranes Contact Dow Water & Process Solutions:

North America: 1-800-447-4369  
Latin America: (+55) 11-5188-9222  
Europe: +800-3-694-6367  
Italy: +800-783-825  
South Africa: +0800 99 5078  
Pacific: +800 7776 7776  
China: +400 889-0789

<http://www.dowwaterandprocess.com>

Notice: The use of this product in and of itself does not necessarily guarantee the removal of cysts and pathogens from water. Effective cyst and pathogen reduction is dependent on the complete system design and on the operation and maintenance of the system.

**NOTICE:** No freedom from infringement of any patent owned by Dow or others is to be inferred. Because use conditions and applicable laws may differ from one location to another and may change with time, Customer is responsible for determining whether products and the information in this document are appropriate for Customer's use and for ensuring that Customer's workplace and disposal practices are in compliance with applicable laws and other government enactments. The product shown in this literature may not be available for sale and/or available in all geographies where Dow is represented. The claims made may not have been approved for use in all countries. Dow assumes no obligation or liability for the information in this document. References to "Dow" or the "Company" mean the Dow legal entity selling the products to Customer unless otherwise expressly noted. NO WARRANTIES ARE GIVEN; ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED.

**RESOLUTION ESTABLISHING AND CREATING THE WATER SHORTAGE  
RESPONSE PLAN (the “WSRP”) FOR CURRITUCK COUNTY MAINLAND  
WATER**

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the Currituck County Mainland Water, Currituck County, North Carolina, has been developed and submitted to the Currituck County Board of Commissioners for approval; and

WHEREAS, the Water Shortage Response Plan is in conformance with the Currituck County Code of Ordinances Article III, Section 13 for providing water restriction and conservation; and

WHEREAS, the Currituck County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Currituck County Mainland Water, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Currituck County Board of Commissioners that the Water Shortage Response Plan entitled, “Water Shortage Response Plan for Currituck County Mainland Water” dated September 17, 2018 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Currituck County Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

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

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Bobby Hanig, Chairman  
Board of Commissioners

ATTEST:

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Clerk to the Board

(COUNTY SEAL)



ROY COOPER  
Governor  
MICHAEL S. REGAN  
Secretary  
LINDA CULPEPPER  
Interim Director

February 12, 2018

**Currituck Co**

William Nash, Utilities Superintendent  
444 Maple Road  
Maple, NC 27956

**PWSID: 04-27-010**

**Access Code: 4252**

**Re: Water Shortage Response Plan 5-Year Update**

Dear Water System Manager or Administrator:

All local governments and community water systems subject to G.S. 143-355(l) are required to update their Water Shortage Response Plans (WSRP) based on their procedures for revising and updating their plans in order to improve plan effectiveness and adapt to new circumstances. An updated or reviewed WSRP is due to the Division of Water Resources (DWR) no later than **June 1, 2018**.

Revised or reviewed plans can be submitted to the DWR's WSRP system at [https://www.ncwater.org/Water\\_Supply\\_Planning/Water\\_Shortage\\_Response\\_Plans/](https://www.ncwater.org/Water_Supply_Planning/Water_Shortage_Response_Plans/). To submit your WSRP update, click the "Upload" tab. Then, please follow Steps 1 through 3 and then click the "Upload Your Plan" button to submit your revised WSRP for review. If no changes are required, please upload the current WSRP or send an electronic copy to the review engineer listed in the following paragraph.

If you have questions about updating or submitting your revised Water Shortage Response Plan, please contact Dennis Ramsey at (919) 707-9037 or [dennis.ramsey@ncdenr.gov](mailto:dennis.ramsey@ncdenr.gov) or other DWR staff at (919) 707-9000. We encourage anyone who needs assistance to contact DWR prior to the deadline. We appreciate this opportunity to work with you to assure that North Carolina can meet its future water needs.

Sincerely,

Linwood Peele  
Water Supply Planning Branch



*passed*



Water Resources  
Environmental Quality

ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
LINDA CULPEPPER  
*Interim Director*

May 29, 2018

William Nash  
Utilities Superintendent  
Currituck County  
444 Maple Road  
Maple, NC 27956

**Subject: WSRP Meets Minimum Criteria**  
Currituck County  
PWSID#: 04-27-010  
Currituck County

Dear Mr. Nash,

This letter is to notify you that our staff has reviewed the information contained in the Water Shortage Response Plan (WSRP) update submitted by your office. Since all the required information is complete, the WSRP for the Currituck County water system hereby meets the minimum criteria established in North Carolina General Statute 143-355.2 (a) and 15A NCAC 02E. 0607.

The Water Shortage Response Plan must next be adopted by your water system's governing board; a model WSRP resolution is available online on the right side of the page in the Forms and Docs section at: [http://www.ncwater.org/Water\\_Supply\\_Planning/Water\\_Shortage\\_Response\\_Plans/learn](http://www.ncwater.org/Water_Supply_Planning/Water_Shortage_Response_Plans/learn). Once adopted, a copy of the signed resolution must be submitted to Linwood Peele, Water Supply Planning Branch Supervisor, at the address printed at the bottom of this letter. Please note, the WSRP cannot be considered compliant with the requirements of NCGS 143-355(1) until an adopted resolution is received by the Division.

Please be advised that the review process for Water Shortage Response Plans is separate from the review process for your Local Water Supply Plan (LWSP). If you have submitted your LWSP but haven't already been contacted by the Division, you will receive notification as soon as the review of your LWSP is complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Louis Murray at [louis.murray@ncdenr.gov](mailto:louis.murray@ncdenr.gov) or (919)707-9017, or Linwood Peele at [linwood.peele@ncdenr.gov](mailto:linwood.peele@ncdenr.gov) or (919) 707-9024, if we can be of further assistance.

Sincerely,

Linwood E. Peele, Supervisor  
Division of Water Resources, NCDEQ



**Water Shortage Response Plan  
Currituck County, North Carolina  
February 26, 2018**

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

### I. Authorization

The Currituck County Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in Section IV are met. In his or her absence, the county engineer will assume this role.

Mr. Daniel Scanlon  
Currituck County Manager  
Phone: (252) 232-6014  
E-mail:  
[dan.scanlon@currituckcountync.gov](mailto:dan.scanlon@currituckcountync.gov)

Mr. Yama Jones  
Mainland water superintendent  
Phone: (252) 232-6061  
E-mail:  
[yama.jones@currituckcountync.gov](mailto:yama.jones@currituckcountync.gov)

### 11. Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through *Focus on Currituck*, PSA announcements and the County website <http://www.co.currituck.nc.us/>, on local radio and cable stations. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone through use of reverse 911.

### III. Levels of Response

Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follow below.

## Currituck County Water Shortage Response Plan

Stage	Response	Description
1	Voluntary Reductions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Mandatory Reductions I	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Mandatory Reductions II	Same as in Stage 2
4	Emergency Reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water Rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In Stage 1, Voluntary Reductions, all water users will be asked to reduce their normal water use by 5%. Customer education and outreach programs will encourage water conservation and efficiency measures including: irrigating landscapes a maximum of one inch per week; preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks.

In Stage 2, Mandatory Reductions I, all customers are expected to reduce their water use by 10% in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to a half inch per week between 8PM and 6AM; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing and training purposes requiring drinking water (e.g. fire protection) will be limited.

In Stage 3, Mandatory Reductions II, customers must continue actions from all previous stages and further reduce water use by 20% compared to their previous month's water bill. All non-essential uses of drinking water are banned and garden and landscape irrigation must be reduced to the minimum amount necessary for survival. Additionally, in Stage 3, a drought surcharge of 1.5 times the normal water rate applies.

In Stage 4, Emergency Reductions, customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to 2 times the normal water rate.

## Currituck County Water Shortage Response Plan

The goal of Stage 5, Water Rationing, is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to Currituck County's Emergency Response Plan. Drought surcharges increase to 5 times the normal water rate.

## IV. Triggers

Currituck County's water source is groundwater. The following measurements of well pumping times and well levels in relationship to pump intake levels trigger entry into corresponding water restriction stages.

Stage	Well Operating Conditions
1	Pumping Time >10 hrs. 20% reduction in seasonal normal distance from static water level and pump intake 20% increase pumping time for same output
2	Pumping Time >12 hrs. 40% reduction in distance from static water level and pump intake 40% increase pumping time for same output
3	Pumping Time >14 hrs. 60% reduction in distance from static water level and pump intake 60% increase pumping time for same output
4	Pumping Time >20 hrs. 80% reduction in distance from static water level and pump intake
5	Water level at pump intake elevation

## Return to Normal

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

## Currituck County Water Shortage Response Plan

## V. Enforcement

The provisions of the water shortage response plan will be enforced by Currituck County utility department and police personnel. Violators may be reported to the dedicated water conservation hotline. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage .

Water Shortage Level	First Violation	Second Violation	Third Violation
Voluntary Reductions	N/A	N/A	N/A
Mandatory Reductions (Stages 2 and 3)	Warning	\$250	Discontinuation of Service
Emergency Reductions	\$250	Discontinuation of Service	Discontinuation of Service
Water Rationing	\$500	Discontinuation of Service	Discontinuation of Service

Drought surcharge rates are effective in Stages 3, 4 and 5.

## VI. Public Comment

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at the Mainland Water Office for customers to view. A notice will be included in customer water bill notifying them of such. Also a draft plan will be published in *Focus on Currituck and the County Website* <http://www.co.currituck.nc.us> all subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by Currituck County's Board of Commissioners.

## VII. Variance Protocols

Applications for water use variance requests are available from the County Office. All applications must be submitted to the County Water Department for review by the Operator or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage .



## Currituck County Water Shortage Response Plan

## VIII. Effectiveness

The effectiveness of the Currituck County water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

## IX. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to Currituck County's Board of Commissioners. The Currituck County Water Department is responsible for initiating all subsequent revisions.

## **FIFTH AMENDMENT TO TOWER LEASE AGREEMENT**

**THIS FIFTH AMENDMENT TO TOWER LEASE AGREEMENT** (the "Fifth Amendment") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 201\_, by and between **CURRITUCK COUNTY** ("Lessor") and **CELLCO PARTNERSHIP** d/b/a Verizon Wireless ("Lessee"). Lessor and Lessee are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

### **WITNESSETH:**

**WHEREAS**, Lessor and Lessee entered into a Tower Lease Agreement on January 20, 2006, as amended by that First Amendment to Tower Lease Agreement on March 6, 2012, Second Amendment to Tower Lease Agreement on September 9, 2014, Third Amendment to Tower Lease Agreement on December 30, 2016, and Fourth Amendment to Tower Lease Agreement on March 1, 2018 (collectively, the "Agreement"), whereby Lessee leased from Lessor certain ground space and space on the Lessor's Tower located at 734 Ocean Trail, Corolla, Currituck County, North Carolina, and as further described in the Agreement (the "Premises");

**WHEREAS**, Lessee conveyed the Communications Tower (the "Tower") to Lessor in that certain Bill of Sale between the parties, dated April 2, 2007;

**WHEREAS**, the Parties desire to amend the Agreement to extend the term of the Agreement and to make other changes as set forth below;

**NOW THEREFORE**, in consideration of the premises and the mutual undertakings herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Commencement Date. The Parties agree that the commencement date of the Agreement was March 1, 2006.
2. Rent Abatement. Lessee completed the construction of the Tower and conveyed it to Lessor, as required by Section 1 of the Agreement. Pursuant to Section 4 of the Agreement, rent is currently being abated as consideration for said Tower. The Parties acknowledge and agree that the cost of the Tower construction was \$675,880.42 ("Tower Cost"), and therefore, rent will abate until August 2043 when the Tower Cost will be recouped by Lessee. On or before August 1, 2043, Lessee shall pay \$2,141.28 to Lessor as its pro-rated monthly rent for the month of August 2043. Commencing September 1, 2043, Lessee shall begin paying monthly rent of \$2,492.66. Thereafter, monthly rent shall continue to escalate annually by 3%, as set forth in Section 6 of the Agreement. The dates and rent amounts set forth above are subject to change based on future rent adjustments.

3. Term Extension. Section 5 of the Agreement is hereby modified to add three (3) additional five (5) year terms, for a total of seven (7) total renewal terms. Unless earlier terminated in accordance with the Agreement, the term of the Agreement shall expire on February 28, 2046, unless otherwise extended ("Expiration Date").
4. If either party terminates the Agreement before the Expiration Date or in the event of casualty, Lessor shall pay Lessee an amount equal to the Tower Cost less the amount of rent abatement received by Lessee as of the date of termination or casualty. Such amount must be paid to Lessee within ninety (90) days after the date of termination or casualty.
5. Lessor and Lessee each hereby warrant to the other that the person executing this Fifth Amendment on behalf of the warranting party has the full right, power and authority to enter into, and execute, this Fifth Amendment on that party's behalf, and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Fifth Amendment.
6. The Agreement and Fifth Amendment contain all agreements, promises or understandings between Lessor and Lessee and no verbal or oral agreements, promises or understandings shall be binding upon either the Lessor or Lessee in any dispute, controversy or proceeding at law, and any addition, variation or modification to the Agreement and Fifth Amendment shall be void and ineffective unless made in writing and signed by the parties. In the event any provision of the Agreement and Fifth Amendment is found to be invalid or unenforceable, such a finding shall not affect the validity and enforceability of the remaining provisions of the Agreement and Fifth Amendment.
7. Except as expressly set forth herein, all other terms, covenants and conditions of the Agreement shall remain unmodified and in full force and effect, and the Parties hereby confirm and ratify such terms and conditions and agree to perform and comply with the same. In the event of a conflict between the terms of the Agreement and the terms of this Fifth Amendment, the terms of this Fifth Amendment shall be controlling.

[SIGNATURES TO FOLLOW]

**IN WITNESS WHEREOF**, Lessor and Lessee have executed this Fifth Amendment effective as of the day and year first above written.

**LESSOR:**

**CURRITUCK COUNTY**

\_\_\_\_\_  
WITNESS

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**LESSEE:**

**CELLCO PARTNERSHIP**

d/b/a Verizon Wireless

\_\_\_\_\_  
WITNESS

By: \_\_\_\_\_  
Name: Thomas O'Malley  
Title: Director–Network Field Engineering  
Date: \_\_\_\_\_

Attachment: Corolla - Amend #5 - 734 Ocean Trail (Verizon Tower Lease Amendment #5)



Licensee Site Name: Pine Island / 259079

**FIRST AMENDMENT TO LICENSE AGREEMENT FOR PLACEMENT  
OF COMMUNICATIONS FACILITY ON  
CURRITUCK COUNTY-OWNED TOWER**

**THIS FIRST AMENDMENT TO LICENSE AGREEMENT FOR PLACEMENT OF COMMUNICATIONS FACILITY ON CURRITUCK COUNTY-OWNED TOWER** (the "First Amendment") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 201\_, ("Effective Date") by and between **COUNTY OF CURRITUCK** ("County") and **CELLCO PARTNERSHIP d/b/a Verizon Wireless** ("Licensee"). County and Licensee are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

**WITNESSETH:**

**WHEREAS**, County and Licensee entered into a License Agreement for Placement of Communications Facility on Currituck County-Owned Tower on November 2, 2015, (the "Agreement"), whereby County granted to Licensee a license to certain space on the County's Tower and premises located at 468 Ocean Trail, Corrolla, Currituck County, North Carolina, and as further described in the Agreement (the "Premises");

**WHEREAS**, the Parties desire to amend the Agreement to modify Licensee's equipment;

**NOW THEREFORE**, in consideration of the premises and the mutual undertakings herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Exhibit "B" of the Agreement is hereby replaced and superseded in its entirety by the attached Exhibit "B-1". In the event of any discrepancies between Exhibit "B" and Exhibit "B-1", Exhibit "B-1" shall control.
2. There shall be no rental increase associated with this First Amendment.
3. This First Amendment shall be effective on the Effective Date.
4. County and Licensee each hereby warrant to the other that the person executing this First Amendment on behalf of the warranting party has the full right, power and authority to enter into, and execute, this First Amendment on that party's behalf, and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this First Amendment.
5. The Agreement and First Amendment contain all agreements, promises or understandings between County and Licensee and no verbal or oral agreements, promises or understandings shall be binding upon either the County or Licensee in any dispute, controversy or proceeding at law, and any addition, variation or modification to the Agreement and First Amendment shall be void and ineffective

Attachment: Pine Island Amendment (Pine Island 1st Amendment to Cell Tower License Agmt)

Licensee Site Name: Pine Island / 259079

unless made in writing and signed by the parties. In the event any provision of the Agreement and First Amendment is found to be invalid or unenforceable, such a finding shall not affect the validity and enforceability of the remaining provisions of the Agreement and First Amendment.

6. Except as expressly set forth herein, all other terms, covenants and conditions of the Agreement shall remain unmodified and in full force and effect, and the Parties hereby confirm and ratify such terms and conditions and agree to perform and comply with the same. In the event of a conflict between the terms of the Agreement and the terms of this First Amendment, the terms of this First Amendment shall be controlling.

**IN WITNESS WHEREOF**, County and Licensee have executed this First Amendment effective as of the day and year first above written.

**COUNTY:**

**CURRITUCK COUNTY**

\_\_\_\_\_  
WITNESS

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**LICENSEE:**

**CELLCO PARTNERSHIP**

d/b/a Verizon Wireless

\_\_\_\_\_  
WITNESS

By: \_\_\_\_\_  
Name: Thomas O'Malley  
Title: Director-Network Field Engineering  
Date: 6/22/14



Attachment: Pine Island Amendment (Pine Island 1st Amendment to Cell Tower License Agmt)

Licensee Site Name: Pine Island / 259079

**EXHIBIT "B-1"**

Licensee is authorized to install and maintain the following equipment for the Pine Island WT Site:

- 1) Four antennas
- 2) Eight RRHs
- 3) Two OVPs
- 4) Two fiber lines
- 5) Antennas mounted at the 95 foot centerline of the water tank



# County of Currituck

## Project Approval

**Application #:** 201801865  
**Property Owner:** CURRITUCK COUNTY  
**Location:** 468 OCEAN TRL  
**Parcel ID:** 012700000060000  
**Project Description:** TOWER  
**Issued Date:** 08/24/2018  
**Expiration Date:** 02/20/2019

*(IF WORK ON THE PROJECT HAS NOT COMMENCED ON OR BEFORE THE EXPIRATION DATE LISTED ABOVE, THIS PROJECT APPROVAL IS NULL AND VOID)*

### CONDITIONS OF APPROVAL:

Must schedule all required inspections, including the required final inspection upon completion of work. Call Mainland Office 232-3378 or Corolla office 453-8555 by 4 p.m. one day prior to schedule. One set of approved plans must be on site for all inspections. All work performed shall comply with the state building code and all other applicable state and local laws and local ordinances and regulations.

Replace (4) existing antennas with (4) new antennas, replace (2) existing RRHs with (2) new RRHs, install (2) new RRHs and retain (4) RRHs. Retain (2) OVPs and (2) Fiber Lines. No Change to ground equipment

Flood Zone:shaded X

Development shall be completed strictly in accordance with the site plan as noted and approved by the Planning & Community Development Department.

B	18056	COMMERCIAL ACCESSORY STRUCTURE	25.00
Z	11824	ZONING PERMIT, NON-RESIDENTIAL	
		TOTAL FEE	25.00

Attachment: 468 OCEAN TRAIL PROJECT APPROVAL (Pine Island 1st Amendment to Cell Tower License Agmt)