



**CURRITUCK COUNTY
NORTH CAROLINA**

August 5, 2019

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

4:00 PM Pre-Agenda

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

6:00 PM CALL TO ORDER

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

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

Chairman White called the meeting to order.

A) Invocation & Pledge of Allegiance

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

B) Approval of Agenda

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

Approved agenda:

Work Session

4:00 PM Pre-Agenda

6:00 PM Call to Order

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

Public Comment

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

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

- A) Economic Development Report to Commissioners

Public Hearings

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

New Business

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

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

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

E) **Consent Agenda**

1. Approval Of Minutes for July 15, 2019
2. Budget Amendments
3. Economic Improvement Council Lease Agreement
4. HCCBG Funding Distribution and Provider Contract Approval for Fiscal Year 2019- 2020
5. Designation of Commissioner Mary Etheridge as Currituck County Voting Delegate to NCACC Annual Conference

Recess Regular Meeting

Special Meeting of the Tourism

Development Authority

TDA Budget Amendments

Adjourn Meeting of the Tourism Development

Authority

Reconvene Regular Meeting

Closed Session

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

Adjourn

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

PUBLIC COMMENT

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

Chairman White opened the Public Comment period.

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

COMMISSIONER'S REPORT

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

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

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

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

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

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

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

COUNTY MANAGER'S REPORT

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

ADMINISTRATIVE REPORTS

A. Economic Development Report to Commissioners

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

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

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

PUBLIC HEARINGS

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

APPLICATION SUMMARY			
Property Owner: Eagle Auto Auction 2035 Dewald Rd Chesapeake VA 23322		Applicant: Miller Homes & Building, LLC 111 Currituck Commercial Dr Suite B Moyock NC 27958	
Case Number: PB 19-14		Application Type: Preliminary Plat	
Parcel Identification Number: 0023-000-0007-00000		Existing Use: Cultivated Farmland	
Land Use Plan Classification: Full Service		Parcel Size (Acres): 100	
Moyock Small Area Plan Classification: Limited Service		Zoning: General Business (GB)	
Number of Units: 31		Project Density: .31 units/acre	
Required Open Space: 30%		Provided Open Space: 30.39%	
ADEQUATE PUBLIC FACILITIES - SCHOOLS ¹			
School	Actual Capacity ²	Committed Capacity ²	Proposed Capacity Changes
			Number of Students
Moyock Elementary Shawboro Elementary	92%	118%	+7.75

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

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

²Capacity percentages are based on the 2021 classroom standards

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

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

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

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

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

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

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

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

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

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

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

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

Preliminary Staff Findings:

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

Applicant Findings:

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

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

Preliminary Staff Findings:

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

Applicant Findings:

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

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

Preliminary Staff Findings:

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

Relevant MSAP and 2006 LUP Policies:

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

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

Preliminary Staff Findings:

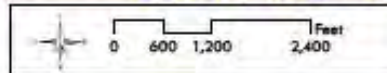
1. Schools are at or over the 2021 committed capacity in Moyock in the elementary and high school groups. The BOC may propose additional conditions of approval such as timing limits on residential building lots or units available for occupancy to ensure adequate public facilities remain sufficient to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

Applicant Findings:

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



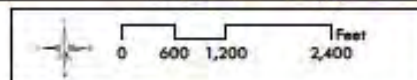
PB 19-14 Moyock Farms
Preliminary Plat/Use Permit
2016 Aerial Photography



Currituck County
Planning and
Community Development

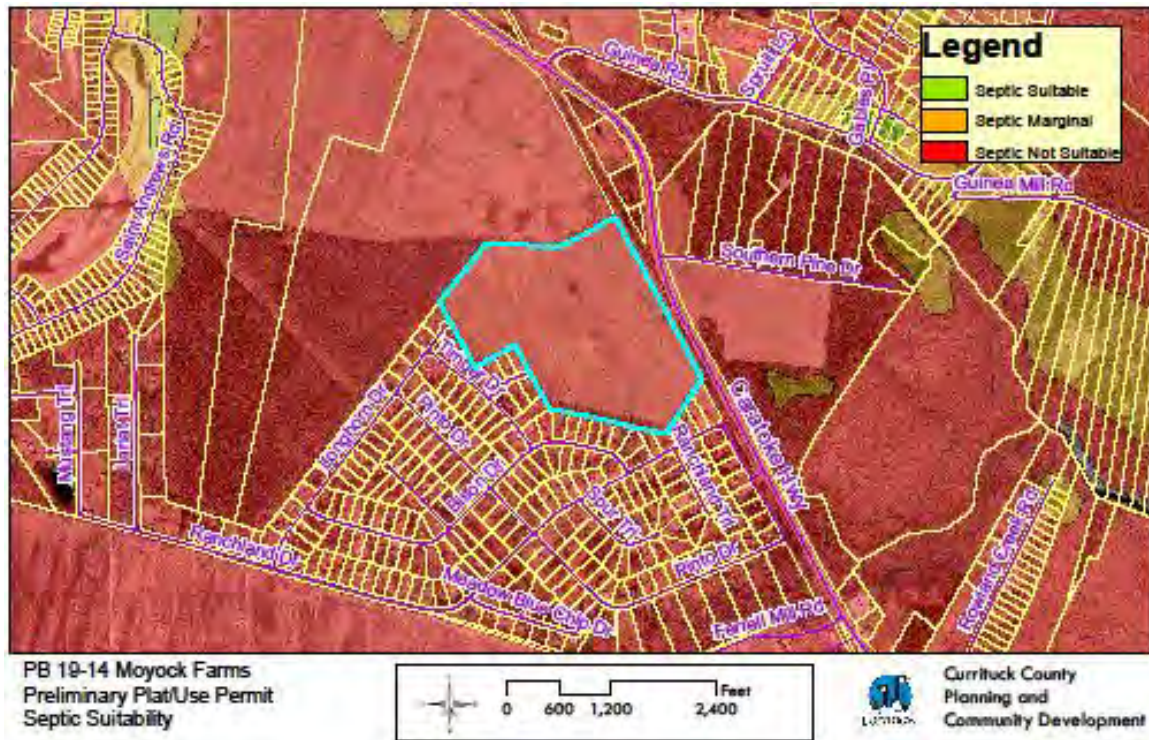


PB 19-14 Moyock Farms
Preliminary Plat/Use Permit
Zoning Map



Currituck County
Planning and
Community Development





Parties to the item were sworn in and Planning and Community Development Director, Laurie LoCicero, presented the application for a 31 lot subdivision to Commissioners. Ms. LoCicero provided information on student generation and school capacities and reviewed staff recommended conditions for approval. Ms. LoCicero responded to questions related to the recommended deceleration lane, the cluster mailbox area, the signalized railroad crossing requirement, and stormwater.

Sam Miller, applicant, and Mark Bissell, Engineer, testified before the Board. Mr. Miller said the mailbox area can be revised. He said an application has been submitted to North Carolina Department of Transportation (NCDOT) pertaining to the railroad crossing, and he relayed his discussions with Albemarle Regional Health Service about engineered septic systems. Both Mr. Miller and Mr. Bissell addressed stormwater and the proposed modifications to improve the flow of existing ditching at the property and for adjoining tracts. Mr. Miller responded to questions on clearing of vegetation at the entry. Mr. Bissell said he doesn't believe there is room for the 6-1 slope recommended by staff and would require a 36 foot wide ditch. He reviewed the proposed 3-1 slope which requires a ditch width of 18 feet.

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

Concerned with school capacities, Commissioner Mary Etheridge asked about phasing. County Attorney, Ike McRee, said phasing can be made a condition of approval. Commissioner Beaumont said the subdivision would not be a good candidate for phasing due to the small number of lots. Ms. LoCicero confirmed students generated were not enough to change the school capacity percentages.

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

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

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

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

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

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

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

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

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

Also included are staff recommendations:

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

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

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

) **Recess**

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

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

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

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

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

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

RESOLUTION AUTHORIZING INCENTIVES CONTRACT WITH BUFFALO CITY DISTILLERY, LLC

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

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

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

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

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

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

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

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

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

Section 4. This resolution is effective upon adoption.

Adopted this _____ day of August, 2019

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

(COUNTY SEAL)

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

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

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

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

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

Resolution Approving Financing Terms

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

BE IT THEREFORE RESOLVED, as follows:

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

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

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

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

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

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

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

Approved this 5th day of August, 2019

By:

Title: _Clerk to the Board

By:

Title:

Chairman, Governing Board

SEAL

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

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

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

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

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

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

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

To designate a "No Wake" Zone for the following:

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

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

ATTEST:

Bob White, Chairman

Leeann Walton, Clerk to the Board

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

NEW BUSINESS

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

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

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

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

GRANT AGREEMENT

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

WITNESSETH:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GRANTEE:

ATTEST:

CRAWFORD TOWNSHIP V.F.D., INC.

Secretary

By: _____
President

(CORPORATE SEAL)

GRANTOR:

ATTEST:

COUNTY OF CURRITUCK

Clerk to the Board

By: _____
Bob White, Chairman
Board of Commissioners

(COUNTY SEAL)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This the 5th day of August, 2019.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board of Commissioners

(COUNTY SEAL)

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

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

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

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

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

E) Consent Agenda

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

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

1) Approval Of Minutes for July 15, 2019

1. Minutes of July 15, 2019

2. Budget Amendments

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

Explanation:	Various Departments - Carry-forward items in process from prior fiscal years.		
Vendor	Description	PO Number	Amount
	Travel/Training - Tyler Cashiering		13,699
	Classified Advertising/Finance		1,500
	Travel/Training - ITS		6,700
	Contract/Capital - ITS		27,478
Pearson Pump	Well Rehab - SOBWS	20190063	4,190
Moffatt & Nichol Inc	Whealhead Drainage	20190493	54,811
Fortiline	Mainland Water Meters	20190564	11,864
Kinley-Horne	Mainland Water Modeling	20190595	1,072
Quible	Moyock Site Expansion	20190749	15,041
Quible	Moyock Design & Permitting	20190750	25,760
Albemarle & Assoc L	Flooding/Stormwater mgmt	20190754	4,400
Hazen & Sawyer	SOBWS - Sailfish Well Project	20191265	27,964
Tyler Technologies	Revaluation project	20191763	2,220
Smith & Keene	Replace Historic Courthouse	20190632	33,451
Roland Richards	Clearing for AWOS at Airport	20191997	65,125
Work Program Archit	Pattern Book Currituck Station	20191549	24,102
Destination by Design	Land Use Plan	20191649	18,000
Laughing Gull	Landscape for Governmental	20191430	6,750
Laughing Gull	Landscape for Historic	20191431	4,500
AOA Signs Inc	Signage for County Facilities	20191263	16,695
AOA Signs Inc	Signage at County Govt Center	20191516	180
AOA Signs Inc	Redraw County Seal	20191722	480
Willo Products	Service locks at the Jail	20191971	9,680
Net Budget Effect:	Operating Fund (10) - Increased by \$228,340.		
	Ocean Sands/Crowne Pointe North Watershed (16) - Increased by \$4,400.		
	Whealhead Watershed (20) - Increased by \$54,811.		
	Revaluation (28) - Increased by \$2,200.		
	Mainland Water (61) - Increased by \$12,936.		
	Solid Waste (63) - Increased by \$40,801.		
	Southern Outer Banks Water (66) - Increased by \$32,154.		

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

RECESS REGULAR MEETING

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

SPECIAL MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

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

Chairman White opened the meeting at 8:22 PM.

TDA Budget Amendments

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

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

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
15447-514500	Training & Education	\$ 9,800	
15447-545002	Historic Preservation	\$ 68,334	
15447-545795		\$ 5,095	
15447-557100	Software License Fee	\$ 1,620	
15447-590000	Capital Outlay	\$ 29,900	
15448-590000	Capital Outlay	\$ 19,084	
15390-499900	Appropriated Fund Balance		\$ 133,833
		\$ 133,833	\$ 133,833
Explanation:		Occupancy Tax (Various) - Carry forward funds for outstanding purchase orders and projects from prior fiscal years.	
Vendor	Description	PO #	Amount
	Historic Jail		\$15,071
Barrett Cameron Crook	Whalehead Boat Design	20191005	1,320
J Opperman Architect	Historic Jail	20191386	53,263
Brauer Holdings Inc	Paint Whalehead facilities	20191574	12,844
Comfort Systems of VA	HVAC Repairs	20191991	4,920
Tyler Technologies	Business License for Occ Tax	20191857	\$11,420
Johnny Bass	Paddle Camping Platforms	20191827	\$29,900
Tab Winborne	Carova Park Shower	20191266	\$5,095
Net Budget Effect:		Occupancy Tax Fund (15) - Increased by \$133,833.	

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

F. TDA Budget Amendments

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

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

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

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

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

ADJOURN MEETING OF THE TOURISM DEVELOPMENT AUTHORITY

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

RECONVENE REGULAR MEETING

Chairman White reconvened the regular meeting to hold Closed Session.

CLOSED SESSION

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

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

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

ADJOURN

Motion to Adjourn Meeting

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

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

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



**STAFF REPORT
PB 19-14 MOYOCK FARMS
PRELIMINARY PLAT/USE PERMIT
BOARD OF COMMISSIONERS
JULY 15, 2019**

APPLICATION SUMMARY

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

ADEQUATE PUBLIC FACILITIES – SCHOOLS¹

School	Actual Capacity ²	Committed Capacity ²	Proposed Capacity Changes
			Number of Students
Moyock Elementary Shawboro Elementary Central Elementary	92%	118%	+7.75
Moyock Middle Currituck Middle	82%	96%	+2.48
Currituck High JP Knapp Early College	84%	104%	+4.34

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

²Capacity percentages are based on the 2021 classroom standards

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

STAFF ANALYSIS

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

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

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

Staff has a safety concern regarding the visibility of a train approaching the crossing into the development. (Photos Attached) The railroad right-of-way is heavily vegetated in this area

and a driver may not be able to see the train along Caratoke Highway until they are on the tracks at the crossing. According to the applicant, the crossing will most likely not be signalized. The applicant must work with the railroad to ensure the safest possible crossing with clear sight lines when approaching the track crossing for both south and northbound traffic.

The county strongly recommends a signalized railroad crossing to ensure maximum safety for vehicles approaching the railroad crossing. The Institute of Transportation Engineers (ITE) publication "Trip Generation, 7th Edition" estimates an average daily trip generation rate per single-family dwelling to be 9.57 trips. This development would generate an average of 297 trips per day at this railroad crossing. A signalized intersection would move towards accomplishing the goal of the 1994 US Highway 158 and NC Highway 168 Corridor Plan "Encourage development patterns on Highway 158/168 (Caratoke Highway) that will enhance economic development in the county, will be aesthetically pleasing, and *will provide for safe and efficient movement of traffic.*" Since only one vehicle can occupy the queuing area leading into the development before the railroad tracks, a deceleration lane for south bound traffic may also be necessary.

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

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

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

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

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

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

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 Staff Findings:

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

Applicant Findings:

1. Stormwater management will be provided in accordance with the current Currituck County stormwater manual and the UDO. Two large stormwater retention ponds will be constructed to manage and retain stormwater in excess of the referenced requirements. Surrounding drainage ditches will be improved and/or new ditches constructed in parallel to improve existing drainage conditions.
2. Albemarle Regional Health Services has evaluated each of the 31 lots for suitability for wastewater disposal and has established criteria for the approval of wastewater disposal system for each lot.

3. The project is being designed in accordance with the NC Department of Energy, Mineral, and Land Resources sedimentation and erosion control standards, and will therefore minimize erosion and will contain siltation on site.
4. The subdivision entrance will involve improving an existing railroad crossing in accordance with NCDOT and Genesee & Wyoming standards. Roadway connectivity is also being provided to the adjacent Fost property.

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

Preliminary Staff Findings:

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

Applicant Findings:

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

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

Preliminary Staff Findings:

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

Relevant MSAP and 2006 LUP Policies:

1. MSAP Policy TR2: Ensure that all development is designed with an interconnected, multi-modal transportation network between neighborhoods, activity centers, and other destinations to improve mobility and emergency access. Development of an interconnected road network for local residential traffic is strongly encouraged. (The development is connecting streets and sidewalks to the Fost Planned Development.)
2. MSAP Policy IS4: Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas. (Stormwater staff has expressed a concern for ponding on the site. The developer has a plan to improve drainage on this site and areas of Ranchland subdivision.)
3. MSAP Policy FLU1: Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. (The development has similar densities to existing surrounding subdivisions and the applicant is proposing to reforest open space to add a visual buffer around the sides and rear of the property.)
4. MSAP Policy CC1: Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town main street feel consistent with the vision, policies, and future land use of this plan. (The development is rural in nature with two plus acre lots and over 30% open space.)

5. LUP Policy ES1: New development shall be permitted to locate only in areas with SUITABLE SOIL and where ADEQUATE INFRASTRUCTURE is available. For existing development located on poor soils and where sewage treatment upgrades are necessary, engineer solutions may be supported, provided that environmental concerns are fully addressed. (County water is available to the site and ARHS is requiring engineered designed septic systems for each lot.)
6. LUP Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location. (At .31 units per acre, the density well below the 2-4 units per acre allowed in the LUP.)
7. LUP Policy TR4: ACCESS TO THE COUNTY'S MAJOR ROADWAYS shall be managed so as to preserve the intended purpose of the highway, protect taxpayer dollars invested, and minimize hazardous turning movements in and out of traffic flows. (The applicant must work directly with the railroad and NCDOT to establish a safe railroad crossing, sight lines, and stacking area. At TRC, the applicant indicated that NCDOT did not prefer a signalized intersection. Staff recommends a signalized intersection.)
8. LUP Policy TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. (The development is connecting its roads and sidewalks to the Fost Planned Development.)
9. LUP Policy PP2 Currituck County shall continue to implement a policy of ADEQUATE PUBLIC FACILITIES, sufficient to support associated growth and development. (Schools are at or over planned capacity in Moyock. The BOC may require phasing of the project and limit the number of lots allowed within each phase. Other public facilities are sufficient to serve the development.)

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

Preliminary Staff Findings:

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

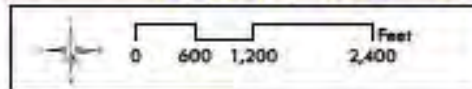
Applicant Findings:

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

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



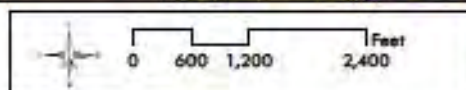
PB 19-14 Moyock Farms
Preliminary Plat/Use Permit
2016 Aerial Photography



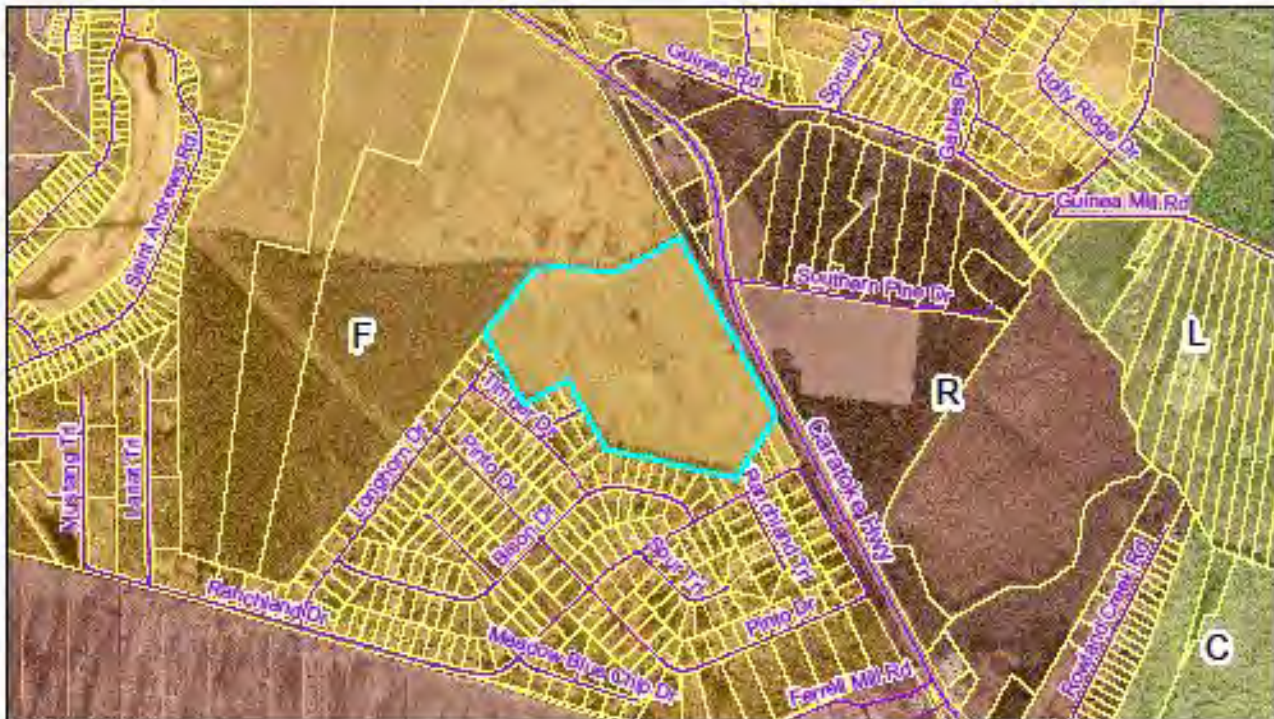
Currituck County
Planning and
Community Development



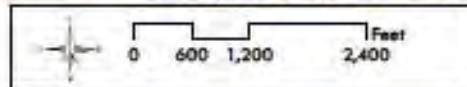
PB 19-14 Moyock Farms
Preliminary Plat/Use Permit
Zoning Map



Currituck County
Planning and
Community Development



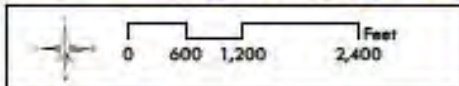
PB 19-14 Moyock Farms
Preliminary Plat/Use Permit
2006 LUP Classification



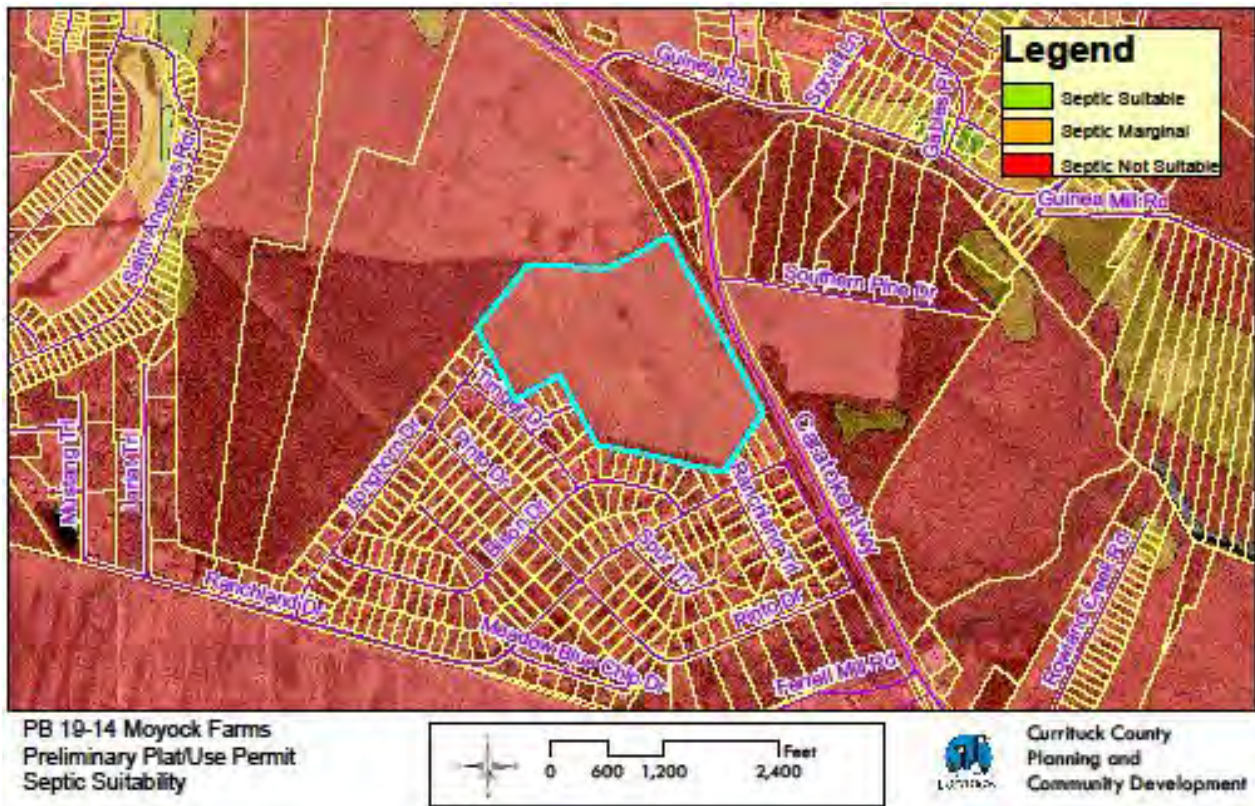
Currituck County
Planning and
Community Development



PB 19-14 Moyock Farms
Preliminary Plat/Use Permit
Moyock SAP Classification



Currituck County
Planning and
Community Development



July 3, 2019 Photos



Northbound Approaching Entrance



Northbound Immediately after entrance



Southbound Approaching Entrance



Southbound Entrance



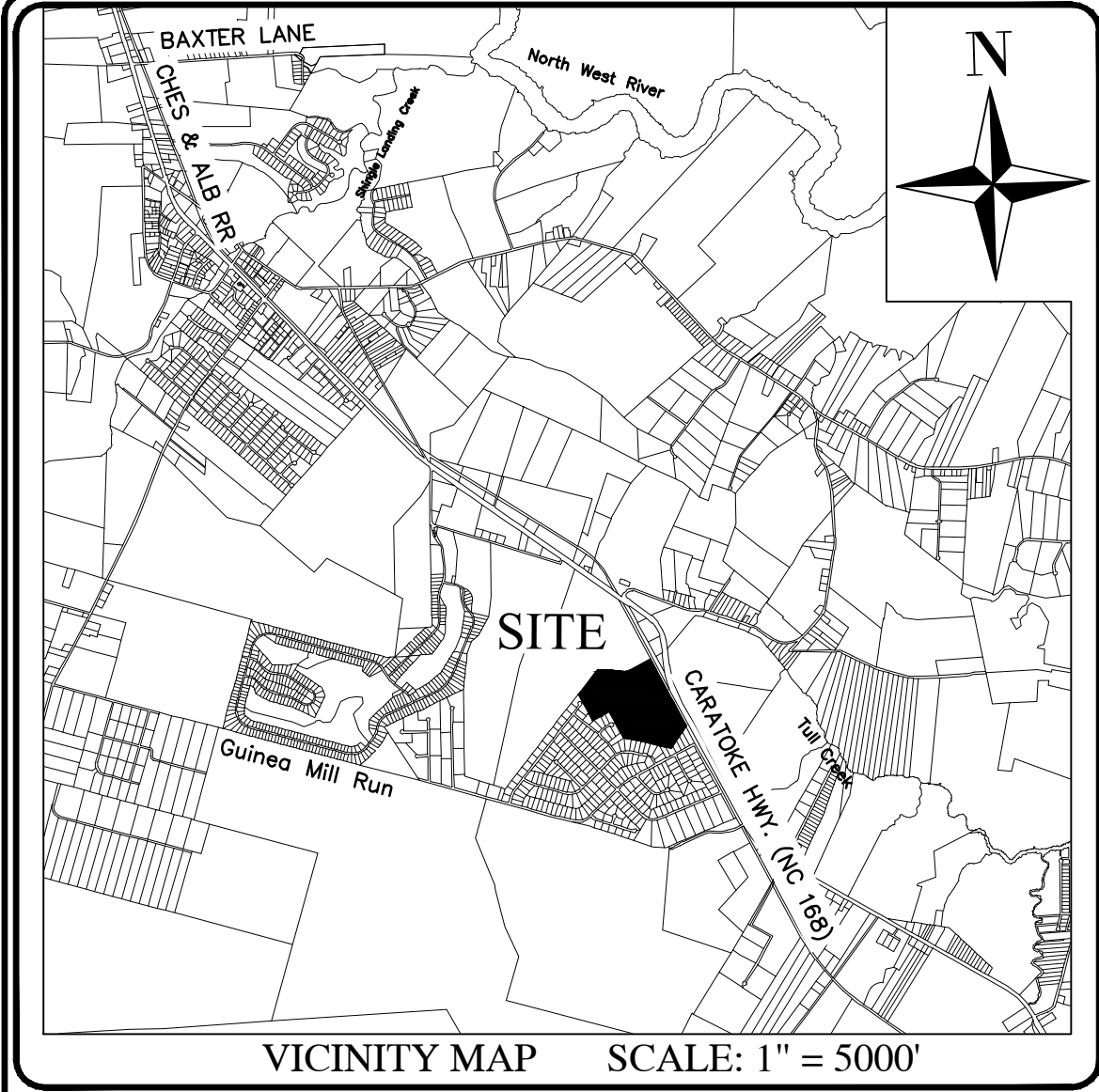
Southbound Immediately Past Entrance

Attachment: 1 PB 19-14 Moyock Farms PP UP Staff Report BOC 7-15-19 (PB 19-14 Moyock Farms)

July 3, 2019 Photos Continued
Stacking Area



Attachment: 1 PB 19-14 Moyock Farms PP UP Staff Report BOC 7-15-19 (PB 19-14 Moyock Farms)



MOYOCK FARMS

A 31 PARCEL TRADITIONAL SUBDIVISION

MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

Sheet
Number

Sheet Title

1

COVER SHEET, DEVELOPMENT NOTES & SITE LOCATION

2

EXISTING CONDITIONS & SITE FEATURES PLAN

3

31 LOT TRADITIONAL PLAN OF SUBDIVISION

4

STORMWATER DRAINAGE, WATER SERVICE & LANDSCAPING PLAN

5

TYPICAL WASTEWATER SYSTEM & SITE CONSTRUCTION DETAILS

GENERAL NOTES:

- PROJECT NAME: MOYOCK FARMS
- APPLICANT: MILLER HOMES & BUILDING
111 CURRITUCK COMMERCIAL DRIVE
SUITE B
MOYOCK, NC 27958
 - OWNER: EAGLE AUCTION INC.
2035 DEWALD RD.
CHESAPEAKE, VA 23322
 - PROPERTY DATA:
PARCEL ID#: 0023-000-0007-0000
PRIMARY ADDRESS: 1216 CARATOKE HWY.
MOYOCK, NC
RECORDED REFERENCES: D.B. 846, PG. 39
 - PROPERTY ZONING: GB
 - F.I.R.M. DATA:
ZONE X, F.E.M.A. F.I.R.M. MAP PANELS 372180400 K, 8031 AND 8030 CID. 370078, EFFECTIVE DATE DECEMBER 21, 2018. USE OF LAND WITHIN A FLOODWAY OR FLOOD PLAIN IS SUBSTANTIALLY RESTRICTED BY CHAPTER 7 OF THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.
 - THIS PROPERTY CONTAINS NO ACOE "404" JURISDICTIONAL WETLANDS.
 - A 15' EASEMENT FOR UTILITIES AND DRAINAGE ALONG REAR AND SIDE PROPERTY LINES AND A 15' EASEMENT ALONG FRONT PROPERTY LINES IS HEREBY ESTABLISHED.
 - A NON-EXCLUSIVE DRAINAGE EASEMENT IS HEREBY DEDICATED ACROSS ALL OPEN SPACE AREAS FOR PURPOSES OF OPERATION AND MAINTENANCE OF STORMWATER MANAGEMENT SYSTEM.
 - EXISTING CONDITION INFORMATION BASED ON A COMBINATION OF THE FOLLOWING:
 - 2019 FIELD SURVEY DATA OBTAINED BY BISSELL PROFESSIONAL GROUP
 - FIELD TOPOGRAPHIC SURVEY DATA BY BISSELL PROFESSIONAL GROUP
 - ELEVATIONS ARE REFERENCED TO NAVD 1988 VERTICAL DATUM.
 - SUBDIVISION IS DESIGNED FOR SINGLE FAMILY DWELLINGS OF LESS THAN 4,800 S.F. AND NO GREATER THAN 2 STORIES.
 - AVAILABLE WATER SUPPLY IS 1034 GPM PER COUNTY GIS.
 - A NON-EXCLUSIVE DRAINAGE EASEMENT IS HEREBY DEDICATED ACROSS ALL OPEN SPACE AREAS. A 25' DRAINAGE EASEMENT IS HEREBY ESTABLISHED FROM THE TOP OF BANK OF ALL DITCHES DRAINING 5 OR MORE ACRES, WHICH MAY EXTEND BEYOND DEDICATED OPEN SPACE AREAS ONTO SOME LOTS.
 - A 25 FT. EASEMENT IS HEREBY ESTABLISHED ALONG ALL LOTS ABUTTING A STREET RIGHT-OF-WAY FOR THE PLANTING AND MAINTENANCE OF STREET TREES.
 - A 10 FOOT PEDESTRIAN WALKWAY EASEMENT IS HEREBY ESTABLISHED ALONG THE FRONTAGE OF ALL CUL-DE-SAC LOTS.
 - ALL NEW UTILITIES SHALL BE INSTALLED UNDERGROUND.
 - OPEN SPACE AREAS ARE TO BE REFORESTED.
 - A PAYMENT IN LIEU OF RECREATION AND PARK AREA DEDICATION WILL BE PROVIDED IN ACCORDANCE WITH CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE. PAYMENT IN LIEU OF RECEIVED BY THE COUNTY SHALL BE USED ONLY FOR THE ACQUISITION AND DEVELOPMENT OF RECREATION PARK AREAS, AND OPEN SPACE SITES CONSISTENT WITH THE REQUIREMENTS OF THE NORTH CAROLINA GENERAL STATUTES SECTION 153A-331.

S:\projects\4672 Auto Auction Cars\Preliminary Plans\467200PP1.dwg 6/24/2019 2:02 PM up Designer 17500 RS 16x3,2x3

SURVEYOR'S CERTIFICATION
I, MICHAEL D. BARR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED AND DESCRIPTION RECORDED IN BOOKS REFERENCED); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOKS REFERENCED; 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.

THIS IS TO CERTIFY THAT THIS 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 _____

DAY OF _____, A.D., 2019.

SIGNATURE L-1756

DEVELOPMENT NOTES:

TOTAL TRACT AREA:	100.00 AC.
PROPOSED LOT AREA:	64.53 AC.
PROPOSED R/W AREA:	5.08 AC.
REQUIRED OPEN SPACE (30%):	30.00 AC.
OPEN SPACE PROVIDED:	30.39 AC. (30.39%)
(PRIMARY CONSERVATION AREA):	0.00 AC.
(REFORESTATION AREA):	30.39 AC.
# OF PROPOSED LOTS:	31 LOTS
AVERAGE LOT AREA:	90,675± S.F.
PROPOSED RIGHT-OF-WAY WIDTH:	50 FT.
PROPOSED PAVED ROADWAY WIDTH:	20 FT. E.O.P.-E.O.P.
LINEAR FEET OF ON-SITE ROADWAY:	4,398 L.F.±
LOT DEVELOPMENT CONFIGURATION:	
LOT AREAS: VARY FROM 77,412 S.F. TO 106,051 S.F.	
MINIMUM LOT WIDTH:	125 FT. (EXCEPT CUL-DE-SAC LOTS)
SETBACKS:	
FRONT:	30 FT.
SIDE:	15 FT.
BACK:	25 FT.
CORNER SIDE YARD:	25 FT.

RECREATION /PARKLAND FEE-IN-LIEU IS \$8,406.75. (TOTAL TAX VALUE \$1,062,800/100 = 10,628 PER ACRE X (31 LOTS X 0.791) = \$8,406.75.

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 DEDICATED 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, NORTH CAROLINA, 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 _____, 20____

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

REQUIRED IMPROVEMENTS CERTIFICATE

I HEREBY CERTIFY THAT ALL IMPROVEMENTS REQUIRED BY THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE HAVE BEEN INSTALLED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY BISSELL PROFESSIONAL GROUP, AND SAID IMPROVEMENTS COMPLY WITH CURRITUCK COUNTY SPECIFICATIONS.

DATE _____ REGISTERED LAND SURVEYOR/ENGINEER _____

REGISTRATION NUMBER _____

ADJACENT ACTIVE FARMLAND STATEMENT

AS OF THE RECORDED DATE OF THIS PLAT, SOME PORTIONS OF THIS DEVELOPMENT ADJOIN LAND USED FOR ACTIVE AGRICULTURE PURPOSES THAT IS ANTICIPATED TO GENERATE NOISE, LIGHT, DUST, OR VIBRATION AS PART OF ITS NORMAL OPERATION.

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.

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 _____

LEGEND	
	ROADWAY CENTERLINE
	RIGHT-OF-WAY
	PROPERTY BOUNDARY
	ADJOINING PROPERTY LINE
	EXISTING DITCH CENTERLINE
	PROPOSED SWALE W/ FLOW ARROW
	PROPOSED SWALE HIGH POINT
	EXISTING GRADE CONTOUR
	EXISTING CULVERT
	PROPOSED CULVERT
	PROPOSED DRAINAGE STRUCTURE
UTILITY LEGEND	
	12WL
	WL
	EXISTING WATER LINE
	PROPOSED WATER LINE (SIZE AS NOTED)
	PROPOSED FIRE HYDRANT ASSEMBLY
	PROPOSED WATER SERVICE
	PROPOSED VALVE
	PROPOSED BLOW-OFF ASSEMBLY

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 _____

REVIEW OFFICER 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 _____

Bissell Professional Group
Firm License # C-656
111 Currituck Commercial Drive
P.O. Box 1038
Moyock, North Carolina 27949
Cell: 757.266.1038
Fax: (252) 281-1760

BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

COVER SHEET, DEVELOPMENT
NOTES & SITE LOCATION

THIS DOCUMENT IS THE SOLE PROPERTY OF BISS, INC. CREATIVITY, HONOR, NORTH CAROLINA. THE REPRODUCTION, IN WHOLE OR PART, OR THE MODIFICATION OF ANY DETAIL OR DESIGN IS NOT TO BE MADE WITHOUT THE WRITTEN PERMISSION OF BISS, INC. BISS, INC. IS THE SOLE PROPRIETOR OF THIS DOCUMENT.

MOYOCK FARMS
CURRITUCK COUNTY
MOYOCK TOWNSHIP
NORTH CAROLINA

PRELIMINARY LAND DEVELOPMENT PLAN

REVISIONS		BY	DATE
NO.	DESCRIPTION		

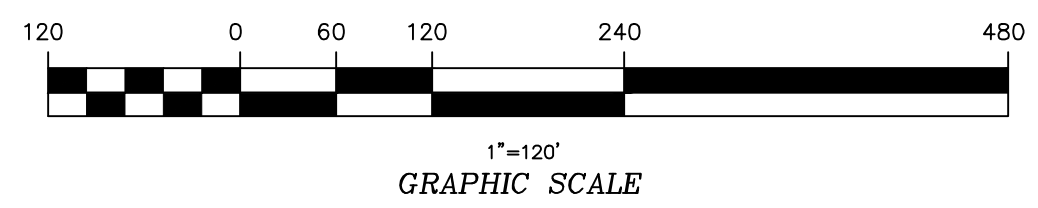
**PRELIMINARY
DO NOT USE FOR
CONSTRUCTION**

DATE: 05/16/19 SCALE: 1"=120'
DESIGNED: BPG CHECKED: MSB
DRAWN: KFW APPROVED: BPG
SHEET: 1 OF 5
CAD FILE: 467200PP1
PROJECT NO: 4672

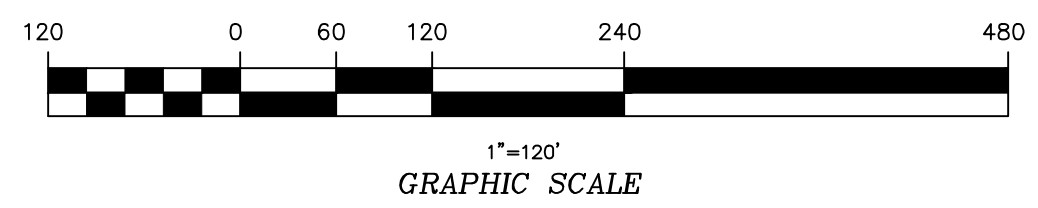
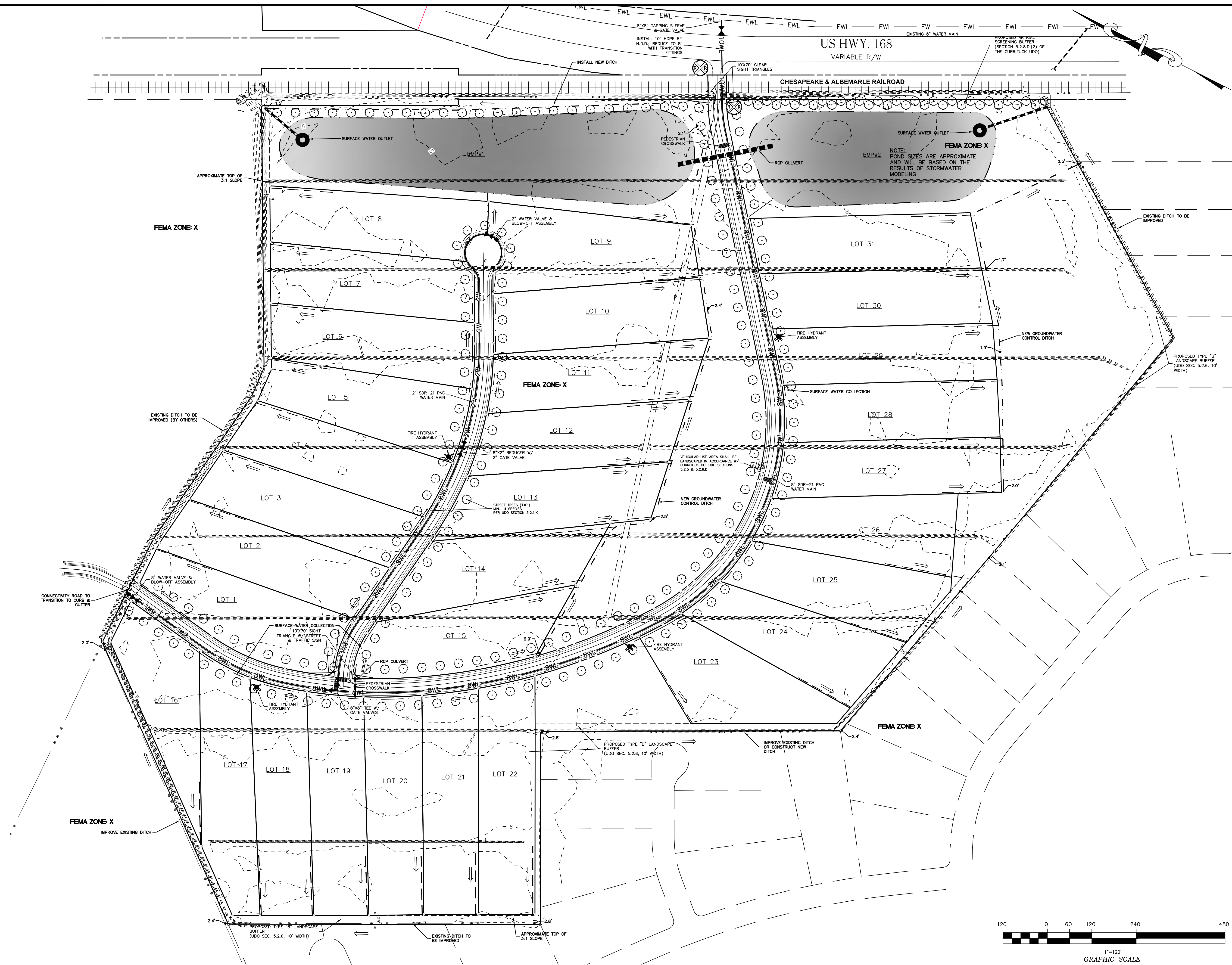
CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C37	153.59	1645.00	153.53	N35° 27' 19"W	5'20.58"
C38	157.73	1406.70	157.65	N29° 48' 01"W	6'25.28"
C42	154.02	1525.89	153.93	N22° 52' 12"W	7'02.37"
C43	158.15	1382.25	157.81	N4° 26' 38"W	12'16.27"
C47	150.78	585.00	150.36	N0° 07' 04"W	14'46.04"
C53	29.62	625.00	29.62	S51° 27' 38"W	2'42.56"
C54	155.65	625.00	155.24	S59° 57' 10"W	14'16.07"
C58	154.99	625.00	154.60	S74° 11' 29"W	14'12.31"
C62	126.51	625.00	126.29	S87° 05' 40"W	11'35.51"
C66	136.61	625.00	136.33	N80° 43' 12"W	12'42.25"
C71	136.96	625.00	136.68	N68° 07' 20"W	12'33.19"
C75	57.61	624.94	57.59	N59° 12' 15"W	5'16.54"
C76	71.83	1645.02	71.83	S5° 18' 45"W	2'30.07"
C81	82.63	358.39	82.45	S54° 32' 10"W	13'17.35"
C82	94.16	408.39	93.95	S54° 32' 10"W	13'12.35"
C83	735.95	575.00	686.73	N86° 46' 11"E	73'20.01"
C84	346.92	1595.00	346.93	S50° 19' 57"E	12'27.43"
C85	300.35	1645.00	299.29	S48° 49' 52"E	10'27.40"

Lot 1: 101 Nittany Ct
Lot 2: 103 Nittany Ct
Lot 3: 105 Nittany Ct
Lot 4: 107 Nittany Ct
Lot 5: 109 Nittany Ct
Lot 6: 111 Nittany Ct
Lot 7: 113 Nittany Ct
Lot 8: 115 Nittany Ct
Lot 9: 112 Nittany Ct
Lot 10: 110 Nittany Ct
Lot 11: 108 Nittany Ct
Lot 12: 106 Nittany Ct
Lot 13: 104 Nittany Ct
Lot 14: 102 Nittany Ct
Lot 15: 100 Nittany Ct
Lot 16: 213 Tarpheel Dr
Lot 17: 211 Tarpheel Dr
Lot 18: 209 Tarpheel Dr
Lot 19: 207 Tarpheel Dr
Lot 20: 205 Tarpheel Dr
Lot 21: 203 Tarpheel Dr
Lot 22: 201 Tarpheel Dr
Lot 23: 117 Tarpheel Dr
Lot 24: 115 Tarpheel Dr
Lot 25: 113 Tarpheel Dr
Lot 26: 111 Tarpheel Dr
Lot 27: 109 Tarpheel Dr
Lot 28: 107 Tarpheel Dr
Lot 29: 105 Tarpheel Dr
Lot 30: 103 Tarpheel Dr
Lot 31: 101 Tarpheel Dr

NOW OR FORMERLY
IRIS ANN OCONNOR
D.B. 117, PG. 196
P.C. D, SL. 315

Attachment: 2 6-24-19_Moyock Farms PrelimPlans (PB 19-14 Moyock Farms)

S:\projects\4672 Auto Auction Cars Preliminary Plans\467200PP1.dwg 6/24/2019 2:03 PM HP DesignJet 17500 PS 160x220x3



REVISIONS	
NO.	DESCRIPTION

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

DATE:	05/16/19	SCALE:	1"=120'
DESIGNED:	BPG	CHECKED:	MSB
DRAWN:	KFW	APPROVED:	BPG
SHEET:	4	OF	5
CAD FILE:	467200PP1	PROJECT NO.:	4672

PROJECT: **MOYOCK FARMS**
NORTH CAROLINA
MOYOCK TOWNSHIP
CURRITUCK COUNTY

STORMWATER DRAINAGE, WATER
SERVICE & LANDSCAPING PLAN

PRELIMINARY LAND DEVELOPMENT PLAN

BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors
and Environmental Specialists

Bissell Professional Group
Firm License # C-656
Professional Engineer
P.O. Box 108
1000 North Carolina Highway
2749
Cape Fear, North Carolina 27449
TEL (336) 796-1100
FAX (336) 281-1760



Currituck County

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

MEMORANDUM

To: Mark Bissell, Bissell Professional Group
 Sam Miller, Miller Homes & Building LLC

From: Tammy D. Glave, CZO
 Senior Planner

Date: June 19, 2019

Re: PB 19-14 "Moyock Meadows", Preliminary Plat/Use Permit

The following comments have been received for the June 19, 2019 Technical Review Committee meeting. Please provide necessary corrections prior to June 24, 2019 in order to be placed on the July 15, 2019 Board of Commissioners' agenda. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comments:

1. Schools are approaching or at capacity in Moyock. The BOC may require phasing of the project and limit the number of lots allowed within each phase.
2. Moyock Meadows is a duplicate subdivision name and must be changed. (Administrative Manual)
3. Have the property owner sign the application and provide the fully executed application. (Administrative Manual)
4. An agreement from the railroad company must be submitted that clarifies that a subdivision road right-of-way and utilities will be allowed to cross through the railroad right of way. An email is acceptable at this time. A fully executed encroachment agreement will be required at construction drawing submittal.
5. Please add panels 8031 and 8030 to Flood Zone note (Note 5).
6. Side setbacks in the GB zoning district are 15', not 10'. (UDO Section 3.5.2)
7. Major arterial streetscape landscaping is required on the subject property where the subject property is within 100' of Caratoke Highway's right-of-way. (UDO Table 5.2.8)
8. Please call out the easement for future connection for the street stub/sidewalks to the Fost property. (UDO Section 5.6.5.B and 5.6.10)
9. Call out 5' non access easements on corner lots (Lots 1 and 15) on the street with the most traffic. (UDO Section 10.3.3)
10. Call out pedestrian crossings and how they will be delineated. (UDO Section 5.6.10)
11. It appears that the sidewalk is across the cul-de-sac lots and not in the right-of-way. If this is the case, please provide the pedestrian access easement across those lots. (UDO Section 5.6.10)
12. Please call out the Reserve Utility Open Space. (UDO Section 6.2.3)
13. At final plat, the county will be accepting a fee-in-lieu of recreation and park area dedication. (UDO Section 6.5)
14. Call out the sight triangles for the main entrance. (UDO 10.3.4)

Attachment: 3 PB 19-14 Moyock Farms TRC Comments 6-19-19 (PB 19-14 Moyock Farms)

Currituck County Building and Fire Inspections (Bill Newns, 252-232-6023)

Reviewed with comment:

Fire

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

Inspection Comments

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

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

Reviewed with comment:

1. The Parcel ID Number should be: 002300000070000
2. There is already a subdivision in Currituck County called "Moyock Meadows."
3. Address Assignment:
 - Lot 1: 101 Nittany Ct
 - Lot 2: 103 Nittany Ct
 - Lot 3: 105 Nittany Ct
 - Lot 4: 107 Nittany Ct
 - Lot 5: 109 Nittany Ct
 - Lot 6: 111 Nittany Ct
 - Lot 7: 113 Nittany Ct
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 Lot 26: 111 Tarheel Dr
 Lot 27: 109 Tarheel Dr
 Lot 28: 107 Tarheel Dr
 Lot 29: 105 Tarheel Dr
 Lot 30: 103 Tarheel Dr
 Lot 31: 101 Tarheel Dr

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

Reviewed without comment.

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

Reviewed without comment.

1. Will this development cause any drainage issues for Ranchland Subdivision? It seems that in a larger rain/storm event that the Moyock Meadows Property may accept stormwater runoff from Ranchland Subdivision.
2. Will the proposed ditch on the south side of the property in between Ranchland and Moyock Meadows potentially benefit Ranchland drainage?

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

Reviewed with comment:

1. CONSULT WITH KEVIN CARVER RS AT 252-232-6603 CONCERNING SEPTIC SYSTEM APPROVAL FOR ALL LOTS THAT MAKE UP THIS PROPOSED SUBDIVISION.

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

Reviewed with comment:

1. Driveway permit for the change of use and encroachment agreement for the waterline connection are needed.

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

Reviewed without comment.

US Post Office (Moyock)

Contact the local post office to determine required method of mail delivery.

Comments Not Yet Received from:

Currituck County Water Department (Yama Jones, 252-232-2769)
 Currituck County Engineer (Eric Weatherly 252-232-6035)

The following items are necessary for resubmittal:

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

Tammy Glave

From: Sam Miller <smiller@laurelwoodsestates.com>
Sent: Wednesday, June 19, 2019 3:12 PM
To: Tammy Glave
Subject: Fwd: Crossing for new residential development - Moyock, NC
Attachments: Grade Crossing Application - GWR rev 4-23-2018 (2).pdf

----- Forwarded message -----

From: **Mary Cole** <mary.cole@gwrr.com>
 Date: Wed, Jun 19, 2019, 2:06 PM
 Subject: RE: Crossing for new residential development - Moyock, NC
 To: Sam Miller <smiller@laurelwoodsestates.com>

Hi Sam,

The crossing information that you provided (Crossing #465404F) appears to be the right number as the milepost number lines up but the latitude/longitude sets it further north of the actual crossing. I also managed to find in our database that Eagle Auctions does have an active private road crossing agreement with the railroad since 2005. The agreement states that it was to be a fully signalized crossing with gates but by the street view it is not. Since the crossing usage will be different from what Eagle Auctions intended to use it for, a crossing application will need to be submitted. I have attached the application for your convenience. Crossing plans will also need to be submitted for review and approval. Requirements for safety features (signs, signals, gates, etc.) will need to be determined once the application and plans are received. Please note that there are some upfront fees that will need to be remitted with the application. There is an application fee of \$1,000.00 and a base engineering review fee of \$1,750.00. The engineering review fee can be more but will depend on the complexity of the crossing. Engineering will inform you (or me) if additional monies are required. In order for me to start the process for approval I will need the application and fees totaling \$2,750.00. The contractor that will be constructing/rehabbing the crossing will need to submit for a Right of Entry to access the premises. The fee for a 60 day window is \$1,750.00. If more than one contractor will be in the railroad's premises (such as grade crossing contractor and signal contractor) both will need separate Right of Entry agreements. Here is a link to the application process: https://www.gwrr.com/real_estate/accessing_property

I assume that it will take time before the NC DOT agrees to take over maintenance responsibilities for the crossing, therefore the Crossing Agreement will need to stay in place until the Easement to the NC DOT is granted. What this means is that it will be the responsibility of the developer/Home owner's association to maintain crossing (as possible signals) at their expense. The crossing will incur an annual fee for access over the railroad's property until such time. This fee will be based on the width and safety features (signals, gates, etc.) needed at the crossing. Approval of an Easement will also depend on Norfolk Southern.

Since this will be a residential neighborhood I would assume that utilities will also need to be installed. If proposed utilities will be crossing the railroad's corridor, applications for each utility will need to be submitted and contractor's application for access (Right of Entry). Here is a link to our website that provides applications and information regarding the processing:

Attachment: 4 RR Email (PB 19-14 Moyock Farms)

https://www.gwrr.com/real_estate/utility_occupancies

https://www.gwrr.com/real_estate/accessing_property

Please make the check(s) payable to the Chesapeake & Albemarle Railroad and forward to me to the address below my name.

Let me know if you have any questions.

Thanks,

Mary Cole

Manager – Real Estate

Coastal Region

13901 Sutton Park Drive South, Suite 160

Jacksonville, FL 32224

(904) 900-6302

(904) 223-5278 fax

From: Sam Miller <smiller@laurelwoodsestates.com>

Sent: Wednesday, June 19, 2019 11:13 AM

To: Mary Cole <mary.cole@gwrr.com>

Subject: Re: Crossing for new residential development - Moyock, NC

Yes, confirmed.

Thanks,

Sam

On Wed, Jun 19, 2019, 11:06 AM Mary Cole <mary.cole@gwrr.com> wrote:

Attachment: 4 RR Email (PB 19-14 Moyock Farms)

Hi Sam,

Can you please confirm that the below crossing circled in red on the aerial is indeed the crossing that you and I spoke about on the telephone a short while ago?

Thanks,

Mary Cole

Manager – Real Estate

Coastal Region

13901 Sutton Park Drive South, Suite 160

Jacksonville, FL 32224

(904) 900-6302

(904) 223-5278 fax

Attachment: 4 RR Email (PB 19-14 Moyock Farms)

From: Kevin Carver [kcarver@arhs-nc.org]
Sent: Thursday, May 23, 2019 7:33 AM
To: Sam Miller
Cc: mark@bissellprofessionalgroup.com
Subject: Flora Farm / Eagle Aucon site, 31 lots, Moyock adjacent to Ranchland Sub.

Sam,

The proposed 31 lots will be considered provisionally suitable with the modifications listed in the individual site evaluations along with the letter drafted by Dave Meyer (Licensed Soil Scientist).

Thank you,

Kevin Carver, REHS, LSS
Environmental Health
Albemarle Regional Health Services

This e-mail message may contain information that is privileged, confidential, and exempt from disclosure. It is intended for use only by the person to whom it is addressed. If you have received this message in error, please do not forward or use this information in any way. Delete it immediately and contact the sender as soon as possible by the reply option. You may also report this to the ARHS Privacy/Security Officer at 252-337-6716



4114 Laurel Ridge Drive
Raleigh, North Carolina 27612

Protocol Sampling Service, Inc.
"Experts in Environmental Compliance"

(919) 210-6547

Protocolsampling@yahoo.com
Environmentalservicesnc.com

May 6, 2019

Mr. Sam Miller
Miller Homes & Building, LLC
111 Currituck Commercial Dr., Suite B
Moyock, NC 27958

Re: Soil and Hydrogeologic Investigation
Eagle Auction Site
NC 168 – Caratoke Highway
Moyock, Currituck County, North Carolina
Protocol Project No. 19-37

Dear Mr. Miller:

The subject property that will be developed into a 31-lot residential subdivision was inspected by Protocol Sampling Service, Inc., personnel on Wednesday, February 27, 2019 and Wednesday and Thursday April 3 and 4, 2019. Protocol personnel inspected the proposed development by advancing three (3) five-foot temporary 1-inch diameter piezometers, one (1) twenty-foot soil boring for lithologic description, setting temporary pumping and observation wells and performing a short aquifer test to determine aquifer coefficients, ground water flow direction, permeable layer sieve testing and ditch flow efficiency. The resultant coefficients were then entered into the Colorado Mound Model to determine the expectant mound height under a typical sand backfilled trench (SBT) disposal system (Preliminary Land Development Plan – attached).

The site is located to the west of NC 168 and south of Moyock, North Carolina, with elevations ranging from 6.64 feet msl in the western section of the property to 4.18 in the northeast corner of the property to 2.56 feet msl in the southeast corner of the property. The ground water flow direction was determined to be toward the southeastern portion of the property to the existing ditch along the Ranchland Subdivision property at a gradient of 0.001 ft/ft. The seasonal high water table was found to be 15 inches below land surface (bls) and the static water table was found to vary from 1.10 feet below the soil surface in the western portion of the property to 1.03 feet bls in the central portion of the property to 1.77 feet bls in the eastern portion of the property. This variation is due to the effectiveness of the on-site interior drainage ditches. The permeable portion of the soil profile (lab Sieve Analysis – attached) found at 1.69-feet msl exhibited excellent structure (granular), consistence (friable) and texture (silt loam) from a depth of three to five-feet below land surface. A silty clay loam is found from five to ten-feet bls where a moderately well sorted fine sand is found which runs to at least 15-feet bls.

Field data collected from the aquifer test revealed a transmissivity of 108 ft²/day in an aquifer at least 20-feet thick. This information was entered into the Artificial Recharge computer program authored by Dave Molden, D.K. Sunada and Jim Warner with Colorado State University also known as the Colorado Mound Model, (January 1984). The attached results printout shows that a typical SBT disposal system disposing a total daily waste water volume of 480 gallons at an effective LTAR of 0.2 gpd/ft² will create a mound height

of 0.067 feet at 720 days with equilibrium being reached at 240 days. Two feet of fill will be required to maintain 24-inches of separation beneath the drain lines. The distance to the nearest stream (Ground water Control Drain) was entered as 100 feet, even though they will be installed 25-feet from the perimeter of the disposal system footprint as shown on the attached Preliminary Land Development Plan Spec Sheet. As expected, a very small mound will form beneath the disposal field before the effluent begins to migrate toward the nearest line sink.

Prior to installing the drain lines, the existing soil should be removed down to at least 36-inches below the existing grade. The excavation should be filled with clean loamy fine sand (Type I) that closely replicates the texture of the existing subsurface layer. A two-foot mound of Type I soil should be used for the drain field. The long-term acceptance rate (LTAR) in this area should not exceed 0.20 gallons-per-day-per-square-foot (gpd/ft²) for the proposed SBT disposal system.

By artificially raising the drain field area with an additional 2-feet of suitable fill material, installing the drain lines at the original soil surface elevation, adhering to the recommended LTAR, crowning the mound to at least a 1% slope to shed rain water and using proper project wide engineering controls as shown on the Preliminary Land Development Plan, a 24-inch aerobic effluent treatment zone should be maintained below the drain field trenches.

Conclusions and recommendations of this report are based on best available data, collected within budgetary constraints of the proposal. It is the premise of this effort that the information collected and analyzed is representative of a reasonable effort to understand an existing problem. No guarantee is expressed or implied that new or additional data will not be required at a later time. The findings presented herein represent Protocol Sampling Service, Inc.'s professional opinion based on our site and soils evaluation and knowledge of the current laws and rules governing on-site wastewater systems in North Carolina. The Albemarle Regional Health Services must make final approval of the subsurface discharge system. Any concurrence with the findings of this report would be made at that time.

Please call me at (919) 210-6547 if you have any questions or comments.

Sincerely,
Protocol Sampling Service, Inc.



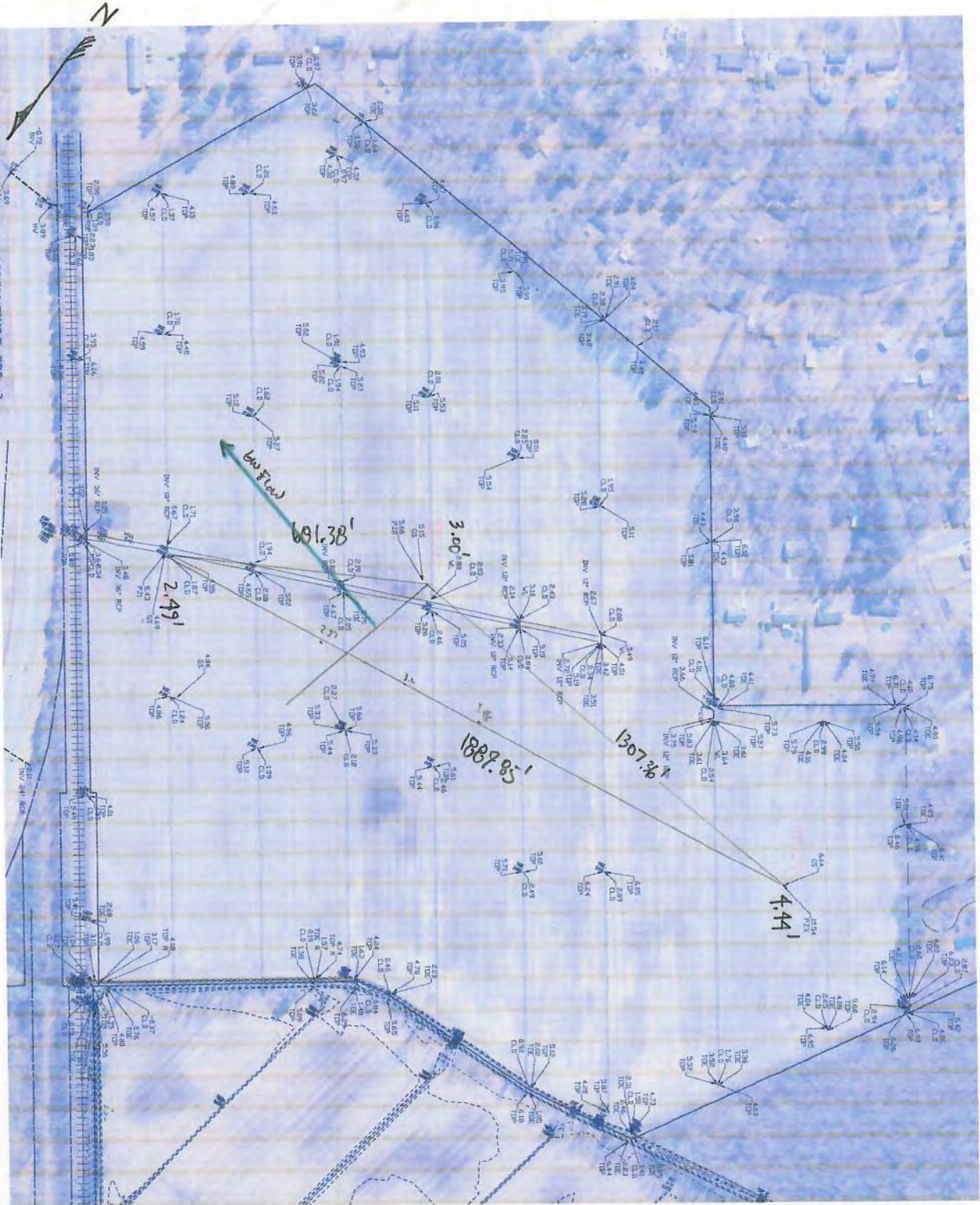
David E. Meyer, N.C.L.S.S.
 President

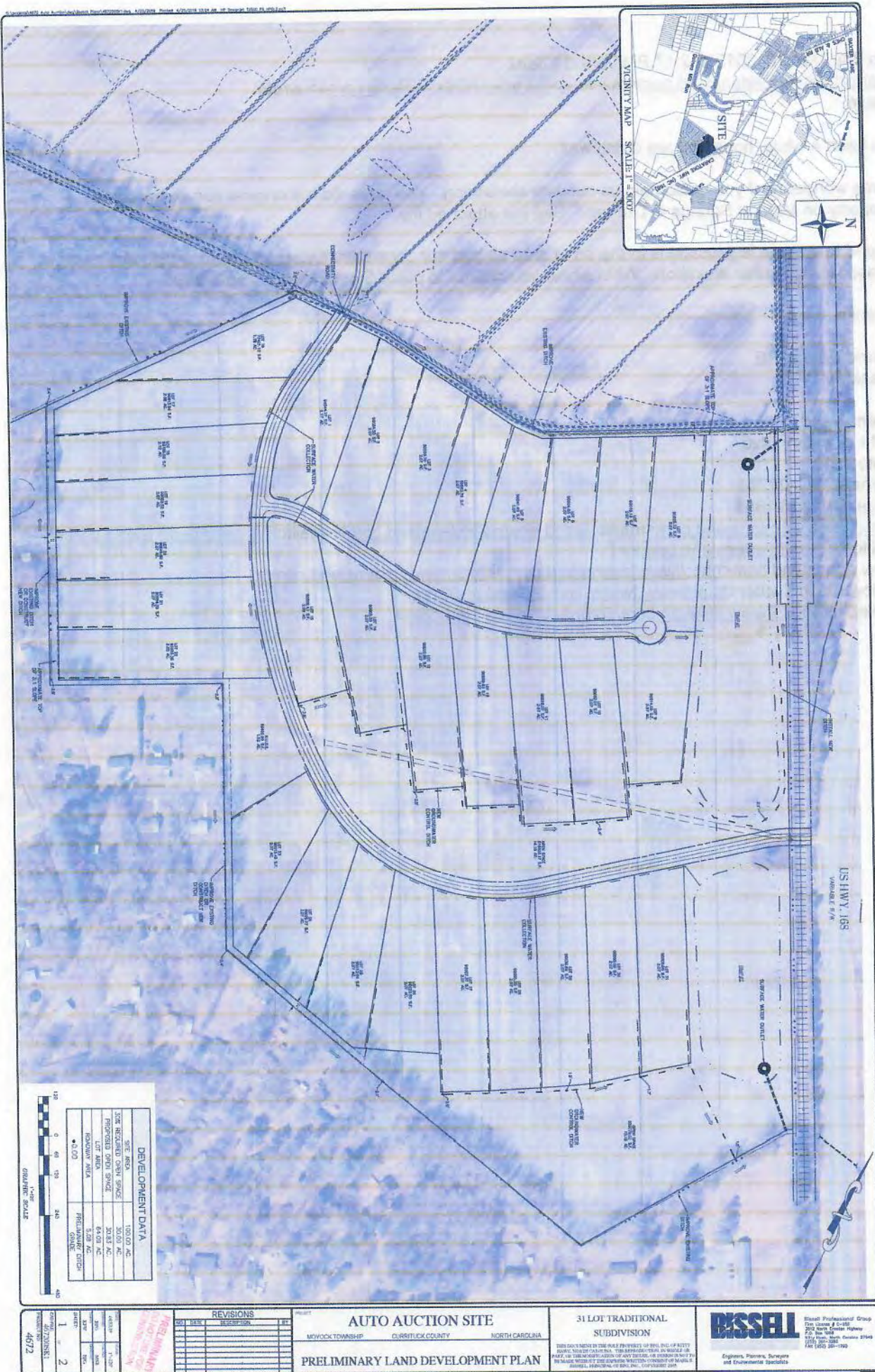


cc: Mr. Mark Bissell, P.E., Bissell Professional Group, Inc.
 file

Ground Water Flow Direction Map

Attachment: 5 Soil Scientists Report (PB 19-14 Moyock Farms)



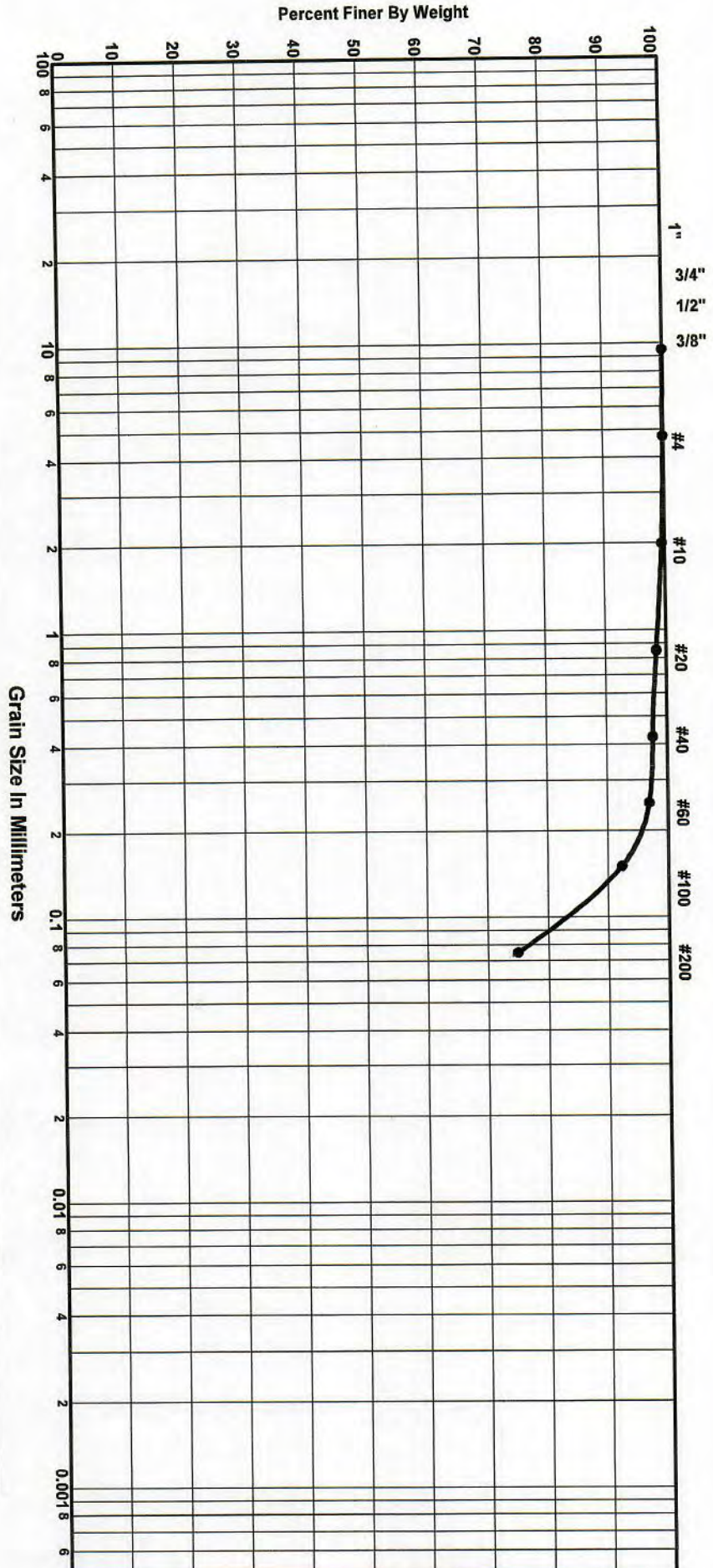




RUSSELL Russell Professional Group
Two, Thomas G. C. 100
340 North Greiner Highway
P.O. Box 1058
1377 North, North Carolina 27947
(352) 261-3848
FAX (352) 261-1380


Engineers, Planners, Surveyors
and Environmental Specialists

U.S. Standard Sieve Sizes



Grain Size In Millimeters

GRAVEL		SAND			FINES	
COARSE	FINE	COARSE	MEDIUM	FINE	SILT SIZES	CLAY SIZES

Boring No.	Elev./Depth	Nat. W.C.	L.L.	P.L.	P.I.	Soil Description or Classification
S-1	1.6' ; 3/8" MSL					Light Gray Fine Sandy Silt (silt loam)
Project: Moyock Currituck Co., NC						Job No.: 1-19-0166-CA Date Received: _____ Date: 3/13/19 Dates Tested: _____
GRAIN SIZE DISTRIBUTION  3200 Wellington Court, Ste 108 Raleigh, NC 27615						

COLORADO MOUND MODEL
SBT Disposal System

Recharge Rate = **0.03 ft/day (0.20 gpd/ft²)**

Transmissivity = 100 ft²/day

Specific Yield = 0.15

Beginning Time = 1 days

Final Time = 720 days

Beginning Distance = 0 feet

Final Distance = 100 feet

Depth = 1.5 feet (SHWT)

Field Width = 75 feet

Field Length = 100 feet

Angle = 0 degrees

Stream Distance = 100 feet

Time (Days)	Distance (feet)	Projected Mound Height (feet)
30	0	0.06
60	0	0.065
90	0	0.066
360	0	0.067
720	0	0.067

Currituck County
Preliminary Engineering Stormwater Management
Plan Report
Narrative and Basis of Design

Project:

Moyock Meadows Subdivision

Moyock Township, Currituck County, North Carolina

Prepared By:

Bissell Professional Group

P.O. Box 1068
3512 N. Croatan Highway
Kitty Hawk, North Carolina 27949

May 22, 2019

STORMWATER MANAGEMENT NARRATIVE:

PROPOSED DEVELOPMENTAL ACTIVITIES

The intent of the stormwater management design, to the maximum extent possible, is to employ best management practices through the use of vegetative conveyances, vegetative buffers and wet-detention BMP's to serve the proposed development. As a whole, the development will consist of 31 residential single family home lots served by standard swale-section NCDOT roads located on an existing 100 acre tract of land. The proposed Moyock Meadows subdivision will be accessed directly from Caratoke Highway and will have connectivity to the adjacent Fost tract. The tract adjoins the Ranchland Subdivision in Moyock Township, Currituck County, North Carolina.

The proposed developmental activities include the following:

- a) Construction of 31 single family residential home parcels with a 2+ acre average lot size
- b) Construction of about 4,265 l.f. of typical asphalt subdivision road with one cul-de-sac and a connection to the north
- c) Waterline Improvements
- d) Drainage and Stormwater BMP Improvements
- e) Sidewalks and street trees

SITE SOILS

The following is a summary of the soils typically found within the project boundary limits.

SOIL DESCRIPTION

The eastern 20% of the site is composed of:

Ro: Roanoke Fine Sandy Loam: Nearly level, poorly drained soil on broad flats and in slightly depressed waterways. Permeability is slow with a seasonal high water table at or near the surface. Permeability in the first 45" of soil is described as being 0.06 in/hr – 0.2 in/hr.

The remainder of the site has been mapped:

Ca: Cape Fear loam: Nearly level, very poorly drained soil on broad flats and narrow strips adjacent to small drainageways. Permeability is slow with a seasonal high water table at or near the surface. Slopes range from 0 to 2 percent.

- *Information referenced from United States Department of Agriculture, Soil Conservation Service, Soil Survey of Currituck County, North Carolina*

EXISTING SITE TOPOGRAPHY AND DRAINAGE FEATURES

The site's topography is gently sloping toward the east typically from about 6' to 6.5' msl down to about 4' at the eastern edge of the site near the railroad. The site is surrounded on 3 sides by property line ditches, as follows:

The Rowland Creek Canal runs along the northern property line and then crosses under Caratoke Highway and past Rowland Creek Estates and then becomes free flowing.

The Ranchland Outlets run along the northwest, west, south and southeast property lines. The northwestern portion connects to Rowland Creek; the southern portion flows under Caratoke Highway and eventually connects to Guinea Mill Canal.

On site, there is a series of 2- to 3-foot deep farm ditches which run north to south, draining the larger part of the existing farmland to the existing property line ditches.

Land use in the area is a combination of farming and residential development.

METHODOLOGY OF MANAGING STORMWATER RUNOFF

In addition to NCDEQ's low-density permitting requirements, the development will also be designed in accordance with Currituck County's UDO and the Stormwater Management Plan requirements for Major Subdivisions as outlined in the County's Stormwater Manual and as follows.

"Currituck County requires that all major subdivisions provide adequate stormwater controls to retain the-post development 10-year, 24-hour peak discharge so that it does not release a peak discharge greater than the 2-year, 24 hour peak discharge using a wooded site condition, regardless of actual pre-development site conditions."

STORMWATER RUNOFF COLLECTION AND MANAGEMENT

Based on existing site conditions and the layout of the proposed development, drainage will be collected and run into two stormwater basins, labeled BMP-1 and BMP-2 on the attached overview sheet. The two BMP's will be interconnected with a culvert running north-south parallel to the railroad to allow the basins to work together as a unit. An outlet control structure will be installed in each BMP.

The building areas of the lots (front portion of each lot) will drain to the roadway swales and then will be directed into the BMP's. Groundwater control ditches will be constructed around the back of the lots to control water levels in the septic system areas in accordance with the soil scientist's recommendations.

The Rowland Creek canal and the portion of the Ranchland Outlet that adjoins the Fost property has been committed for improvement by the developer of that property. The right of entry has been granted for that purpose. If the Ranchland property owners agree, the remainder of the Ranchland Outlets that run along the Moyock Meadows property line will be deepened as necessary to make the site drainage system function properly, including putting them on a positive grade and laying back the side slopes, at least on the Moyock Meadows side of the property line. If no agreement is forthcoming, a new parallel ditch will be constructed entirely on the Moyock Meadows property.

In general, rainfall runoff from the residential lots will sheet flow overland into vegetative side property line swales. Runoff from the roadways will be collected by typical roadway swales. The property line and roadway swales will convey runoff to the wet-detention BMP's, and drawdown from the BMP's will be handled via typical drawdown devices with orifices and overflow will be managed through typical spillways. Discharge from both drawdown devices, and the overflow spillways will be directed into the adjacent ditches which will convey it to existing outlets to the east.

Property line swales will act as broad, shallow, vegetative filters, constructed with side slopes of 3:1 or greater and vegetated with grass. Longitudinal slopes are being kept relatively flat, to provide for low velocity flows, thereby aiding infiltration and sediment removal. This practice is also described as passive in accordance with best management practices.

STORMWATER MANAGEMENT OVERVIEW

The following information is in conformance with the Currituck County Unified Development Ordinance:

- 1) Proposed impervious coverage of less than 24% for each residential lot.
- 2) Provision of vegetative conveyance swales along proposed property lines and roadway swales to collect and transport stormwater runoff from all impervious surfaces to the two proposed BMPs.
- 3) Provision of two wet-detention BMP's with a drawdown devices and overflow spillways that outlet to adjacent ditches. The property line ditches will be evaluated and improved as necessary and permitted to improve their flow characteristics. The BMP's will be designed to manage the design storm plus 6" of freeboard.
- 4) Minimum Building Pad Elevations will be prescribed lot by lot based on exceeding the backwater elevations based on the stormwater modeling that will be performed at the construction drawing stage.
- 5) Minimum First Floor Elevations will also be prescribed by lot based on exceeding the stormwater flood stage elevation plus freeboard.

OPERATION & MAINTENANCE

SCHEDULE OF COMPLIANCE

The developer shall maintain the responsibility for the stormwater management system until at which time a Property Owner's Association assumes responsibility. The stormwater measures are to be installed and maintained as follows:

- A. The BMPs, swales and other vegetated conveyances shall be constructed, vegetated, and maintained to be operational.
- B. During construction, erosion shall be kept to a minimum and any eroded areas of the swales or other vegetated conveyances will be repaired immediately.
- C. The following operation & maintenance measures must be performed on all stormwater management measures for optimum efficiency of the stormwater management system;
 1. Inspections- at least (1) every 6 months or after any significant rainfall event.
 2. Sediment Removal - at least (1) every 6 months or after any significant rainfall.
 3. Mowing, and revegetating of the side slope once a month.
 4. Immediate repair of eroded slopes.
 5. General maintenance of side slopes in accordance with approved plans & specs.

PRELIMINARY STORMWATER MANAGEMENT CALCULATIONS

BMP-1:

SURFACE AREA – APPROX 200,000 SQ FT = 4.59 ACRES

AVAILABLE VOLUME FROM 3.0' TO 4.0' = 200,000 CUBIC FEET

BMP-2:

SURFACE AREA – APPROX 130,000 SQ FT = 2.98 ACRES

AVAILABLE VOLUME FROM 3.0' TO 4.0' = 130,000 CUBIC FEET

COMBINED VOLUME BELOW FREEBOARD LEVEL: APPROX. 330,000 CUBIC FEET

RUNOFF FROM DEVELOPED AREAS:

ROADWAY SURFACES:	94,000 SQ. FT.
SIDEWALKS:	45,000 SQ. FT.
LOT COVERAGE: 31 X 4,000 =	<u>124,000 SQ. FT.</u>
TOTAL:	263,000 SQ. FT.

10-YEAR RUNOFF VOLUME FROM IMPERVIOUS AREAS:

$263,000 \times 0.5' = 131,500 \text{ CU. FT.}$

CAPTURING ALL RUNOFF FROM IMPERVIOUS AREAS WILL RAISE WATER LEVEL IN COMBINED BMP'S ABOUT 0.4 FT.

MODELING WILL BE BASED ON CAPTURING THE DIFFERENCE BETWEEN THE RUNOFF FROM A 2-YEAR WOODED CONDITION SITE AND A 10-YEAR DEVELOPED SITE.



Major Subdivision Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

Name: Miller Homes & Building, LLC
 Address: 111 Currituck Commercial Drive, Ste. B
Moyock, NC 27958
 Telephone: (252)435-6402
 E-Mail Address: smiller@laurelwoodsestates.com

PROPERTY OWNER:

Name: Eagle Auctions, Inc.
 Address: 2035 Dewald Road
Chesapeake, VA 23322
 Telephone: (757) 487-3464
 E-Mail Address: mhockett1@gmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Request

Physical Street Address: 1216 Caratoke Highway, Moyock, NC 27958

Parcel Identification Number(s): 0015-000-0086-0000

Subdivision Name: _____

Number of Lots or Units: 31

Phase: _____

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.

[Signature]
 Property Owner(s)/Applicant*

5/17/19
 Date

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

Community Meeting, if applicable

Date Meeting Held: _____ Meeting Location: _____

**RESOLUTION AUTHORIZING INCENTIVES CONTRACT
WITH BUFFALO CITY DISTILLERY, LLC**

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

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

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

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

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

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

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

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

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

Section 4. This resolution is effective upon adoption.

Adopted this _____ day of August, 2019

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

(COUNTY SEAL)

Resolution Approving Financing Terms

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

BE IT THEREFORE RESOLVED, as follows:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated August 1, 2019. The amount financed shall not exceed \$25,000,000.00 the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.52%, and the financing term shall not exceed ten (10) years from closing.

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

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

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

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

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

Approved this 5th day of August, 2019

By: _____

Title: Clerk to the Board

By: _____

Title: Chairman, Governing Board

SEAL

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

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

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

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

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

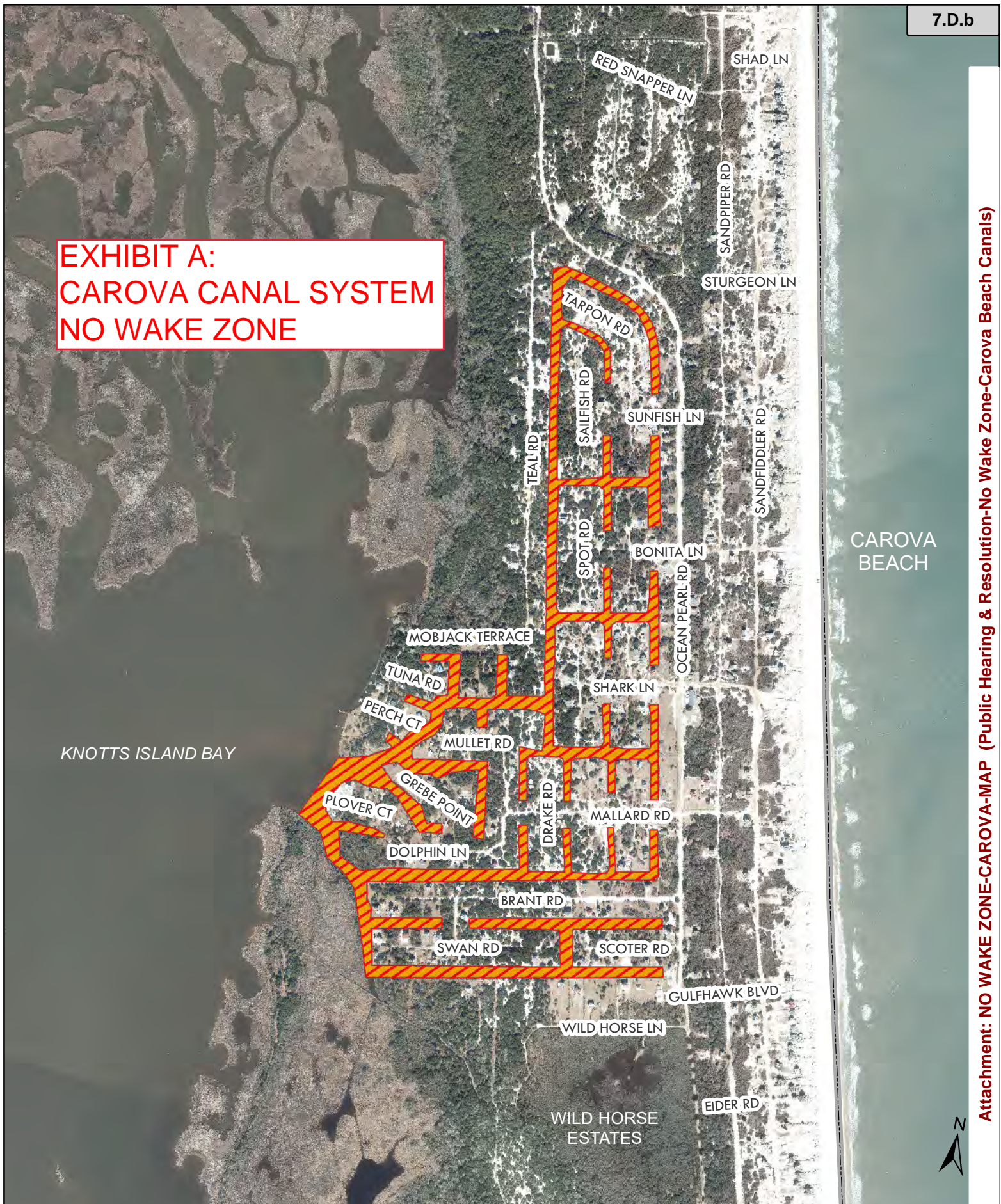
Adopted, this the 5th day of August, 2019.

ATTEST:

Bob White, Chairman

Leeann Walton, Clerk to the Board

**EXHIBIT A:
CAROVA CANAL SYSTEM
NO WAKE ZONE**



Proposed Carova Canals
"No Wake" Zone



Carova Canals No Wake Zone Area



NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX

SECTION 1:

Name of organization/entity: Currituck County Board of Commissioners

Primary contact information: Leeann Walton, Clerk to the Board 252-232-2075 Ext. 4002

Leeann.Walton@currituckcountync.gov

Exact location of requested no-wake zone:

Body of water and County: canals off of Knotts Island Bay, Currituck
County Currituck

Location: Carova Beach, Wild Horse Estates

Popular name of area, if any: Carova Beach Canals

Width of No-Wake Zone: Narrowest Point: 36 ft Widest Point: 670 ft

Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc) multiple canals within the Wild Horse Estates subdivision at the Carova Beach off-road area. Canals are shallow with many blind turns. There are two entrances into the canals from their beginning, at Plover Court.

Attach map of designated no-wake zone

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact

Attach detailed reason given from point of contact for the request

Boat traffic enters from Knotts Island Bay at high speeds. Travelling at unregulated speeds through the narrow twisting canals is dangerous. Other canal communities in Currituck County are no-wake zones.

Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e.; Intracoastal Waterway?

YES ☒

NO ☐

(When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.)

SECTION 2:

PUBLIC SAFETY HAZARD

What public safety hazard exists? This is a high activity area especially in the summer months, within the proposed no-wake zone there are multiple 90 degree turns as well as narrow channels.

Is this a public swimming or recreational area?

NO ☐

YES ☒ would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate? ROPED SWIM AREA ☐

NO-WAKE BUOYS ☒

SECTION 3:

NAVIGATIONAL HAZARDS

Identify any and all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS ☐ (Identify) _____

NARROW CHANNEL ☒ (give approximate width) 73 ft

SHALLOW WATER ☒ (give average depth) Depths vary with some areas as shallow as a foot of water with thick mud.

OBSTRUCTED VISION ☒ (for approximately how great a distance) 10 plus 90 degree turns covering an area approximately 200 ft.

STRUCTURES (Check all applicable)

☐ DAM

☐ LOCK

☐ SPILLWAY

☐ JETTY

☐ FLOOD CONTROL STRUCTURE

☐ SUBMERGED STRUCTURE

☐ TRESTLE

☒ SANDBAR

- | | |
|---|---|
| <input type="checkbox"/> POWER LINE | <input checked="" type="checkbox"/> SHOAL |
| <input type="checkbox"/> FUELING DOCK | <input checked="" type="checkbox"/> PRIVATE DOCKS |
| <input type="checkbox"/> RESTAURANT DOCKS | <input type="checkbox"/> BRIDGE |
| <input checked="" type="checkbox"/> ACCESS AREA/BOAT LAUNCH | <input type="checkbox"/> PIER |

OTHER (list and describe) _____

SECTION 4:

If approved, will the no-wake zone extend into a designated channel?

NO ☒

YES ☐ (if yes, identify on map)

What is the total distance boaters will travel at a no-wake speed _____ 1.5 miles _____

Estimated time to travel for boaters through the proposed no-wake zone at no-wake speed 20
minutes.

SECTION 5:

List any other known incidents, safety concerns or problems that have occurred?

=====

Rate traffic density in this area from light to heavy **LIGHT** 1 2 3 4 5 6 7 8 9 10 **HEAVY**

Is traffic density specific to weekend/and or holidays? Yes, during the summer months the traffic level is high.

Does traffic density or ability to maneuver a vessel due to traffic cause safety issues? YES ☒
 NO ☐ Due to the narrowness of the canal it becomes very congested and the 90-degree blind turns cause a hazard.

Rate the likelihood of an incident occurring in this area compared to other similar areas on this same body of water **VERY UNLIKELY** 1 2 3 4 5 6 7 8 9 10 **MORE LIKELY**

SECTION 6:

OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

YES: ☒

NO: ☐

Reasons:

Due to the narrowness of the canals within the proposed zone and the number of 90-degree blind curves is a safety concern especially in the high traffic times during the summer months. Within the proposed zone there is also an increase in kayak activity during the summer months with companies running tours.

Officer: Jarrett Culbreth #193

Date: 05/09/2019



**COUNTY OF CURRITUCK
NOTICE OF PUBLIC
HEARING**

**NO WAKE ZONE-CAROVA
BEACH CANALS**

TAKE NOTICE that the Currituck County Board of Commissioners will hold a Public Hearing on August 5, 2019 at 6:00 PM, or as soon thereafter as reached, at the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina, to receive comment on a request that the North Carolina Wildlife Resources Commission amend Section 15A NCAC 10F.0340 of the North Carolina Administrative Code to designate No Wake Zones for the Carova Beach Canal system. Please contact the Clerk to the Board of Commissioners, Leeann Walton at 252-232-2075, or via email to Leeann.Walton@CurrituckCountyNC.gov, for further information.

This, the 17th day of July, 2019.
Leeann Walton
Clerk to the Board of Commissioners

7-17C

WEDNESDAY, JULY 10, 2019

THE COASTLAND TIMES

Public Notices



**COUNTY OF CURRITUCK
NOTICE OF PUBLIC
HEARING**

**NO WAKE ZONE-CAROVA
BEACH CANALS**

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This, the 17th day of July, 2019.
Leeann Walton
Clerk to the Board of Commissioners

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This instrument has been preaudited
in the manner required by the Local
Government Budget and Fiscal
Control Act

Finance Officer

GRANT AGREEMENT

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

WITNESSETH:

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

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

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

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

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

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

Attachment: Crawford Fire Dept Grant Agreement 081519 (Fire Apparatus Purchases-Crawford Twp VFD)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GRANTEE:

CRAWFORD TOWNSHIP V.F.D., INC.

ATTEST:

Secretary

By: _____

President

(CORPORATE SEAL)

GRANTOR:

COUNTY OF CURRITUCK

ATTEST:

Clerk to the Board

By: _____

Bob White, Chairman
Board of Commissioners

(COUNTY SEAL)

Attachment: Crawford Fire Dept Grant Agreement 081519 (Fire Apparatus Purchases-Crawford Twp VFD)

Number 20200008

BUDGET AMENDMENT

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
29690-590000	Capital Outlay	\$ 122,750	
29390-499900	Appropriated Fund Balance		\$ 122,750
		<u>\$ 122,750</u>	<u>\$ 122,750</u>

Explanation: Equipment Replacement (29690) - Increase appropriations for for fire apparatus for the Moyock Volunteer Fire Department. Total County cost is \$361,250.

Net Budget Effect: Fire Equipment Replacement Fund (29) - Increased by \$361,250.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Budget Amends-Aug 5 GenMtg-Moyock Fire (Fire Apparatus Purchase-Moyock VFD)

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

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

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

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

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

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

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

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

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

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

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

This the 5th day of August, 2019.

Bob White, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board of Commissioners

(COUNTY SEAL)

QUOTE



**Pricing for some of the products included in this quote may be impacted by Section 301 List 3: the proposed China tariff. In the event that the tariff is implemented, we will be forced to pass it on to the market. The actual price of these items may increase up to the rate of the tariff that is imposed. **

CUSTOMER NO	QUOTING BRANCH	QUOTE NO	QUOTE DATE	PAGE
210315	FORTILINE RALEIGH	5859311	6/03/19	1

CUSTOMER	PROJECT INFORMATION
COUNTY OF CURRITUCK PO 20090085-000 446 MAPLE ROAD MAPLE, NC 27956	KAMSTRUP 5/8 X 3/4" METERS

LINE	QTY	UOM	DESCRIPTION	UNIT PRICE	TOTAL PRICE
			MATERIAL QUOTE REQUESTED BY DAVE SPENCE 6/3/19		
70	1800	EA	5/8X3/4 FLOWIQ 2100 METER COMP 02U-56-C04-8UX **ORDER/CONFIG CODE REQUIRED**	160.0000	288,000.00
630	100	EA	EXT ANTENNA F/FLOW IQ METER 6.5FT CABLE 66-97-143	25.0000	2,500.00
90	1	EA	READY CONVERTER US ADVANCED 6696200020 READING EQUIPMENT READY CONVERTER ADVANCED KIT C/O TWO ANTENNA, TWO READY CONVERTERS, TWO CAR CHARGERS TWO WALL CHARGERS	1,799.0000	1,799.00
520	1	EA	BLUETOOTH OPTICAL HEAD W/CHARGER 6696006	700.0000	700.00
560	1	EA	INFRARED OPTICAL READING HEAD W/USB PLUG 6699099	300.0000	300.00
160	1	EA	READY DRIVE-BY 1601-2400 SWARE SOFTWARE 6696055 ONE TIME FEE, TIERED SOFTWARE READY MANAGER AMR UP TO 2,400 METERS	2,945.0000	2,945.00

ALL STOCK DELIVERIES ARE SUBJECT TO SHIPPING CHARGES

All PVC and HDPE material is quoted for shipment within 7 days of quote/bid date. All other material is quoted for shipment within 30 days of quote/bid date.
After 7 days for PVC and HDPE or 30 days for all other material, ALL quoted prices are subject to review based on current market conditions.

210315	KAMSTRUP 5/8 X 3/4" METERS	5859311	6/03/19	2
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210	1	EA	FORTILINE MTR PRJCT MANAGEMENT	2,000.0000	2,000.00
250	1	EA	AMR HOSTING F/1601-2400 PTS SUBSCRIPTION ANNUAL FEE, TIERED	1,868.0000	1,868.00
400	1	EA	LRG SYSTEM INTERFACE >800 MP ONE TIME FEE NOTE: UTILITY IS RESPONSIBLE FOR ANDROID DEVICES AND POLYMER LIDS ***PRICING GOOD 30 DAYS***	2,800.0000	2,800.00
				Subtotal:	302,912.00
				Tax:	20,446.56
				Bid Total:	323,358.56

ALL STOCK DELIVERIES ARE SUBJECT TO SHIPPING CHARGES

All PVC and HDPE material is quoted for shipment within 7 days of quote/bid date. All other material is quoted for shipment within 30 days of quote/bid date.
After 7 days for PVC and HDPE or 30 days for all other material, ALL quoted prices are subject to review based on current market conditions.



July 19, 2019

Kamstrup Water Metering, LLC

245 Hembree Park Drive, Ste. 110
Roswell, GA 30076

Mr. Dave Spence,

We greatly appreciate your interest in Kamstrup and look forward to working with you to advance Currituck County's water metering technology for many years to come.

As Fortiline is the sole and exclusive distributor of Kamstrup AMR and AMI meters for the state of North Carolina, we are very fortunate to work closely with their entire team and can verify that they have several fully qualified resources to ensure you are supported on multiple levels in addition to Kamstrup's customer service and technical personnel.

Should you need any information regarding Kamstrup meters or related technology, please let us or Fortiline know and we'll be happy to help.

We are always available – please feel free to call at any time.


Sincerely,

Jim

Jim Kiles, GISP

704.771.3981
JDK@Kamstrup.com
www.kamstrup.com

Think

	ADMINISTRATIVE PROCEDURES		
	SUBJECT: Board of Commissioners Out of County Travel		
	EFFECTIVE DATE: September 4, 2018	SUPERSEDES: All previously issued Board of Commissioners Out of County Travel procedures.	APPROVED BY: Board of 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.



CURRITUCK COUNTY NORTH CAROLINA

July 15, 2019

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:00 PM Dune Protection Ordinance Discussion

The Currituck County Board of Commissioners held a work session at 4 PM to discuss dune protection. Laurie LoCicero, Planning and Community Development Director, began with a review of current dune excavation and setback requirements per Coastal Area Management Act (CAMA) regulations and presented an initial draft of a Dune Protection Ordinance that had been discussed at the Commissioners' 2019 Board retreat. She said a Planning Board review resulted in a request for a stakeholder meeting. A stakeholder meeting was held at the request of the Planning Board and Ms. LoCicero reported comments that mostly revolved around dune setback revisions and installation or repair of pools and other structures within the setback area.

Commissioners discussed dune integrity, grandfathering existing pools and structures for maintenance or replacement, the number of properties affected and how they would be impacted by revised setbacks, CAMA enforcement, and post-construction stabilization and recovery.

After discussion, Commissioners directed staff to hold another meeting of original stakeholders so they can provide comments on a 40 foot setback requirement. An increase of side setbacks from 10 to 15 feet for fire safety was also discussed. The work session concluded at 4:42 PM.

2. 5:00 PM Fire Apparatus

A work session to discuss fire apparatus was held at 5:00 PM in the Board Meeting Room of the Historic Courthouse. The work session was attended by Currituck County Fire and Emergency Medical Services (EMS) Chief Ralph Melton and Deputy Chief Tim Riley, who discussed the need to develop a plan to acquire and maintain apparatus for fire departments in the county.

Using a powerpoint, Deputy Chief Riley reviewed departmental achievements attributed to the training, cross-training, and other recommendations included in a 2013 study conducted by VFIS, a fire consulting firm. The study recommended a regional approach to county Fire and EMS systems, to include established response standards and a sustainable fire apparatus replacement and maintenance plan.

Communication: Minutes of July 15, 2019 (Approval Of Minutes for July 15, 2019)

Apparatus necessary to maintain an active fleet was discussed, as well as costs and continued funding for purchase and maintenance, expected levels of response and equipment needs for different areas of the county.

Chief Melton and Deputy Chief Riley said they would meet with fire departments to ascertain basic equipment needs for each station. The purchase of a replacement tanker for Moyock Volunteer Fire Department was discussed, and staff said they would bring back a cost for Board review and consideration at the next meeting.

6:00 PM CALL TO ORDER

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

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

Chairman White called the meeting to order.

A) Invocation & Pledge of Allegiance

Commissioner Beaumont offered the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Payment moved to amend the agenda and continued Public Hearing PB 19-14, Moyock Farms, to the August 5, 2019 Commissioners meeting. Item C under New Business was amended to postpone considering Commissioner travel to the North Carolina Association of County Commissioners Annual Conference until the August 5, 2019 meeting, and he added Commissioner Beaumont for travel to Washington, DC.

Commissioner McCord seconded and the agenda was approved as amended.

Approved agenda:

Work Session

4:00 PM Dune Protection Ordinance Discussion

5:00 PM Fire Apparatus

6:00 PM Call to Order

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

Public Comment

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

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

- A) Lower Currituck Volunteer Fire Department

Public Hearings

- ~~A) Consideration and Action: PB 19-14 Moyock Farms:~~
Request for a preliminary plat/use permit for a 31 lot residential subdivision located at 1216 Caratoke Highway, Tax Map 23, Parcel 7, Moyock Township. *This item was removed from the agenda.*
- B) Public Hearing and Possible Adoption of a Resolution Authorizing the Filing of an Application with the Local Government Commission for Approval of a Financing Agreement for the Currituck County Public Safety Building

Old Business

- A) PB 19-12 Currituck County - Height: Request an amendment to the Unified Development Ordinance, Chapter 3. Zoning Districts, Section 3.5.9., to increase the maximum building height from 35' to 65' in the Heavy Industrial (HI) zoning district.

New Business

- A) Historic Boat Museum - Recommendation of Bid Award
- B) Disaster Debris Removal and Monitoring Services- Recommendation of Award
- C) Approval of Commissioner Out of County Travel: Commissioners Payment & McCord-State Leadership Day, Washington, DC and ~~Commissioners Mary Etheridge, J. Owen Etheridge and Selina Jarvis to NCACC Annual~~

~~Conference, Greensboro, NC~~ Amended: Commissioner Paul Beaumont was included for consideration for travel to Washington, DC, and the NCACC travel consideration was removed and continued to the August 5, 2019 meeting.

D) Consent Agenda

1. Approval Of Minutes for July 1, 2019
2. Budget Amendments
3. Knotts Island Ruritans-Peach Festival Event
Application for Alcohol on County- Owned Property
4. Petition for Road Addition-Pisgah Drive and Croatan Court, Brumsey Woods
5. Petition for Road Addition-Waterway Court, Aydlett
6. Petition for Road Addition-Whisper Lane, Poplar Ridge

Adjourn

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

PUBLIC COMMENT

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

Chairman White opened the Public Comment period. He discussed emails received by Commissioners from those opposed to the county's building of an Historic Boat Museum, on the agenda for consideration, and he acknowledged those in attendance who support construction of the museum.

Gabe Campbell of Grandy and 4-H member announced he will attend the North Carolina Association of County Commissioners Annual Conference in Guilford County in August. He said he is looking forward to the session and welcomed assistance from Commissioners to help him prepare, as he is interested in government and would like to address youth issues in Currituck County.

Chandler Sawyer of Maple, Rodney Kite of Barco, Jerry Wright of Jarvisburg, Barbara Snowden of Currituck, Penny-Leary Smith of Camden, and Mike Doxey of Aydlett, each spoke to the importance of preserving the area's history and offered their support for the construction of the Historic Boat Museum in Corolla.

No others were signed up nor wished to speak and Chairman White closed the Public Comment period.

COMMISSIONER'S REPORT

Chairman White discussed his ties to the Whalehead Club, which his father had tried to purchase many years ago. He reported on an event assistance program that will soon be available through Travel & Tourism, and he thanked those who spoke at public comment in support of the Historic Boat Museum. Chairman White acknowledged the absence of Commissioner Mary Etheridge and Commissioner Jarvis who were attending the National Association of Counties Annual Conference.

Commissioner Payment discussed the Historic Boat Museum. He described his travels on the sound in a boat that was locally built and noted its quality, durability and workmanship. He said he is excited for the museum.

Commissioner Beaumont reminded everyone to take care in the hot weather and to also keep an eye on their pets.

Commissioner McCord discussed the negative feedback received toward construction of the animal shelter, the ball fields, the College of the Albemarle Regional and Technical Training Center, and other projects. He looks forward to the Historic Boat Museum and sharing Currituck's history.

Commissioner J. Owen Etheridge reported his attendance at Eagle Creek's community fireworks display and commended the County's Emergency Medical Services Department, Moyock Volunteer Fire Department and Sheriff's Dept for their assistance. He talked about the importance of the Historic Boat Museum, discussed since 2005, and commended the efforts of all involved.

COUNTY MANAGER'S REPORT

Ben Stikeleather, County Manager, described the odor control measures being implemented at the wastewater plant in Ocean Sands. He announced a statewide softball tournament scheduled for the following weekend at Maple athletic complex, with an estimated attendance of 1,200 people.

ADMINISTRATIVE REPORTS

A. Lower Currituck Volunteer Fire Department

Representatives from the Lower Currituck Volunteer Fire Department attended to introduce the department's new Board members and to report on departmental activity. Mr. Mills Riddick, the new President of the Lower Currituck Volunteer Fire Department Board of Directors, introduced himself and other members of the fire department's Board of Directors. Mr. Riddick reported call statistics and announced Chief and Deputy Chief staffing. He said he looks forward to working with Commissioners and with the Fire and Emergency Medical Services Advisory Board.

PUBLIC HEARINGS

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

The agenda was amended and this item was continued to the August 5, 2019, Commissioners meeting.

RESULT:**WITHDRAWN****Next: 8/5/2019 6:00 PM****B. Public Hearing and Possible Adoption of a Resolution Authorizing the Filing of an Application with the Local Government Commission for Approval of a Financing Agreement for the Currituck County Public Safety Building**

Ben Stikeleather, County Manager, reviewed both the public hearing requirement and the Resolution for the Board of Commissioners, both required as part of the process to secure financing for construction of the county's new Public Safety Center in Barco, North Carolina.

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

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

RESOLUTION

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR
APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH
CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the County of Currituck, North Carolina desires to construct a Public Safety Training and County Offices facility (the "Project") to better serve the citizens of the County of Currituck; and

WHEREAS, The County of Currituck desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioner of Currituck, North Carolina, meeting in regular session on the 15th day of July 2019, make the following findings of fact:

1. The proposed contract is necessary or expedient because the County desires to construct a facility that will make vital vocational training available to its citizens and to Northeastern North Carolina; will provide essential office space for County operations; and will provide and Emergency Operations Center when necessary;
2. The proposed contract is preferable to a bond issue for the same purpose because in the current debt environment the cost associated with non-bonded debt is comparable or more favorable and more expedient than bonded debt;

3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the County has reviewed the Design/Build contract proposed by Sussex Development Corporation and concurs that the costs are acceptable for the proposed project.
4. The County of Currituck's debt management procedures and policies are good because the County has identified revenue sources to make debt payments and invests and monitors all funds to assure that debt payments are made when due.
5. The County does not anticipate an increase in property tax due to this financing.
6. The County of Currituck is not in default in any of its debt service obligations.
7. The attorney for the County of Currituck has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to act on behalf of the County of Currituck in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 15th day of July, 2019.

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

OLD BUSINESS

- A. PB 19-12 Currituck County - Height: Request an amendment to the Unified Development Ordinance, Chapter 3. Zoning Districts, Section 3.5.9., to increase the maximum building height from 35' to 65' in the Heavy Industrial (HI) zoning district.**

To: Board of Commissioners

From: Planning Staff

Date: June 25, 2019

Subject: PB 19-12 Currituck County - Height Text Amendment

Request

The proposed text amendment submitted by Currituck County is to increase the maximum structure height in the Heavy Industrial (HI) zoning district from 35' to 65'.

Current UDO Language

The UDO limits all structures to a 35' maximum height across all zoning districts. The structure height is measured from average established (finished) grade adjoining the building to the highest point of the roof surface of:

- A flat roof;
- The deck line of a mansard roof; and,
- The mean height level between eaves and ridge of a gable, hip, cone, gambrel, and shed roof.

The UDO also allows for increases in the maximum height when the development is located in specified zoning districts (MXR, GB, LB, LI, HI, and planned development districts) and integrates sustainable development practices (energy conservation, LEED certification, water conservation and quality protection, building configuration). The current language along with the incentives for sustainable development practices would not achieve the 65' maximum height proposed in this request.

The UDO community compatibility standards cap the building height when located adjacent to, across the street from, or within 100 feet of a property containing an existing single family dwelling.

Background

Maximum structure heights are established to promote a sense of scale with other uses in the area. As the county's industrial areas attract new and emerging business and types of businesses, building design could be critical to sustain development in industrial zoned areas. The requested increase provides building design flexibility, accommodates more intense industrial land uses within a structure, and allows for areas of enclosed equipment, or appurtenances that require additional height.

Comparison

Jurisdiction	Maximum Height Summary
Camden County	Heavy Industrial District: 50'
Pasquotank County	I-1 District: 56' I-2 District: 400' (airship building)
Dare County	35' - 40' depending on use type
Perquimans County	Heavy Industrial District: 35' - 50' depending on adjacent land use
Isle of Wight (VA)	GI District: 100' with increased setback above 35' (1' to 1')
Pittsboro	M (1-2) Districts: 50'
Onslow County	Industrial District: 85' with adequate fire protection

Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or

- would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
 7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff Recommendation

The 2006 Land Use Plan does not directly address specific policies or objectives regarding structure height; but, the plan does provide policies, goals, and objectives that encourage compatibility between uses. The compatibility between land uses has an indirect association with structure height. The plan establishes Ten Land Use and Development Goals some of which relate to compatibility including:

- Goal 5: To diversify the County's economic base, to include environmentally compatible businesses and industries that reach beyond the tourist-based economy.
- Goal 10: To properly distribute development forms in accordance with the suitability of land, infrastructure available and the compatibility of surrounding land uses.

Also, Appendix H of the 2006 Land Use Plan provides an infrastructure analysis that addresses the densities and intensities for maximum build out and maintains a 35' maximum height limitation for all land use classifications and sub-districts.

The UDO requires industrial uses that are adjacent to or within 100' of a single family dwelling to not exceed 35' and incorporate transitional standards in the building design. In addition to compatibility between uses, it may be important to address the scale of the structure in relation to the property. The board may consider an increased setback for structures above 35'. Typically, the increased setback would be an additional one foot setback for every one foot the structure exceeds 35'.

Staff recommends approval of the request with the incorporation of an increased setback for structures above 35' (1' for every 1' above 35', provided adequate fire protection can be achieved, community compatibility standards are maintained, and the following suggested Statement of Consistency and Reasonableness as recommended by staff is adopted:

The requested text amendment is consistent with the goals, objectives, and policies of the 2006 Land Use Plan including:

- Goal 10: To properly distribute development forms in accordance with the suitability of land, infrastructure available and the compatibility of surrounding land uses.

The request is reasonable and in the public interest because:

1. It maintains the purpose and intent of the HI zoning district and improves building design flexibility for new industry located in the county; and,
2. An increased setback along with community compatibility standards ensures efficient development within the county and improves compatibility among land uses.

Planning Board Recommendation - June 11, 2019

The Planning Board recommends approval of the request with the increased setback for structures above 35' (1' for every 1' above 35', provided adequate fire protection can be achieved, community compatibility standards are maintained, and the suggested Statement of Consistency and Reasonableness recommended by staff is adopted.

Discussion:

Donna Voliva, Assistant Planning Director, presented the staff report and explained structure height rules of measurement, compatibility standards when located within 100 feet of a property containing an existing single family dwelling. Ms. Voliva showed images illustrating the staff's recommendation of an increased setback for structures above 35' when located beside single family dwellings. She gave comparison data from other counties that are close or similar to Currituck County. Ms. Voliva said the Unified Development Ordinance (UDO) currently limits all structures to a 35' maximum height across all zoning districts and this limit has been set for many years. Ms. Voliva explained the review standards and said the 2006 Land Use Plan does not directly address specific policies for structure height, but the plan establishes land use and development goals which relate to the compatibility. These are Goal 5, to diversify the County's economic base and Goal 10, to properly distribute development forms in accordance with the suitability of land, infrastructure available and compatibility of surrounding land uses. Staff recommends approval of the request with the incorporation of an increased setback for structures above 35'. The increased setback would be 1' for every 1' above 35' if fire protection can be achieved, community compatibility standards are maintained and the Statement of

Consistency and Reasonableness as recommended by staff is adopted.

Chairman Ballance asked board members if they had any questions for staff. Mr. Bass asked how many Heavy Industrial (HI) zoning districts were currently in Currituck County. Ms. Voliva named several business located in the HI zoning district and gave their locations. Ms. Krause asked if any of those businesses were currently at 65' and Ms. Voliva said there were none.

There were no public present to speak.

Chairman Ballance asked for a motion. Mr. Doll motioned to approve. Chairman Balance clarified Mr. Doll's motion to approve the Currituck height limit request as written and then to include a 1' to 1' setback above 35' provided adequate fire protection can be achieved, community compatibility standards are maintained, and the following suggested Statement of Consistency and Reasonableness as recommended by staff is adopted: The request is consistent with the 2006 Land Use Plan and in the reasonable public interest. Mr. Doll agreed to this motion. Mr. Bass seconded the motion and the motion carried unanimously.

RESULT: RECOMMENDED APPROVAL [UNANIMOUS] Next: 7/1/2019 6:00 PM

AYES: C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Juanita S Krause, Board Member

ABSENT: Anamarie Hilgendorf, Board Member, J. Timothy Thomas, Board Member

**PB 19-12 CURRITUCK COUNTY TEXT AMENDMENT
BOARD OF COMMISSIONERS JULY 1, 2019**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 3, Zoning Districts, to increase the maximum building height from 35' to 65'.

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 3 is amended by deleting the following strikethrough language and adding the bold and underlined language in Section 3.5.9.:

3.5.9. Heavy Industrial (HI) District

F. DIMENSIONAL STANDARDS

Max Gross Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft)	50	4
		(4) [7]		
Max. FAR (%)	0.40	Min. Side Setback (ft) [7]	15	5
Min. Lot Area (sf ft)	80,000	Min. Rear Setback (ft) [7]	25	6

Max. Lot Area (acres)	N/A	Min. Agricultural Setback (ft) [5]	50	
Min. Lot Width, Interior Lot (ft)	125 [1]	Min. Accessory Use Setback (ft)	20	7
Min. Lot Width, Corner Lot (ft)	135	Min. Driveway/Parking Setback (ft)	10	8
Max. Lot Depth (ft)	[2]	Min Fill Setback from all Lot Lines (ft)	10	
Max. Lot Coverage (%)	65	Min. Wetland/Riparian Buffer (ft) [5]	30	9
Min. Front Setback (ft) [7]	20	Max. Building Height (ft) [6]	35 65	0
Min. Corner Side Setback (ft) [3] [7]	20	Min. Spacing Between Buildings (ft)	10	—

[1] All lots shall maintain a minimum street frontage of 35 feet [2] Lot depth shall not exceed four times the lot width [3] Driveways shall provide access from street with less traffic [4] Metal siding is prohibited on building facades facing major arterial streets [5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[6] Some site features are exempted from height limits [7] **Additional 1 foot setback for every 1 foot the structure exceeds 35 feet. (Example: A 50 foot structure shall be a minimum of 35 feet from the front property line or 65 feet if located on a major arterial, 30 feet from the side property line, and 40 feet from the rear property line)**

Item 2: Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- An increased setback incorporated into the proposed text amendment would properly distribute development forms in accordance with the suitability of land, infrastructure available and the compatibility of surrounding land uses. (Goal 10)

The request is reasonable and in the public interest because:

- It maintains the purpose and intent of the HI zoning district and improves building design flexibility for new industry located in the county; and,
- An increased setback along with community compatibility standards ensure efficient development within the county and improves compatibility among land uses.

Item 3: 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 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2019.

Planning and Community Development Director, Laurie LoCicero, briefly reviewed the text amendment that was continued from the July 1, 2019 Commissioners meeting. She presented new information as requested by Commissioners at the initial hearing. Using the overhead, scaled diagrams of a variety of lot sizes within the county's Maple Industrial Complex were displayed to note buildable acres with increased setbacks based on the one-to-one height ratio set out in the text amendment. Language was also added to note all setbacks are affected.

Commissioner Beaumont moved to approve PB 19-12 as proposed with the additional language, that in addition to the required minimum, structures shall be required to maintain an additional one foot setback for every one foot the structure exceeds 35 feet. For example, a 50 foot structure shall be required to be 35 feet from the front property

line or 65 feet if located on a major arterial, 30 feet from the side property line, and 40 feet from the rear property line. The text amendment request is consistent with the goals, objectives, and policies of the 2006 Land Use Plan (LUP) because an increased setback for structures exceeding 35 feet addresses the scale of the structure in relation to the property line, and maintaining the Unified Development Ordinance (UDO) community compatibility standards and adequate fire protection support proper distribution of development forms in accordance with the suitability of land, infrastructure availability and the compatibility of surrounding land use plans (LUP Goal #10).

And, the request is reasonable and in the public interest because it maintains the purpose and intent of the Heavy Industrial (HI) zoning district and improves building design flexibility for new industry located in the county; and, an increased setback along with the community compatibility standards ensure efficient development within the county and improve compatibility among land uses.

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

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

NEW BUSINESS

A. Historic Boat Museum - Recommendation of Bid Award

Michelle Perry, Assistant County Engineer, introduced a video, created earlier by Travel & Tourism, highlighting the historic boat restoration project. The video contained testimonials from members serving on the county's Historic Boat Building Advisory Board on the importance of restoring and displaying the historic boats and preserving and teaching about the county's history and heritage.

The video concluded and Ms. Perry returned to review bids and present the recommendation for the Historic Boat Museum project. Ms. Perry described the facility, reviewed the bid process, and named Sussex Development Corporation as lowest responsible bidder. She responded to questions related to costs, exterior and interior design and displays, and clarified aspects of the bid process.

Chairman White referred to emails Commissioners received from Corolla residents and property owners who oppose construction of the facility, and he addressed some of the concerns related to parking, construction costs, and lack of community input. He reported survey results which show the county's history is important to visitors and sets Currituck apart from other areas.

Commissioners talked of concerns expressed over the building's placement within Historic Corolla Park and the design rendering, which did not include a proper depiction

of trees and the lighthouse. The Board discussed preservation of the natural area around the site and future replacement of trees. Mr. Stikeleather noted the building would need to be re-engineered if the location is moved and Ike McRee, County Attorney, discussed a settlement agreement which requires the county to provide public restrooms for the lighthouse.

There was no further discussion and Commissioner Payment moved to approve the award to Sussex Development for the Historic Boat Museum per staff's recommendation. The motion was seconded by Chairman White. The motion carried.

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

) **Recess**

Chairman White called for a recess at 7:19 PM. The meeting reconvened at 7:28 PM.

B. Disaster Debris Removal and Monitoring Services-Recommendation of Award

Michelle Perry, Assistant County Engineer, reviewed the processes and bids received for pre-positioned contracts for disaster related debris removal and monitoring. Thompson Consulting Services was recommended for monitoring and Southern Disaster Recovery was recommended for debris removal. County Attorney, Ike McRee, reviewed the bidding process, which was based on strict requirements through the Federal Emergency Management Act (FEMA). Reimbursement through FEMA and contract activation were discussed.

Commissioner Payment moved to approve the contracts as recommended by staff. The motion was seconded by Commissioner J. Owen Etheridge. The motion carried.

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

C. Approval of Commissioner Out of County Travel: Commissioners Payment & McCord-State Leadership Day, Washington, DC and Commissioners Mary Etheridge, J. Owen Etheridge and Selina Jarvis to NCACC Annual Conference, Greensboro, NC

Commissioner Payment and Commissioner Beaumont discussed the White House event in Washington, DC, which provides an opportunity for local leaders to discuss issues and challenges relevant to counties with Federal administration officials. Both attended last year.

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

(This item was revised during the agenda amendments. Commissioner travel to the NCACC Annual Conference was removed and will be considered at the next meeting, August 5, 2019.)

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

D) Consent Agenda

Commissioner McCord moved for approval of the Consent Agenda. The motion was seconded by Commissioner Payment. The motion carried.

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

1) Approval Of Minutes for July 1, 2019

1. Minutes for July 1, 2019

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10640-532005	AG Supplies	\$ 728	
10330-449900	Miscellaneous Grants		\$ 728
		<u>\$ 728</u>	<u>\$ 728</u>
Explanation:	Cooperative Extension (10640) - To record NC Dept of Agriculture and Consumer Services Structural Pest Control and Pesticides Division Pesticide Container Grant funds received.		
Net Budget Effect:	Operating Fund (10) - Increased by \$728.		

3. **Knotts Island Ruritans-Peach Festival Event Application for Alcohol on County-Owned Property**
4. **Petition for Road Addition-Pisgah Drive and Croatan Court, Brumsey Woods**
5. **Petition for Road Addition-Waterway Court, Aydlett**
6. **Petition for Road Addition-Whisper Lane, Poplar Ridge**

ADJOURN

Motion to Adjourn Meeting

The Board had no further business and Commissioner Beaumont motioned for adjournment. Commissioner Payment seconded and the motion carried. The meeting of the Board of Commissioners adjourned at 7:37 PM.

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

Number

20200005

BUDGET AMENDMENT

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10531-514000	Travel	\$ 3,000	
10531-514500	Training & Education	\$ 1,000	
10531-532000	Supplies	\$ 4,500	
10531-516200	Vehicle Maintenance	\$ 500	
10531-545000	Contract Services	\$ 3,499	
10531-553000	Dues & Subscriptions	\$ 400	
10390-499900	Appropriated Fund Balance		\$ 12,899
		<u>\$ 12,899</u>	<u>\$ 12,899</u>

Explanation: Emergency Management (10531) - Increase appropriations to carry-forward EMPG grant funds from FY 2019.

Net Budget Effect: Operating Fund (10) - Increased by \$12,899.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Budget Amends-Aug 5 General Meeting (Budget Amendments)

Number 20200006

BUDGET AMENDMENT

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
28450-545000	Contract Services	\$ 40,227	
28390-499900	Appropriated Fund Balance		\$ 40,227
		<u>\$ 40,227</u>	<u>\$ 40,227</u>

Explanation: Revaluation (28450) - Increase appropriations for Tyler Technologies revaluation contract for the January 2021 revaluation cycle. This contract will begin this fiscal year and continue through FY 2021.

Net Budget Effect: Revaluation Fund (28) - Increased by \$40,227.

Minute Book # _____, Page # _____

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Clerk to the Board

Attachment: Budget Amends-Aug 5 General Meeting (Budget Amendments)

Number 20200007

BUDGET AMENDMENT

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

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10440-514000	Travel	\$ 10,134	
10440-514500	Training & Education	\$ 3,565	
10440-526000	Advertising	\$ 1,500	
10441-514000	Travel	\$ 1,300	
10441-514500	Training & Education	\$ 5,400	
10441-545000	Contract Services	\$ 11,505	
10441-590000	Capital Outlay	\$ 15,973	
10460-590000	Capital Outlay	\$ 33,451	
10460-592000	Capital Projects	\$ 28,605	
10511-545000	Contract Services	\$ 9,680	
10550-545000	Contract Services	\$ 65,125	
10660-561000	Professional Services	\$ 42,102	
10390-499900	Appropriated Fund Balance		\$ 228,340
16609-545000	Contract Services	\$ 4,400	
16390-499900	Appropriated Fund Balance		\$ 4,400
20609-545000	Contract Services	\$ 54,811	
20390-499900	Appropriated Fund Balance		\$ 54,811
28450-545000	Contract Services	\$ 2,220	
28390-499900	Appropriated Fund Balance		\$ 2,220
61818-561000	Professional Services	1,072	
61818-590000	Capital Outlay	\$ 11,864	
61390-499900	Appropriated Retained Earnings		\$ 12,936
63838-545001	Contract Services - Collection	15,041	
63838-561000	Professional Services	25,760	
63390-499900	Appropriated Retained Earnings		\$ 40,801
66868-590000	Capital Outlay	\$ 32,154	
66390-499900	Appropriated Retained Earnings		\$ 32,154
		<u>\$ 375,662</u>	<u>\$ 375,662</u>

Explanation: Various Departments - Carry-forward items in process from prior fiscal years.

Vendor	Description	PO Number	Amount
	Travel/Training - Tyler Cashiering		13,699
	Classified Advertising/Finance		1,500
	Travel/Training - ITS		6,700
	Contract/Capital - ITS		27,478
Pearson Pump	Well Rehab - SOBWS	20190063	4,190
Moffatt & Nichol Inc	Whalehead Drainage	20190493	54,811
Fortline	Mainland Water Meters	20190564	11,864
Kimley-Horne	Mainland Water Modeling	20190595	1,072
Quible	Moyock Site Expansion	20190749	15,041
Quible	Moyock Design & Permitting	20190750	25,760
Albemarle & Assoc L	Flooding/Stormwater mgmt	20190754	4,400
Hazen & Sawyer	SOBWS - Sailfish Well Project	20191265	27,964
Tyler Technologies	Revaluation project	20191763	2,220
Smith & Keene	Replace Historic Courthouse boiler	20190632	33,451
Roland Richards	Clearing for AWOS at Airport	20191997	65,125
Work Program Archit	Pattern Book Currituck Station	20191549	24,102
Destination by Desigr	Land Use Plan	20191649	18,000
Laughing Gull	Landscape for Governmental Center	20191430	6,750
Laughing Gull	Landscape for Historic Courthouse	20191431	4,500
AOA Signs Inc	Signage for County Facilities	20191263	16,695
AOA Signs Inc	Signage at County Govt Center	20191516	180
AOA Signs Inc	Redraw County Seal	20191722	480
Willo Products	Service locks at the Jail	20191971	9,680

Net Budget Effect: Operating Fund (10) - Increased by \$228,340.
 Ocean Sands/Crowne Pointe North Watershed (16) - Increased by \$4,400.
 Whalehead Watershed (20) - Increased by \$54,811.
 Revaluation (28) - Increased by \$2,200.
 Mainland Water (61) - Increased by \$12,936.
 Solid Waste (63) - Increased by \$40,801.
 Southern Outer Banks Water (66) - Increased by \$32,154.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: Budget Amends-Aug 5 General Meeting (Budget Amendments)

NORTH CAROLINA
CURRITUCK COUNTY

**OFFICE SPACE LEASE
 AGREEMENT**

This lease, made and entered into this ____ day of _____, 2019 by and between **Currituck County**, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (Lessor), and **Economic Improvement Council, Inc.**, (Lessee);

WITNESSETH:

The Lessor hereby leases to the Lessee and covenants to keep the Lessee in quiet possession of the following described premises, to wit;

Space located within the Lessor's designated as Room #118 located at the Social Services Building, 2793 Caratoke Highway, Currituck, North Carolina (the Premises) and subject to the terms and conditions set forth herein.

The Premises herein demised shall be used solely as space for the Economic Improvement Council Case Manager for the Community Services Block Grant Program Family Sub-Sufficient Program.

I. TERM:

Term: The term of this Lease shall be for one calendar year **commencing July 1, 2019**, and **expiring June 30, 2021**. This Lease may be terminated by either party upon thirty (30) days prior written notice, or sooner terminated as provided elsewhere herein.

II. PAYMENT:

2.1 In consideration whereof, the Lessee agrees to pay the Lessor as rent for the Premises, the sum of **SEVENTY FIVE DOLLARS AND NO CENTS 00/100 (\$75.00)** payable monthly in advance. Rent payments are due on or before the 1st day of each month and shall be paid in person or by mail to the Currituck County Finance Department, 153 Courthouse Road. Suite 101. Currituck. NC 27929.

2.2 In the event Lessee shall fail to pay the rent set forth hereunder, or shall fail to keep or perform any of the covenants, agreements or conditions of this Lease for a period of thirty (30) days, then Lessor may terminate this agreement and repossess the premises and retain any deposits made with the execution of this agreement. Otherwise, in the event Lessee performs all of the terms of said lease and pays all rents due hereunder, then at the end of the term Lessor shall refund to Lessee any deposit made with the execution of this lease agreement.

2.3 Lessee may be required to provide a damage deposit in an amount equal to two (2) monthly rental payments. Any such deposit will be held by the Lessor until the termination of the lease and shall be used to offset damages that may occur during the tenant's occupancy of the premises. Failure of the Lessor to require such a deposit at the execution of the lease will not limit the right to establish such a requirement during the lease term.

III. LEASE PROVISIONS

3.1 Lessee agrees to take good care of the Premises and to return the same at the expiration of the term in as good condition as received, ordinary wear, tear and natural decay excepted. If destruction of the Premises, or any part thereof, shall occur during the term of this Lease (and the destruction is not the result of actions or fault by the Lessee), so as to make the premises unfit for the uses described in this Lease, the Lessee may surrender and cancel this Lease.

3.2 It is agreed and understood that the Premises are to be used solely as space for the Economic Improvement Council Case Manager for the Community Services Block Grant Program Family Sub-Sufficient Program and for no other purpose, unless approved by the Lessor in writing. Any other provision of this Lease notwithstanding, in the event of any violation of the provisions of this paragraph on the part of the Lessee, the Lessor shall have the right to cancel this Lease forthwith and without notice.

a. The Premises are for the private use of the Lessee and shall not be used for any commercial purpose, including, but not by way of limitation, the sale of products or services of any kind, whether or not such sales are transacted for a profit. However, the Lessor may agree to allow certain commercial uses of the leased premises if the terms and conditions relating to such use are set forth in a Rider to this lease.

b. Lessee agrees that use of the premises shall be in accordance with federal, state and local laws and regulations, including, but not limited to, those pertaining to fire and safety.

IV. GENERAL PROVISIONS:

4.1 It is agreed that the demised site is accepted in its "as is" condition. Except as established in the preceding paragraph. Lessor assumes no responsibility as to the condition of the demised premises nor shall it assume responsibility for the maintenance, upkeep or repairs which might become necessary to keep the Premises in a safe and serviceable condition.

4.2 The Premises shall not be underlet or the term in whole or in part assigned, transferred or set over by the act of the Lessee, by process or operation of law or in any other manner whatsoever without the prior written consent of the Lessor.

4.3 No signs, emblems or advertising shall be placed or erected on or in the Premises herein demised, nor shall Lessee make any alterations, changes or additions to the Premises including, but not limited to, the replacement or change of locks for the Premises without Lessor's prior written approval.

4.4 The Lessor shall not be liable for any damage, either to person or property, sustained by the Lessee or by other persons due to the building or any part thereof or any appurtenances thereof becoming out of repair or due to the happening of any accident in or about the building or due to any act or neglect of any tenant or occupant of the building or of any other person. Without limiting the generality of the foregoing, the Lessor shall not be liable for damage caused by water, wind or electrical causes or the negligence of contractors, employees, agents or licensees of the Lessor unless provided to be the gross negligence of the Lessor.

4.5 The Lessee agrees to indemnify and save the Lessor, its officers, agents and employees harmless from any liability, including, but not limited to claims, judgments, fines, costs and attorney's fees to persons or property resulting from or arising out of the Lessee's use or occupancy of the Premises.

4.6 This Lease, at the option of the Lessor, shall be void and forfeited in case of any violation of any agreement herein contained. This covenant is not to be considered or construed as a penalty, but shall be punctually enforced and the Lessor's failure to enforce the same with respect to any violation shall not constitute a waiver of the right to enforce the same with respect to any other violation.

4.7 The Lessee agrees that the Lessor shall have the right to enter the demised premises at any time for the purpose of making inspections thereof and to make such repairs or alterations as are, in the opinion of the Lessor, desirable or necessary and to take such materials into the premises for the safe and economical accomplishment of said purposes without in any way being deemed guilty of an actual or constructive eviction of the Lessee.

4.8 Lessee shall maintain an insurance policy for the leased premises in full force and effect for the period covered by the Lease and any renewals filed with the County. The insurance policy (policies) must identify the Lessor as an additional insured. A copy of the insurance policy (policies) or certificate of insurance must be filed with the Currituck County Finance Department within 30 days of the signing of the lease. The insurance will meet the specifications set forth below.

The amounts of such insurance shall not be less than the following:

Bodily Injury \$100,000
 Property \$1,000,000
 Each Accident \$1,000,000

V. SUBLEASE/ASSIGNMENT:

The space hereby leased will not be subleased by Lessee nor will this Lease be assigned without the express approval of the Lessor.

VI. NOTICES

Notices to the Lessor provided for herein shall be sufficient if sent by registered mail, postage prepaid, or hand delivered, addressed to Currituck County Attorney, 153 Courthouse Road, Suite 210, Currituck, NC 27929 and notices to the Lessee shall be sufficient if sent registered mail, postage prepaid, or hand delivered, addressed to Economic Improvement Council, Inc., Community Services Block Grant Program, P.O. Box 549, Edenton, NC 27932 or to such other respective addresses as the parties may designate to each other in writing from time to time. Lessee shall notify the Currituck County Legal Department of any change of address within thirty (30) days.

VII. TERMINATION

This agreement may be terminated by either party upon thirty (30) days written notice of non-renewal as provided for in paragraph I above. In addition, Lessor may terminate this agreement during the course of monthly term upon the occurrence of any of the following which shall constitute a breach of this Lease by Lessee: Rent is not paid by the 20th of any month; Lessee has failed to comply with the condition of this lease and has not reasonably corrected the

deficiency upon notice by Lessor. In the event of such breach, Lessor shall notify Lessee of termination in writing.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CURRITUCK COUNTY

ATTEST: _____
Leeann Walton
Clerk to the Board of Commissioners

BY: _____
Robert White
Chairman, Board of Commissioners

(COUNTY SEAL)

ECONOMIC IMPROVEMENT COUNCIL,
INC.

ATTEST: _____
Secretary

BY: _____
President

(SEAL)

Home and Community Care Block Grant for Older Adults

DAAS-731 (Rev. 2/16)

County Funding Plan

County Currituck
July 1, 2019 through June 30, 2020

County Services Summary

Services	A			B		C	D	E	F	G	H	I
	Access	In-Home	Other	Total	Required Local Match	Net Service Cost	NSIP Subsidy	Total Funding	Projected HCCBG Units	Projected Reimbursement Rate	Projected HCCBG Clients	Projected Total Units
In-Home Level I (VA)		28800		28800	3200	32000		32000	1684	19	10	1684
In-Home Level II (VA)		7142		7142	794	7936		7936	378	21	3	378
In-Home Level III (VA)		900		900	100	1000		1000	48	21	1	48
In-Home Level I (#2)		4500		4500	500	5000		5000	294	17	2	294
In-Home Level II (#2)		13500		13500	1500	15000		15000	882	17	4	882
Adult Day Health			12020	12020	1336	13356		13356	267	50	2	267
Trans. General	9015				1002	10017		10017	698	14.35	22	698
Congregate Meals			33055	33055	3673	36728	3673	40401	4897	7.5	35	4897
Home Del. Meals			47435	47435	5271	52706	4791	57497	6388	8.25	50	6388
				156367	0	0		0				
				156367	0	0		0				
				156367	0	0		0				
				156367	0	0		0				
				156367	0	0		0				
				156367	0	0		0				
Total	9015	54842	92510	156367	17374	173743	8464	182207	15536		129	15536

Signature, Chairman, Board of Commissioners

Date



DAAS-735
(revised 2/16)

July 1, 2019 through June 30, 2020

Home and Community Care Block Grant for Older Adults

Agreement for the Provision of County-Based Aging Services

This Agreement, entered into as of this 1st day of July, 2019, by and between the County of **Currituck** (hereinafter referred to as the "County") and the Albemarle Commission Area Agency on Aging, (hereinafter referred to as the "Area Agency").

Witneseth That:

WHEREAS, the Area Agency and the County agree to the terms and conditions for provision of aging services in connection with activities financed in part by Older Americans Act grant funds, provided to the Area Agency from the United States Department of Health and Human Services through the North Carolina Division of Aging and Adult Services (DAAS) and state appropriations made available to the Area Agency through the North Carolina Division of Aging and Adult Services, as set forth in a) this document, b) the County Funding Plan, as reviewed by the Area Agency and the Division of Aging and Adult Services, c) the Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, d) the Division of Aging and Adult Services Service Standards Manual, Volumes I through IV, and, e) the Division of Aging and Adult Services Community Service Providers Monitoring Guidelines.

NOW THEREFORE, in consideration of these premises, and mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

1. As provided in the Area Plan, community service providers specified by the County to encourage maximum collocation and coordination of services for older persons are as follows:

Albemarle Commission	Currituck County Senior Center
Currituck County Dept of Social Services	Medical Services of America- DayBreak
- 1(a) The Community Service Provider(s), shall be those specified in the County Funding Plan on the Provider Services Summary format(s) (DAAS-732) for the period ending June 30 for the year stated above.
2. Availability of Funds. The terms set forth in this Agreement for payment are contingent upon the receipt of Home and Community Care Block Grant funding by the Area Agency.
3. Grant Administration. The grant administrator for the Area Agency shall be Laura Alvarico,

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Area Agency Director. The grant administrator for the County shall be **Ben Stikeleather, County Manager**.

It is understood and agreed that the grant administrator for the County shall represent the County in the performance of this Agreement. The County shall notify the Area Agency in writing if the administrator changes during the grant period. Specific responsibilities of the grant administrator for the County are provided in paragraph seven (7) of this Agreement.

4. Services authorized through the County Funding Plan, as specified on the Provider Services Summary format(s) (DAAS-732) are to commence no later than July 1 of the state fiscal year and shall be undertaken and pursued in such sequence as to assure their expeditious completion. All services required hereunder shall be completed on or before the end of the Agreement period, June 30 of the state fiscal year.
5. Assignability and Contracting. The County shall not assign all or any portion of its interest in this Agreement. Any purchase of services with Home and Community Care Block Grant for Older Adults funding shall be carried out in accordance with the procurement and contracting policy of the community services provider or, where applicable, the Area Agency, which does not conflict with procurement and contracting requirements contained in 45 CFR Part 75, Subpart D-Post Federal Award Requirements, Procurement Standards. Federal funds shall not be awarded to any subrecipients who have been suspended or debarred by the Federal government. In addition, Federal funds may not be used to purchase goods or services costing over \$100,000 from a vendor that has been suspended or debarred from Federal grant programs.
6. Compensation and Payments to the County. The County shall be compensated for the work and services actually performed under this Agreement by payments to be made monthly by the Area Agency. Total reimbursement to the community service providers under this Agreement may not exceed the grand total of Block Grant funding, as specified on the Provider Services Summary format (DAAS-732).

(a) Interim Payments to the County

Upon receipt of a written request from the County, the Division of Aging and Adult Services, through the Area Agency, will provide the County Finance Officer with an interim payment equivalent to seventy percent (70%) of one-twelfth (1/12) of the County's Home and Community Care Block Grant allocation by the 22nd of each month.

Attachment: HCCBG Funding Contracts FY 19-20 (HCCBG Funding Contract Approval)

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(b) Reimbursement of Service Costs

Reimbursement of service costs are carried out as provided in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

(c) Role of the County Finance Director

The County Finance Director shall be responsible for disbursing Home and Community Care Block Grant Funding to Community Service Providers in accordance with procedures specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Manual for Community Service Providers, revised February 17, 1997.

(d) Payment of Administration on Aging Nutrition Services Incentive Program (NSIP) Subsidy

NSIP subsidy for congregate and home delivered meals will be disbursed by the Division of Aging and Adult Services through the Area Agency to the County on a monthly basis, subject to the availability of funds as specified in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Services Providers, revised February 17, 1997.

If through the US Department of Agriculture Area Agency on Aging Elections Project, the County elects to receive a portion of its USDA entitlement in the form of surplus commodity foods in lieu of cash, the Area Agency will notify the County in writing of its community valuation upon notification from the Division of Aging and Adult Services. The delivery of commodity and bonus foods is subject to availability. The County will not receive cash entitlement in lieu of commodities that are unavailable or undelivered during the Agreement period.

7. Reallocation of Funds and Budget Revisions. Any reallocation of Block Grant funding between counties shall be voluntary on the part of the County and shall be effective only for the period of the Agreement. The reallocation of Block Grant funds between counties will not affect the allocation of future funding to the County. If during the performance period of the Agreement, the Area Agency determines that a portion of the Block Grant will not be expended, the grant administrator for the County shall be notified in writing by the Area Agency and given the opportunity to make funds available for reallocation to other counties in the Planning and Service Area or elsewhere in the state.

The County may authorize community service providers to implement budget revisions which do not cause the County to fall below minimum budgeting requirements for access, in-home,

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(revised 2/16)

congregate, and home delivered meals services, as specified in Division of Aging and Adult Services budget instructions issued to the County. If a budget revision will cause the County to fall below minimum budgeting requirements for any of the aforementioned services, as specified in Division of Aging and Adult Services budgeting instructions issued to the County, the grants administrator for the County shall obtain written approval for the revision from the Area Agency prior to implementation by the community service provider, so as to assure that regional minimum budgeting requirements for the aforementioned services will be met.

Unless community services providers have been given the capacity to enter data into the Aging Resources Management System (ARMS), Area Agencies on Aging are responsible for entering amended service data into the Division of Aging and Adult Services Management Information System, as specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

8. Monitoring. This Agreement will be monitored to assure that services are being provided as stated in the Division of Aging and Adult Service Monitoring Policies and Procedures at <http://www.ncdhhs.gov/aging/monitor/mpolicy.htm>.

The monitoring of services provided under this Agreement shall be carried out by the Area Agency on Aging in accordance with its Assessment Plan and as specified in Administrative Letter 12-08. As of July 1, 2012, DAAS Program Compliance Representatives (PCRs) are no longer monitoring HCCBG services provided through county departments of social services.

Counties and community service providers will receive a written report of monitoring findings in accordance with procedures established in Section 308 of the AAA Policies and Procedures Manual (<http://www.ncdhhs.gov/aging/monitor/mpolicy.htm>). Any areas of non-compliance will be addressed in a written corrective action plan with the community service provider.

9. Disputes and Appeals. Any dispute concerning a question of fact arising under this Agreement shall be identified to the designated grants administrator for the Area Agency. In accordance with Lead Regional Organization (LRO) policy, a written decision shall be promptly furnished to the designated grants administrator for the County.

The decision of the LRO is final unless within twenty (20) days of receipt of such decision the Chairman of the Board of Commissioners furnishes a written request for appeal to the Director of the North Carolina Division of Aging and Adult Services, with a copy sent to the Area Agency. The request for appeal shall state the exact nature of the complaint. The Division of Aging and Adult Services will inform the Chairman of the Board of Commissioners of its appeal procedures and will inform the Area Agency that an appeal has been filed. Procedures thereafter will be determined by the appeals process of the Division of Aging and Adult Services. The state agency address is as follows:

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(revised 2/16)

Director
North Carolina Division of Aging and Adult Services
2101 Mail Service Center
693 Palmer Drive
Raleigh, North Carolina 27699-2101

10. Termination for Cause. If through any cause, the County shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or the County has or shall violate any of the covenants, agreements, representations or stipulations of this Agreement, the Area Agency shall have the right to terminate this Agreement by giving the Chairman of the Board of Commissioners written notice of such termination no fewer than fifteen (15) days prior to the effective date of termination. In such event, all finished documents and other materials collected or produced under this Agreement shall at the option of the Area Agency, become its property. The County shall be entitled to receive just and equitable compensation for any work satisfactorily performed under this Agreement.
11. Audit. The County agrees to have an annual independent audit in accordance with North Carolina General Statutes, North Carolina Local Government Commission requirements, Division of Aging and Adult Services Program Audit Guide for Aging Services and Federal Office of Budget and Management (OMB) Uniform Guidance 2 CFR Part 200.

Community service providers, as specified in paragraph one (1), who are not units of local government or otherwise subject to the audit and other reporting requirements of the Local Government Commission are subject to audit and fiscal reporting requirements, as stated in NC General Statute 143C-6-22 and 23 and OMB Uniform Guidance CFR 2 Part 200, where applicable. Applicable community service providers must send a copy of their year-end financial statements, and any required audit, to the Area Agency on Aging. Home and Community Care Block Grant providers are not required to submit Activities and Accomplishments Reports. For-profit corporations are not subject to the requirements of OMB Uniform Guidance 2 CFR Part 200, but are subject to NC General Statute 143C-6-22 and 23 and Yellow Book audit requirements, where applicable. **Federal funds** may not be used to pay for a **Single or Yellow Book audit** unless it is a federal requirement. **State funds** will not be used to pay for a **Single or Yellow Book audit** if the provider receives less than \$500,000 in state funds. The Department of Health and Human Services will provide confirmation of federal and state expenditures at the close of the state fiscal year. Information on audit and fiscal reporting requirements can be found at <https://www.ncgrants.gov/NCGrants/PublicReportsRegulations.jsp>

The following provides a summary of reporting requirements under NCGS 143C-6-22 and 23 and OMB Uniform Guidance 2 CFR Part 200 based upon funding received and expended during the service provider's fiscal year.

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<u>Annual Expenditures</u>	<u>Report Required to AAA</u>	<u>Allowable Cost for Reporting</u>
<ul style="list-style-type: none"> Less than \$25,000 in State or Federal funds 	Certification form and State Grants Compliance Reporting <\$25,000 (item # 11, Activities and Accomplishments does <u>not</u> have to be completed) OR Audited Financial Statements in Compliance with GAO/GAS (i.e. Yellow Book)	N/A
<ul style="list-style-type: none"> Greater than \$25,000 and less than \$500,000 in State Funds or \$750,000 in Federal Funds 	Certification form and Schedule of Grantee Receipts >\$25,000 and Schedule of Receipts and Expenditures OR Audited Financial Statements in Compliance with GAO/GAS (i.e. Yellow Book)	N/A
<ul style="list-style-type: none"> \$500,000 + in State funds but Federal pass through in an amount less than \$750,000 	Audited Financial Statement in compliance with GAO/GAS (i.e. Yellow Book)	May use State funds, but <u>not</u> Federal Funds
<ul style="list-style-type: none"> \$500,000+ in State funds <u>and</u> \$750,000+ in Federal pass through funds 	Audited Financial Statement in compliance with OMB Uniform Guidance 2 CFR Part 200 (i.e. Single Audit)	May use State and Federal funds
<ul style="list-style-type: none"> Less than \$500,000 in State funds <u>and</u> \$750,000+ in Federal pass through funds 	Audited Financial Statement in compliance with OMB Uniform Guidance 2 CFR Part (i.e. Single Audit)	May use Federal funds, but <u>not</u> State funds.

12. Audit/Assessment Resolutions and Disallowed Cost. It is further understood that the community service providers are responsible to the Area Agency for clarifying any audit exceptions that may arise from any Area Agency assessment, county or community service

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provider single or financial audit, or audits conducted by the State or Federal Governments. In the event that the Area Agency or the Department of Health and Human Services disallows any expenditure made by the community service provider for any reason, the County shall promptly repay such funds to the Area Agency once any final appeal is exhausted in accordance with paragraph nine (9). The only exceptions are if the Area Agency on Aging is designated as a community service provider through the County Funding Plan or, if as a part of a procurement process, the Area Agency on Aging enters into a contractual agreement for service provision with a provider which is in addition to the required County Funding Plan formats. In these exceptions, the Area Agency is responsible for any disallowed costs. The County or Area Agency on Aging can recoup any required payback from the community service provider in the event that payback is due to a community service provider's failure to meet OMB Uniform Guidance CFR 2 Part 200, 45 CFR Part 1321 or state eligibility requirements as specified in policy.

13. Indemnity. The County agrees to indemnify and save harmless the Area Agency, its agents, and employees from and against any and all loss, cost, damages, expenses, and liability arising out of performance under this Agreement to the extent of errors or omissions of the County.
14. Equal Employment Opportunity and Americans With Disabilities Act Compliance. Both the County and community service providers, as identified in paragraph one (1), shall comply with all federal and state laws relating to equal employment opportunity and accommodation for disability.
15. Data to be Furnished to the County. All information which is existing, readily available to the Area Agency without cost and reasonably necessary, as determined by the Area Agency's staff, for the performance of this Agreement by the County shall be furnished to the County and community service providers without charge by the Area Agency. The Area Agency, its agents and employees, shall fully cooperate, with the County in the performance of the County's duties under this Agreement.
16. Rights in Documents, Materials and Data Produced. The County and community service providers agree that at the discretion of the Area Agency, all reports and other data prepared by or for it under the terms of this Agreement shall be delivered to, become and remain, the property of the Area Agency upon termination or completion of the work. Both the Area Agency and the County shall have the right to use same without restriction or limitation and without compensation to the other. For the purposes of this Agreement, "data" includes writings, sound recordings, or other graphic representations, and works of similar nature. No reports or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the County.

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17. Interest of the Board of Commissioners. The Board of Commissioners covenants that neither the Board of Commissioners nor its agents or employees presently has an interest, nor shall acquire an interest, direct or indirect, which conflicts in any manner or degree with the performance of its service hereunder, or which would prevent, or tend to prevent, the satisfactory performance of the service hereunder in an impartial and unbiased manner.
18. Interest of Members of the Area Agency, Lead Regional Organization, and Others. No officer, member or employee of the Area Agency or Lead Regional Organization, and no public official of any local government which is affected in any way by the Project, who exercises any function or responsibilities in the review or approval of the Project or any component part thereof, shall participate in any decisions relating to this Agreement which affects his personal interest or the interest of any corporation, partnership or association in which he is, directly or indirectly, interested; nor shall any such persons have any interest, direct or indirect, in this Agreement or the proceeds arising there from.
19. Officials not to Benefit. No member of or delegate to the Congress of the United States of America, resident Commissioner or employee of the United States Government, shall be entitled to any share or part of this Agreement or any benefits to arise here from.
20. Prohibition Against Use of Funds to Influence Legislation. No part of any funds under this Agreement shall be used to pay the salary or expenses of any employee or agent acting on behalf of the County to engage in any activity designed to influence legislation or appropriations pending before Congress.
21. Confidentiality and Security. Any client information received in connection with the performance of any function of a community service provider or its subcontractors under this Agreement shall be kept confidential. The community service provider acknowledges that in receiving, storing, processing, or otherwise handling any confidential information, the agency and any subcontractors will safeguard and not further disclose the information except as provided in this Agreement and accompanying documents.
22. Record Retention and Disposition. All state and local government agencies, nongovernmental entities, and their subrecipients, including applicable vendors, that administer programs funded by federal sources passed through the NC DHHS and its divisions and offices are expected to maintain compliance with the NC DHHS record retention and disposition schedule and any agency-specific program schedules developed jointly with the NC Department of Cultural Resources, Division of Archives and Records. Retention requirements apply to the community service providers funded under this Agreement to provide Home and Community Care Block Grant services. Information on retention requirements is posted at <http://www.ncdhhs.gov/control/retention/retention.htm> and updated semi-annually by the NC DHHS Controller's Office. By funding source and state fiscal year, this schedule lists the earliest date that grant records in any format may be destroyed. The Division of Archives and

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Records provides information about destroying confidential data and authorized methods of record destruction (paper and electronic) at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Authorized-Destruction>.

The NC DHHS record retention schedule is based on federal and state regulations and pertains to the retention of all financial and programmatic records, supporting documents, statistical records, and all other records supporting the expenditure of a federal grant award. Records legally required for ongoing official proceedings, such as outstanding litigation, claims, audits, or other official actions, must be maintained for the duration of that action, notwithstanding the instructions of the NC DHHS record retention and disposition schedule.

In addition to record retention requirements for records in any format, the long-term and/or permanent preservation of electronic records require additional commitment and active management by agencies. The community service provider will comply with all policies, standards, and best practices published by the Division of Aging and Adult Services regarding the creation and management of electronic records.

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23. Applicable Law. This Agreement is executed and is to be performed in the State of North Carolina, and all questions of interpretation and construction shall be construed by the laws of such State.

In witness whereof, the Area Agency and the County have executed this Agreement as of the day first written above.

Currituck County

Attest:

By: _____
Chairman, Board of Commissioners

Area Agency

Attest:

Area Agency Director
By: _____
Executive Director,
Lead Regional Organization

Provision for payment of the monies to fall due under this Agreement within the current fiscal year have been made by appropriation duly authorized as required by the Local Government Budget and Fiscal Control Act.

BY: _____
FINANCE OFFICER, Lead Regional Organization

Attachment: HCCBG Funding Contracts FY 19-20 (HCCBG Funding Contract Approval)

SIGN
HERE

Packet Pg. 127

Packet Pg. 128

SIGN HERE

[illegible]



Designation of Voting Delegate to NCACC Annual Conference

I, Mary Etheridge, County Commissioner, hereby certify that I am the duly designated voting delegate for Currituck County at the 112th Annual Conference of the North Carolina Association of County Commissioners to be held in Guilford County, N.C., on August 22-24, 2019.

Signed: _____

Title: _____

Article VI, Section 2 of our Constitution provides:

“On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its county commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the board of county commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year's dues.”

Please return this form to Alisa Cobb by: **12 Noon on Friday, August 16, 2019:**

NCACC
323 W. Jones Street, Suite 500
Raleigh, NC 27603
Fax: (919) 733-1065
Email: alisa.cobb@ncacc.org
Phone: (919) 715-2685

Attachment: NCACC Voting delegate form 2019 (NCACC Voting Delegate)

Number

TDA2020001

BUDGET AMENDMENT

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

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

Explanation:

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

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

Net Budget Effect:

Occupancy Tax Fund (15) - Increased by \$133,833.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA_Aug 5-Bud Amends (TDA Budget Amendments)

Number

TDA2020002

BUDGET AMENDMENT

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-590000	Capital Outlay	\$ 10,951	
15390-499900	Appropriated Fund Balance		\$ 10,951
		<u>\$ 10,951</u>	<u>\$ 10,951</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations to replace the cattle grate in Corolla to protect the wild horses.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$10,951.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA_Aug 5-Bud Amends (TDA Budget Amendments)