



CURRITUCK COUNTY NORTH CAROLINA

June 1, 2020

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:00 PM Flora Farm Review (with Planning Board, at the Cooperative Extension Auditorium)

The Board of Commissioners met for a Work Session at 4:00 PM in the Sanderlin Auditorium at the Currituck Cooperative Extension Center, Barco, to hear a presentation from applicant representatives of the Flora Farm development project. Currituck County Planning Board members also attended the work session.

Planning and Community Development Director, Laurie LoCicero, began with an overview of the request to rezone 224 acres from Agricultural to Planned Development-Residential for the project located in Moyock, North Carolina. During review, a comparison chart was displayed that showed the number of housing units, maximum densities and open space requirements allowable under current and alternative zoning.

Mark Bissell, project Engineer, used a powerpoint to present the Flora Farm master plan. The subdivision plat and renderings of residential and commercial components of the project were displayed. Construction phasing to moderate student generation was described as a means to allow time for the construction and opening of the new elementary planned for August, 2023. Mr. Bissell responded to questions posed by Board members and confirmed that a separate wastewater plant is proposed for Flora Farm but the hope is ultimately combine the utility with the neighboring Fost Tract project. Addressing parking concerns, he noted homes will be set back to allow for more driveway space. Traffic improvements, connectivity and compatibility with nearby properties were presented.

Commissioner Beaumont reported recent budget discussions with the school board suggested that funding issues could delay the school opening by at least two years. Mr. Bissell responded to questions on the impacts to the Flora Farm project should there be a delay in school construction, and said further consideration would be needed based on the new information.

Jamie Schwedler, Attorney for the applicant, presented. She noted the proposed development plan, density, and expected growth in the area are all consistent with the 2006 Land Use Plan. Conditions and consistency statements were reviewed, and she said the North Carolina Department of Transportation has signed off on the project transportation plan. She reported the school site designated on the Flora Farm tract was selected by the Board of Education. Ms. Schwedler said adequate public facilities should not be considered

during the rezoning but when the use permit is considered, and the phasing plan was a good faith effort to help with student capacity issues in anticipation of the new school. The 2006 Land Use Plan language addressing school facilities was reviewed.

Commissioners and Ben Stikeleather, County Manager, discussed funding challenges, such as the Covid-19 pandemic impacting both local and state revenues, possibly resulting in the need for a bond referendum for school construction funding. Discussion continued regarding school capacities and staff expressed concerns with how the rezoning might impact adequate public facilities, including affects to middle and high school, when the Use Permit comes before the Board.

Discussion concluded and Chairman White thanked everyone for attending. The work session ended at 5:12 PM.

6:00 PM CALL TO ORDER

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

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

Chairman White called the meeting to order.

A) Invocation & Pledge of Allegiance

A moment of silence was held, followed by the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Payment moved to amend the agenda and added a Resolution to approve a fireworks display at Eagle Creek Golf Course. Commissioner McCord seconded and the motion carried.

Approved agenda:

Work Session

4:00 PM Flora Farm Review (with Planning Board, at the Cooperative

Extension Auditorium)

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) Budget Presentation for FY 2020-2021

Public Hearings

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

B) **PB 20-04 Currituck County Flood Ordinance Text Amendment:** Request to amend the Unified Development Ordinance, Chapter 1, Section 1.7.2. to reference the most recent effective date of the Flood Insurance Study (FIS) and Digital Flood Insurance Rate Map (DFIRM) and include auto adoption language for all revisions thereto after January 1, 2021.

New Business

A) **Consideration and Action on Ordinance Amending Section 8-88 of the Currituck County Code of Ordinances Deferring Payment of Outdoor Tour Operator Annual License Fee**

B) **Consideration of Bids for Moyock Wastewater Treatment Plant**

C) **Board Appointments**

1. Social Services Board-Megan Morgan

D) **Consent Agenda**

1. Approval Of Minutes-May 18, 2020
2. Budget Amendments
3. Surplus Resolution-Chairs, Department of Social Services
4. Purchase of an Air Compressor System-Corolla Volunteer Fire Department
5. Purchase of Used Air Compressor System from Corolla VFD-Carova Beach VFD
6. Public Utilities Payment Plan per Exec. Order 124-Covid-19

Amended-Consideration of Fireworks Resolutions (Pulled from Consent Agenda)

Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics in Historic Corolla Park, Corolla, North Carolina.

Amended Item: Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics at Eagle Creek Golf Course, Moyock, North Carolina.

Recess Regular Meeting

Special Meeting-Tourism Development Authority

Tourism Annual Budget Presentation for FY 2020-2021

Budget Amendments-TDA

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, 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 to speak. Chairman White relayed two emails received from Corolla residents who did not think the County should hold a July 4th fireworks display.

There were no other comments and the Public Comment period was closed.

COMMISSIONER'S REPORT

Chairman White talked about the boat basin at Whalehead in the Historic Park and said the County Manager will be looking into whether the existing pier can be extended so boats could

more easily dock to access the park. He said the county is looking at an alternative for boater access also, but that plan is expensive and would be a long-term project. The Chairman acknowledged complaints received by Commissioners over the weekend about the new KOA campground in Waterlily who transported modular units down Waterlily Road for use at the facility.

Commissioner Payment also spoke of the KOA campground in Waterlily and reported staff is on top of the situation and will take appropriate action. He reminded everyone to continue to stay safe, as the Covid-19 virus is still active. He asked citizens to keep first responders in their thoughts and prayers with the current unrest taking place.

Commissioner Mary Etheridge thanked the citizens who participated in Operation Love Thy Neighbor and announced times and locations for distribution of the Food Lion gift cards that were purchased through donations.

Commissioner Beaumont was pleased with both business and visitor activity on the Outer Banks, and noted Forbes Magazine recommended Corolla as the number one place to visit. He observed the wider beaches following recent storms, and invited all to visit.

Commissioner McCord discussed complaints received about road construction and traffic, particularly in the Maple area. He said the Sheriff's Office is patrolling on Waterlily Road and discussed the visitor activity in Corolla. Commissioner McCord relayed positive comments received about Currituck County's local law enforcement and highway patrol and offered prayers to those dealing with the unrest taking place in other areas.

Commissioner J. Owen Etheridge noted the increased traffic as people are coming back to Currituck County. He discussed the trying times we are currently experiencing in our country and encouraged prayer and working together to get us back to where we need to be.

Commissioner Jarvis also discussed the current tensions and turbulent times. She spoke of recent conditions creating an "us versus them" mentality, and encouraged all to treat each other as we would want to be treated and to be part of the solution and not the problem. Commissioner Jarvis also thanked citizens for their contributions and participation in Operation Love Thy Neighbor.

COUNTY MANAGER'S REPORT

County Manager, Ben Stikeleather, announced dates, times and locations for gift card distribution in Knotts Island and Corolla through Operation Love Thy Neighbor. He said staff was investigating the complaints received from Waterlily Road residents regarding the KOA campground transporting modular cabin structures to the facility, and reported the North Carolina State Highway Patrol cannot ticket because they did not witness the violation. Mr. Stikeleather addressed the county budget, and although he is encouraged with the number of visitors coming to Corolla, sales tax collections may be down. He updated the Board of Commissioners on the progress of county projects, reviewed the county's mosquito control program, and reported NARCAN kits were received from Trillium Health for use by Sheriff and Emergency Medical Services personnel to counter drug overdoses.

ADMINISTRATIVE REPORTS

A. Budget Presentation for FY 2020-2021

Ben Stikeleather, County Manager, presented the manager's recommended budget for Fiscal Year 2020-2021. Prior budget work sessions were announced and a powerpoint was used to display budgetary information for Commissioners and the public. Mr. Stikeleather presented the statutory requirements followed for developing the budget. He said property tax rates would remain at .48 cents/\$100, and he reported the effects Covid-19 had on budget preparation. No new positions or salary increases were recommended and most capital items were removed. The budget would be reviewed in December or January, 2021, at which time items could be reconsidered. School funding, tax rates and historical data for collections and revaluations, revenue sources and appropriations, debt funding, and operating budget were presented.

When asked, Mr. Stikeleather explained how Occupancy Taxes, which are paid by visitors, can be spent per statute, with a percentage designated for promotion and another percentage for tourism related expenses. Cuts to capital expenses and permit fee increases were reviewed, as well as proposed increases in solid waste and airport fees. Remaining capital projects were presented, for a total budget of \$84,769,482.

The presentation concluded and a date of June 15, 2020, was set for Public hearing and possible budget adoption, to take effect on July 1, 2020.

Motion for budgetary impacts presentation at Budget Adoption-Fire/EMT Salary increases

Following presentation, Commissioner Beaumont talked of challenges retaining full-time Fire/Emergency Medical Technician (EMT) personnel in Corolla and recommended using money from the county's fund balance to raise pay for those employees. Mr. Stikeleather discussed the cost involved and expressed concerns with paying for those recurring costs out of fund balance.

Commissioners discussed the cause of the personnel issues in Corolla, one being that other areas were providing higher pay and requiring less hours. Mr. Stikeleather suggested the Corolla Fire service district could fund the higher salaries in lieu of using fund balance. Commissioners did not want to increase the district tax.

Following discussion, Commissioner Beaumont made a motion to add funds to the budget and move forward with pay raises for Fire/EMT Basic and Intermediate staff. The motion was seconded by Commissioner Jarvis.

The motion and second were withdrawn after Commissioner J. Owen Etheridge suggested the financial impacts of the increases be brought back for consideration. Commissioner Beaumont moved that an analysis with full impacts to the County budget, including FICA and overtime, for presentation at budget adoption. Commissioner J. Owen Etheridge seconded the motion. The motion carried.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
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

RECESS

Chairman White called a recess at 7:17 PM. The meeting reconvened at 7:25 PM. Commissioners had no additional budget comments or questions, and the Chairman moved to the next item.

PUBLIC HEARINGS

A. PB 19-17 Baxter Station:

Planning and Community Development Director, Laurie LoCicero, reported a notice was received from the applicant's consultant and they were withdrawing the application for Baxter Station. This would delay for one year the applicant's ability to resubmit a similar project at the location. No action was necessary.

B. PB 20-04 Currituck County Flood Ordinance Text Amendment:

To: Planning Board

From: Planning Staff

Date: May 26, 2020

Subject: PB 20-04 Currituck County Text Amendment
Flood Ordinance

The county adopted a revised Flood Insurance Study (FIS) and revised Flood Insurance Rate Map (FIRM) panels effective December 21, 2018. Since the county shares FIRM panels with Dare County and Dare is currently in the process of adopting their revised FIS and FIRMs, Currituck County is required to revise our FIS and FIRM.

To remain in good standing and to continue participation in the National Flood Insurance Program (NFIP), the county is required to adopt the effective Flood Insurance Study (FIS) report and Digital Flood Insurance Rate Maps (DFIRM) prior to June 19, 2020. No significant changes have been made to the flood hazard data for Currituck County.

This text amendment will revise Chapter 1, Section 1.7.2. of the Unified Development Ordinance (UDO) to reference the most recent effective date of the FIS and FIRM and includes auto adoption language for any revisions thereto after January 1, 2021.

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

Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

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

1. *Land Use and Development Goal #1*
To protect and conserve the area's natural beauty and coastal resources as the County's greatest asset for economic development and a high quality of life.
2. *Land Use and Development Goal #7*
To exercise caution, foresight, and common sense in dealing with the risks of coastal development.
3. *Natural Hazards Area CAMA Management Goal*
Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection functions and their natural resources, giving recognition to public health, safety, and welfare issues.
4. **POLICY NH1:** The County recognizes the risks to life and property that exist within SPECIAL FLOOD HAZARD AREAS (i.e. areas having a 1% chance of flooding in any year) that may be inundated during major storm events. The County will continue taking measures to mitigate these risks and will avoid taking any action in these areas that materially increases risks to life and property.

The request is reasonable and in the public interest because:

1. It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
2. It minimizes damage to public and private property due to flooding.



Amendment to the Unified Development Ordinance Chapter 1: General Provisions.

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 1: General Provisions be amended by adding the following underlined language and deleting the struck-through language:

OFFICIAL ZONING MAP

1.7.2. Incorporated by Reference

A. The Official Zoning Map and all the notations thereon is incorporated herein by reference and made part of this Ordinance.

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) dated June 19, 2020 ~~December 21, 2018~~ (as amended). The FIS for Currituck County and associated DFIRM panels, including any digital data developed as part of the FIS, are adopted by reference and declared a part of this Ordinance, and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Currituck County are also adopted by reference and declared a part of this Ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three months.

Item 2: Statement of Consistency and Reasonableness:

The requested text amendment, adoption of the FIRM, and FIS are consistent with the goals, policies, and objectives of the 2006 Land Use Plan because:

- It will conserve the floodplains and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues. (Natural Hazards Area CAMA Management Goal)
- It includes requirements for development and redevelopment within special flood hazard areas to meet the standards of the NFIP and the flood damage prevention ordinance. (LUP POLICY NH2)
- It recognizes the potential risks to life and properties within the special flood hazard areas and the implements measures to mitigate the risks. (LUP POLICY NH1)

The request is reasonable and in the public interest because:

- It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
- Minimizes damage to public and private property due to flooding.

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 _____, 2020.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

Laurie LoCicero, Planning and Community Development Director, reviewed the text amendment to modify the effective date of the flood insurance rate map due to necessary revisions. The text amendment is required for the county to continue to participate in the National Flood Insurance Program. Language was included to provide for auto adoption of future revisions into the Unified Development Ordinance after January 1, 2021. Staff and Planning Board recommend approval of the text amendment which must be adopted prior to June 19, 2020.

Chairman White opened the Public Hearing. There were no speakers and the Public Hearing was closed.

Commissioner Jarvis moved to approve PB 20-04 because the request is consistent with the goals, objectives and policies of the Land Use Plan, including Land Use Policy NH2 and Land Use Policy NH1. And, the request is reasonable and in the public interest because it continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding; and it minimizes damage to public and private property due to flooding.

Commissioner Payment seconded the motion. The motion carried.

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

NEW BUSINESS

A. Motion for Recusal

Chairman White, as an owner of a tour operator business in Corolla, requested recusal from voting on the ordinance. Commissioner Payment moved to allow Chairman White to be recused. The motion was seconded by Commissioner McCord and the motion carried. Chairman White exited the Board Room and Commissioner Payment, Vice-Chair, assumed the duties of Chairman.

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, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

B. Consideration and Action on Ordinance Amending Section 8-88 of the Currituck County Code of Ordinances Deferring Payment of Outdoor Tour Operator Annual License Fee

Ike McRee, County Attorney, explained several tour operators on the Currituck Outer Banks requested the licensing fees be waived due to the unknown financial impacts from operating restrictions related to the Covid-19 pandemic. The Ordinance would defer this year's annual fee until September 1, 2020, at which time the Board could reassess and make a determination as to whether to waive, prorate, or collect the full fee. Staff responded to questions related to the fees paid and ordinance language.

Commissioner J. Owen Etheridge moved for adoption of the Ordinance. The motion was seconded by Commissioner Mary Etheridge. The motion carried. Chairman White was reseated with the Board following the vote.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 8-88 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO DEFER PAYMENT OF THE 2020 OUTDOOR TOUR OPERATOR LICENSE FEE UNTIL SEPTEMBER 1, 2020

WHEREAS, on March 20, 2020 the Chairman of the Currituck County Board of Commissioners declared a State of Emergency under Chapter 166A of the General Statutes of North Carolina and Chapter 6, Article III of the Currituck County Code of Ordinances in response to the COVID-19 pandemic; and

WHEREAS, the March 20, 2020 Declaration of a State of Emergency prohibited visitor and non-resident property owner access to the Currituck County Outer Banks; and

WHEREAS, outdoor tour operators that operate on the Currituck County Outer Banks were effectively unable to provide tour services from March 20, 2020 until at least April 23, 2020 when non-resident property owners were permitted to enter the Currituck County Outer Banks; and

WHEREAS, although visitors are now permitted to enter the Currituck Outer Banks certain Center for Disease Control recommendations limit the number of customers outdoor tour operators may accommodate on each tour thus reducing revenue to those businesses; and

WHEREAS, the economic effects of the COVID-19 pandemic have detrimentally affected outdoor tour operators and it is deemed necessary to appropriate to defer payment of outdoor tour operator license fees; and

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-134 a county may by ordinance regulate and license occupations, businesses, trades, and professions.

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

PART I. Section 8-88 of the Code of Ordinances, Currituck County, North Carolina is amended by adding paragraph (e) so that the section reads as follows:

Sec. 8-88. License required.

(a) It shall be unlawful for any person to engage in business as an outdoor tour operator or to operate an outdoor tour vehicle in the designated area without a license issued pursuant to this article. The license shall be effective only for term of two years stated in the license and upon payment of any annual fee, unless suspended or revoked sooner as provided for by ordinance and may not be transferred.

(b) No more than ten licenses to engage in business as an outdoor tour operator or to operate outdoor tour vehicles in the designated area shall be issued at any one time. In the event that a license is forfeited, revoked, not renewed or otherwise vacated, the county manager or county manager's designee may solicit by public notification applications for the available license. The county manager or county manager's designee shall then use a lottery in selecting from among the qualified license applicants.

(c) Each license may allow an outdoor tour operator to operate at any given point in time and only on approved routes five outdoor tour vehicles or the number of outdoor tour vehicles allowed in an issued special use permit, whichever is less.

(d) Any outdoor tour operator lawfully operating more outdoor tour vehicles than allowed pursuant to section 8-88(c) of this article on the date that this ordinance becomes effective shall be deemed a nonconforming use. Any use determined to be a nonconforming use by application of the provisions of section 8-88(d) of this article shall be permitted to continue for a period not to exceed one year from the effective date of the ordinance from which this article is derived.

(e) Payment of the annual license fee required in paragraph (a) of this section is deferred for the year 2020 until September 1, 2020.

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

PART III. Severability. In the event one or more of the provisions contained in this ordinance shall for any reason be held by a court to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this ordinance, and this ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PART III. This ordinance is effective upon its adoption.

ADOPTED this 1st day of June, 2020.

Bob White, Chairman

ATTEST:

Leeann Walton, Clerk to the Board

RESULT:	APPROVED [6 TO 0]
AYES:	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
RECUSED:	Bob White, Chairman

C. Consideration of Bids for Moyock Wastewater Treatment Plant

Ben Stikeleather, County Manager, presented the bids received for the construction of a new Moyock Wastewater Treatment Plant and recalled his prior report to Commissioners during the budget work sessions where he noted the bids came in considerably higher than expected at almost twice the budgeted amount. Mr. Stikeleather recommended the bids be rejected due to the financial strain on the County.

Commissioner J. Owen Etheridge moved to accept the County Manager's recommendation and reject all bids. The motion was seconded by Commissioner McCord. The motion carried.

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) Board Appointments

1. Social Services Board-Megan Morgan

Commissioner Mary Etheridge moved to appoint Megan Morgan to the Social Services Board to replace Margarette Etheridge, whom she thanked for her years of service on the Board. Commissioner McCord seconded the motion. The motion carried.

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

Consent Agenda Motion to Remove Fireworks Resolutions for Additional Discussion

Prior to considering Consent Agenda, Commissioner J. Owen Etheridge addressed the Fireworks Resolution for Eagle Creek, which had been added to Consent Agenda at the start of the meeting. He said Eagle Creek may want to hold their display either July 3 or July 4, 2020. With the County's fireworks display scheduled for July 3, Ben Stikeleather, County Manager, said the possibility that two events might take place on the same day was of concern to the Sheriff's Office.

Commissioner J. Owen Etheridge moved to pull both Fireworks Resolutions from Consent Agenda for additional discussion. Commissioner McCord seconded. The motion carried.

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

E) Consent Agenda

The Fireworks Resolutions being considered separately, Commissioner Beaumont moved for approval of the remaining Consent Agenda items. 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, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

1) Approval Of Minutes-May 18, 2020

1. Minutes for May 18, 2020

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10380-484001	Insurance Recovery		\$ 5,857
10441-506000	Health Insurance		\$ 5,000
10441-526000	Advertising		\$ 1,500
10510-506000	Health Insurance		\$ 7,744
10510-514500	Training & Education		\$ 10,000
10510-516200	Vehicle Repairs & Maintenance	\$ 14,857	
10510-531000	Fuel		\$ 11,000
10510-532000	Supplies	\$ 5,500	
10510-532001	Canine Supplies	\$ 4,500	
10510-536000	Uniforms	\$ 6,500	
10510-545000	Contract Services	\$ 9,744	
		\$ 41,101	\$ 41,101
Explanation: Sheriff (10510) - Increase appropriations to record insurance recovery and transfers for operations for the remainder of this fiscal year.			
Net Budget Effect: Operating Fund (10) - Increased by \$5,857.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10530 502100	Overtime		\$ 1,500
10530 505000	FICA		\$ 115
10530 507000	Retirement		\$ 180
10530 514000	Travel	\$ 41	
10530 516200	Vehicle Maintenance	\$ 1,500	
10530 536000	Uniforms		\$ 1,541
10530 545000	Contracted Services		\$ 5,000
10541 502100	Overtime	\$ 1,500	
10541 505000	FICA	\$ 115	
10541 507000	Retirement	\$ 180	
10541 545000	Contracted Services	\$ 5,000	
		\$ 8,336	\$ 8,336
Explanation: Emergency Medical Services (10530); County Fire Services (10541) - Transfers for operations for the remainder of this fiscal year.			
Net Budget Effect: Operating Fund (10) - No change.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10330-445000	EMERGENCY MGMT		\$ 18,279
10531-590000	CAPITAL OUTLAY	\$ 10,000	
10531-532000	SUPPLIES	\$ 6,779	
10531-516200	VEHICLE MAINTENANCE	\$ 1,500	
		\$ 18,279	\$ 18,279

Explanation: Emergency Management (10531) - 2020 Emergency Management Performance Grant Supplemental Funds to be used to purchase an event management trailer (remaining balance of project), replace EM truck tires, purchase various office supplies and re-entry permits.

Net Budget Effect: Operating Fund (10) - Increased by \$18,279.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10330-445000	EMERGENCY MGMT		\$ 20,625
10531-590000	CAPITAL OUTLAY	\$ 20,625	
		\$ 20,625	\$ 20,625

Explanation: Emergency Management (10531) - 2020 Emergency Management Performance Grant to be used to purchase an event management trailer (message board, traffic cones, barricades, safety vests).

Net Budget Effect: Operating Fund (10) - Increased by \$20,625.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
25607-545000	Guinea Mill Contracted Services	\$ 20,000	
25390-499900	Appropriated Fund Balance		\$ 20,000
		\$ 20,000	\$ 20,000

Explanation: Guinea Mill Watershed Improvements District (25607) - Provide funds in Contracted Services for clear/snag and bush hog mowing ditch improvements project along Guinea Mill Canal.

Net Budget Effect: Guinea Mill Watershed Improvements District (25) - Increased by \$20,000.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10650-531000	Fuel	\$ 300	
10650-545000	Contracted Services		\$ 3,000
10650-553000	Dues and Subscriptions	\$ 3,000	
10650-511000	Telephone & Postage		\$ 300
		<u>\$ 3,300</u>	<u>\$ 3,300</u>

Explanation: Economic Development (10650) - Transfer budgeted funds for increases in dues and subscriptions and fuel.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10550-590000	Capital Outlay		\$ 3,668
10550-554000	Insurance		\$ 955
10550-503000	Part-time Salary	\$ 1,400	
10550-505000	FICA Expense	\$ 107	
10550-532000	Supplies	\$ 3,068	
10550-557100	Software License Fee	\$ 117	
10550-561000	Professional Services	\$ 38	
10550-511010	Data Transmission		\$ 107
		<u>\$ 4,730</u>	<u>\$ 4,730</u>

Explanation: Airport (10550) - Transfers for operations.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-532000	Supplies	\$ 3,000	
10460-590000	Capital Outlay	\$ 8,200	
10460-592000	Projects		\$ 8,200
10460-513000	Utilities		\$ 3,000
		<u>\$ 11,200</u>	<u>\$ 11,200</u>

Explanation: Public Works (10460) - Transfer funds for operations for the remainder of this fiscal year.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10790-545000	CONTRACTED SERVICES	\$ 3,000	
10790-514800	FEES PAID TO OFFICIALS	\$ 100	
10790-532001	LIBRARY MATERIALS	\$ 1,500	
10790-513000	UTILITIES		\$ 3,100
10790-511000	TELEPHONE & POSTAGE		\$ 1,500
		<u>\$ 4,600</u>	<u>\$ 4,600</u>

Explanation: Library (10790) - Transfer fund for operations for the remainder of this fiscal year.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10795-532000	Supplies	\$ 13,900	
10795-576001	Baseball/Softball/Tball		\$ 13,900
		<u>\$ 13,900</u>	<u>\$ 13,900</u>

Explanation: Parks & Recreation (10795) - Transfer funds for operations for the remainder of this fiscal year.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10441-511010	Data Transmission	\$ 1,500	
10441-557100	Software License Fees	\$ 1,000	
10441-502000	Salaries		\$ 2,500
		<u>\$ 2,500</u>	<u>\$ 2,500</u>

Explanation: Information Technology (10441) - Transfer funds for operations for the remainder of this fiscal year.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10512-516200	Vehicle Maintenance	\$ 1,500	
10512-557100	Software License Fees		\$ 1,351
10512-561000	Professional Services		\$ 149
		\$ 1,500	\$ 1,500

Explanation: Animal Services & Control (10512) - Transfer for operations.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10606-511000	Postage/Telephone		\$ 200
10606-532000	Supplies	\$ 200	
		\$ 200	\$ 200

Explanation: Soil & Water Conservation (10606) - Transfer funds for printer ink cartridges.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10750-557701	Low Income Energy Assist Program	\$ 2,163	
10330-431600	Low Income Energy Assist Program		\$ 2,163
10760-585000	Donations	\$ 5,000	
10330-484000	Disaster Relief Donations		\$ 5,000
		\$ 7,163	\$ 7,163

Explanation: Social Services Administration (10750); County Services (10760) - Increase appropriations for additional allocation of Low Income Energy Assistance Funding and donations for "Operation Love Thy Neighbor" both results of COVID19 assistance.

Net Budget Effect: Operating Fund (10) - Increased \$7,163.

3. Surplus Resolution-Chairs, Department of Social Services

RESOLUTION			
<p>WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be sold at auction, negotiated sale or will be disposed of if not sellable.</p>			
County			
Asset	Description	Serial Number	DEPT
2830	Capella Chairs w/arms	A,C,D,F,G,H,I,J,K,L,M,P Q,R,S,T,U,V,X & 1 no tag	DSS
838	Blue wooden chairs (received from the library)	no tags - 8 total	DSS
<p>NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the</p>			
<p>ADOPTED, this 6th day of June, 2020.</p>			
<p>Bob White, Chairman Currituck County Board of Commissioners</p>			
<p>Leeann Walton Clerk to the Board</p>			
		(Seal)	

4. Purchase of an Air Compressor System-Corolla Volunteer Fire Department

5. Purchase of Used Air Compressor System from Corolla VFD-Carova Beach VFD

6. Public Utilities Payment Plan per Exec. Order 124-Covid-19

AMENDED-CONSIDERATION OF FIREWORKS RESOLUTIONS (PULLED FROM CONSENT AGENDA)

F. Amended Item: Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics at Eagle Creek Golf Course, Moyock, North Carolina.

Ben Stikeleather, County Manager, reiterated the Sheriff's manpower concerns if both fireworks displays were to be held on the same day. Commissioners discussed those concerns and considered how much manpower would be needed for each event. Mr. Stikeleather said there was no issue with Eagle Creek having a fireworks display but not on the same day as the County's. Commissioner J. Owen Etheridge was looking for some flexibility. Mr. Stikeleather suggested language that would allow one evening within a date range.

Following discussion, Commissioner J. Owen Etheridge moved that the Resolution be revised to approve one night of fireworks to take place from July 4th through July 11, 2020. Commissioner Payment seconded the motion. The motion carried.

**RESOLUTION
APPROVING THE EXHIBITION, USE AND DISCHARGE OF
PYROTECHNICS AT EAGLE CREEK GOLF COURSE IN MOYOCK,
NORTH CAROLINA**

WHEREAS, pursuant to N.C. Gen. Stat. §14-410 and §14-413, a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the Board of Commissioners for a county; and

WHEREAS, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

WHEREAS, Kevin Wetzel, aka. Wetzel Pyrotechnics is under contract with Tim Paasch to provide an exhibition of fireworks in Moyock at property known as Eagle Creek Golf Course, 109A Greenview Road, in Moyock, North Carolina, on a single night, not to take place before Saturday, July 4, 2020 or after Saturday, July 11, 2020. The fireworks display will be a public exhibition, and Wetzel Pyrotechnics has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Wetzel Pyrotechnics is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as Eagle Creek Golf Course, 109A Greenview Road, Moyock, North Carolina, on a single night, not to take place before Saturday, July 4, 2020 or after Saturday, July 11, 2020.

Section 2. This Resolution shall be effective upon adoption.

ADOPTED this 1st day of June, 2020.

Bob White, Chairman

ATTEST:

Leeann Walton

Clerk to the Board

RESULT:	APPROVED [UNANIMOUS]
MOVER:	J. Owen Etheridge, 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

G. Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics in Historic Corolla Park, Corolla, North Carolina.

Ben Stikeleather, County Manager, discussed the annual Independence Day Celebration in Corolla and presented several options for the Board to consider for this year's event in light of the Covid-19 pandemic. Commissioners discussed event options and spectator viewing areas, challenges, health concerns, and staff needs. Commissioners chose to have a fireworks display only, with no vendors, and the majority of the Board voted to allow both cars and pedestrians to attend. Commissioner Mary Etheridge and Commissioner Jarvis preferred to allow pedestrians only. Staff was asked to reach out to the Shawboro Ruritans to see if they are willing to manage event parking.

Discussion concluded and Commissioner Beaumont moved for approval of the Resolution. Commissioner McCord seconded. The motion carried.

**RESOLUTION
APPROVING THE EXHIBITION, USE AND DISCHARGE OF
PYROTECHNICS AT WHALEHEAD IN HISTORIC COROLLA
COROLLA, NORTH CAROLINA**

WHEREAS, pursuant to N.C. Gen. Stat. §14-410 and §14-413, a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the Board of Commissioners for a county; and

WHEREAS, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

WHEREAS, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as Whalehead in Historic Corolla, Corolla, North Carolina, on Friday, July 3, 2020, which will be a public exhibition, and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc., is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as Whalehead in Historic Corolla, 1100 Club Road, Corolla, North Carolina on Friday, July 3, 2020.

Section 2. This resolution shall be effective upon adoption.

ADOPTED this 1st day of June, 2020.

ATTEST:

Bob White, Chairman

Leeann Walton
Clerk to the Board

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, 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

RECESS REGULAR MEETING

Chairman White recessed the regular meeting to hold Special Meetings of the Tourism Development Authority and the Ocean Sands Water and Sewer District Board.

SPECIAL MEETING-TOURISM DEVELOPMENT AUTHORITY

The Currituck County Board of Commissioners held a Special Meeting during a recess of the 6:00 PM Regular Meeting to sit as the Tourism Development Authority. The Special Meeting took place in the Board Room of the Historic Courthouse at 153 Courthouse Road, Currituck, North Carolina. The purpose of the meeting was to consider budget amendments and to present the Tourism Development Authority proposed budget for Fiscal Year 2020-2021.

Tourism Annual Budget Presentation for FY 2020-2021

Chairman White opened the Special Meeting and County Manager, Ben Stikeleather, presented the proposed annual budget for Occupancy Tax spending for Fiscal Year 2020-2021. He reviewed the breakdown for promotions and tourism related spending per state statute, and how funds can be used. Projected revenues and funds budgeted for promotions and tourism related spending were presented. A date of June 15, 2020, was set for Public Hearing and possible adoption with an effective date of July 1, 2020.

H. TDA Budget Amendment-iPads

Ben Stikeleather, County Manager, reviewed the first budget amendment for Board consideration to purchase iPads for use by staff to process purchases. Chairman White moved for approval. Commissioner McCord seconded the motion. The motion carried and the amendment passed.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15442-532000	Supplies	\$ 2,300	
15448-532000	Supplies	\$ 2,300	
15442-503500	Temporary Services		\$ 2,300
15448-503500	Temporary Services		\$ 2,300
		\$ 4,600	\$ 4,600
Explanation: Tourism Promotion (15442); Tourism Related Expenditures (15447) - Transfer budgeted funds to replace the Ipads used as cash registers at the Visitors Centers and Whalehead Club.			
Net Budget Effect: Occupancy Tax Fund (15) - No change.			

RESULT: APPROVED [UNANIMOUS]
MOVER: Bob White, Chairman
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

Budget Amendments-TDA

Ben Stikeleather, County Manager, reviewed the remaining budget amendments for consideration and Chairman White moved for approval. Commissioner Jarvis seconded the motion. The motion carried and the amendments were approved.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15442-514000	Travel		\$ 6,000
15442-590000	Capital Outlay	\$ 6,000	
		\$ 6,000	\$ 6,000
Explanation: Occupancy Tax - Promotions (15442) - Transfer funds to upgrade videographer computer.			
Net Budget Effect: Occupancy Tax Fund (15) - No change.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15442-511010	Data Transmission	\$ 3,000	
15442-503500	Temporary Services		\$ 3,000
		\$ 3,000	\$ 3,000
Explanation: Occupancy Tax - Promotions (15442) - Transfer funds for increased data transmission costs for the remainder of this fiscal year.			
Net Budget Effect: Occupancy Tax Fund (15) - No change.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
15447-516002	Outer Banks Ramps	\$ 3,000	
15447-531000	Fuel	\$ 500	
15447-539000	Unemployment Insurance	\$ 900	
15447-545000	Contract Services		\$ 4,940
15447-557100	Software License Fees	\$ 540	
		\$ 4,940	\$ 4,940
Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - Transfers for operations for the remainder of this fiscal year.			
Net Budget Effect: Occupancy Tax Fund (15) - No change.			

RESULT: APPROVED [UNANIMOUS]
MOVER: Bob White, 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

ADJOURN TDA SPECIAL MEETING

There was no further business and Commissioner Beaumont moved to adjourn. The motion was seconded by Commissioner J. Owen Etheridge. The motion carried and the Special Meeting of the Tourism Development Authority adjourned at 8:13 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
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

SPECIAL MEETING-OCEAN SANDS WATER & SEWER DISTRICT

The Currituck County Board of Commissioners held a Special Meeting during a recess of the 6:00 PM Regular Meeting to sit as the Ocean Sands Water and Sewer District Board. The Special Meeting took place in the Board Room of the Historic Courthouse at 153 Courthouse Road, Currituck, North Carolina. The purpose of the meeting was to consider budget amendments and to present the Ocean Sands Water and Sewer District proposed budget for Fiscal Year 2020-2021.

Ocean Sands Water & Sewer District Annual Budget Presentation for FY 2020-2021

Ben Stikeleather, County Manager, presented the proposed budget for the Ocean Sands Water and Sewer District for Fiscal Year 2020-2021. Expected revenues, expenses, and funds for capital spending were reviewed.

Following presentation a date of June 15, 2020, was set for Public Hearing and possible adoption of the budget, effective July 1, 2020.

Budget Amendments-OSWSD

County Manager, Ben Stikeleather, reviewed the budget amendment to cover operational expenses for the remainder of the current fiscal year. Chairman White moved for approval and 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		
60808-511000	Telephone & Postage	\$ 1,100	
60808-516001	Repairs & Maintenance	\$ 10,000	
60808-531001	Fuel	\$ 2,500	
60808-532001	Supplies	\$ 10,000	
60808-533801	Chemicals	\$ 20,000	
60808-545001	Contract Services	\$ 20,000	
60808-533201	Lab Tests	\$ 10,000	
60808-553001	Dues & Subscription	\$ 1,500	
60808-506000	Health Insurance		\$ 400
60808-511001	Telephone & Postage - Sewer		\$ 1,100
60808-511010	Data Transmission		\$ 1,000
60808-514000	Travel		\$ 2,500
60808-514500	Training & Education		\$ 3,000
60808-561001	Professional Services		\$ 4,600
60360-473000	Reconnection Fees		\$ 450
60380-481000	Investment Earnings		\$ 10,000
60380-484001	Disaster Recovery		\$ 6,940
60390-499900	Appropriated Retained Earnings		\$ 45,110
		\$ 75,100	\$ 75,100
Explanation:	Ocean Sands Water and Sewer (60808) - Transfer for operations for the remainder of this fiscal year.		
Net Budget Effect:	Ocean Sands Water and Sewer District Fund (60) - Increased by \$62,500.		

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

ADJOURN OSWSD SPECIAL MEETING AND RECONVENE

There was no further business and Commissioner Beaumont moved for adjournment. Commissioner Jarvis seconded the motion and the motion carried. The Special Meeting of the Ocean Sands Water and Sewer District Board concluded at 8:16 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, 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

CLOSED SESSION

Closed Session pursuant to G.S. 143-318.11(a)(3) to preserve the attorney-client privilege and to consult with the County Attorney and preserve attorney-client privilege in the matter entitled 85 and Sunny, LLC v. Currituck County.

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

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

ADJOURN

Motion to Adjourn Meeting

Commissioners returned from Closed Session and had no further business. Commissioner J. Owen Etheridge moved to adjourn. Commissioner Beaumont seconded the motion. The motion carried and the meeting of the Board of Commissioners adjourned at 8:52 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	J. Owen Etheridge, Commissioner
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



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

APPLICATION SUMMARY

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

ADEQUATE PUBLIC FACILITIES – SCHOOLS¹

School	2019-2020 2020-2021 Actual Capacity ²	2021-2022 Actual Capacity ³	Committed Capacity ³	Proposed Capacity Changes
				Number of Students
Moyock Elementary	109%	115%%	122%	71
Shawboro Elementary	87%	90%		31
Central Elementary	77%	85%		0
Moyock Middle	94%	83%	96%	32
Currituck Middle	70%			
Currituck High JP Knapp Early College	85%		103%	57

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 2019-2020 and 2020-2021 school year classroom standards and January 2020 ADM

³Capacity percentages are based on the 2021-2022 school year classroom standards and January 2020 ADM

SURROUNDING PARCELS

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

DEVELOPMENT OPTIONS

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

REQUEST**NARRATIVE**

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

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

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

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

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

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

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

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

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

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

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

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

COMMUNITY MEETING

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

CONDITIONS

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

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

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis for the Moyock subarea is managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. In areas where on-site wastewater is proposed and other county services are limited, development density should be limited to 1-2 units per acre. The proposed development plan may be considered consistent with the Moyock subarea emphasis, but this consideration does not change the 2006 Land Use Plan land use classification of the subject property. This signifies a discrepancy with the UDO dimensional standards for the PD-R district.* The following land use plan policy is relevant to the request and it is staff's opinion there is conflict with this policy as outlined above.

Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and proximity of the site to existing and planned urban services. (summary)
*Prior zoning map amendments adopted by the BOC placed emphasis on the Moyock Small Area plan future land use map classifying this property as Full Service. However, a recent zoning map amendment, PB 18-23 effective May 6, 2019, placed emphasis on the CAMA Land Use Plan. The decision emphasizes the 2006 Land Use Plan as the controlling document and the relation to the UDO dimensional standards for the PD-R district signifies a discrepancy between the two plans.	

Moyock SMALL AREA PLAN

The Moyock Small Area Plan identifies this site as Full Service. Full Service designations are focal points in the community where high amounts of activity occur. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surround land uses. The following small area plan policies are relevant to the request and it is staff's opinion that there are conflicts with these policies as outlined above.

Policy FLU1	Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.
Policy HN1	Currituck County shall encourage development to occur at densities appropriate for the location.

Drainage and Utilities**County Engineer Comments**

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

RECOMMENDATION**Technical Review Committee**

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

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

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

RECOMMENDATION

Planning Board

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

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

CONSISTENCY AND REASONABLENESS STATEMENT

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

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

A PD-R rezoning is not reasonable and not in the public interest because of compatibility concerns, non-compliance with standards in the UDO, and the fact that adequate public facilities are not present to service this request. However, the 2006 LUP map amendment is compatible and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components.

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

"This conditional zoning request is consistent with and amends the 2006 Land Use Plan by designating this property as Full Service on the future land use map because the amendment recognizes and implements the Full Service designation of the Moyock Small Area Plan adopted by the Board of Commissioners.

It is reasonable and in the public interest because it is required by changed conditions acknowledged by the Moyock Small Area Plan and addresses a demonstrated community need providing a full service area that offers mixed use development with both residential and commercial components."

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

TERMS AND CONDITIONS

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

Summary of Developer's Terms and conditions:

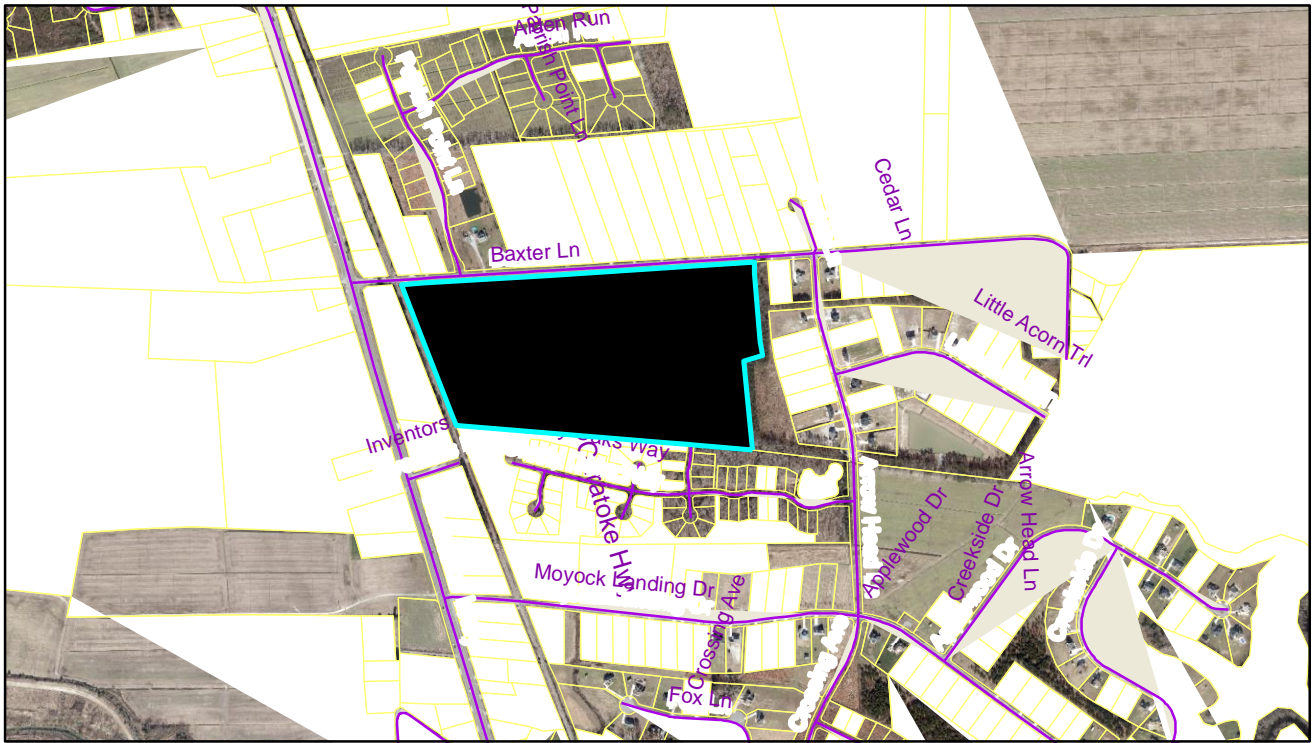
- Use: PD-R Subdivision
- Improvements to be made to Baxter Lane ditch
- Minimum of 2 phases
- Master plan and Terms & Conditions document incorporated into approval
- Housing styles conform to models presented.
- Transportation
 - 3 connections to Baxter Lane
 - Main entrance includes deceleration Lane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

TABLE A

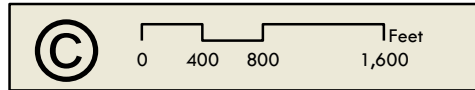
DEVELOPMENT STANDARDS & SETBACKS

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

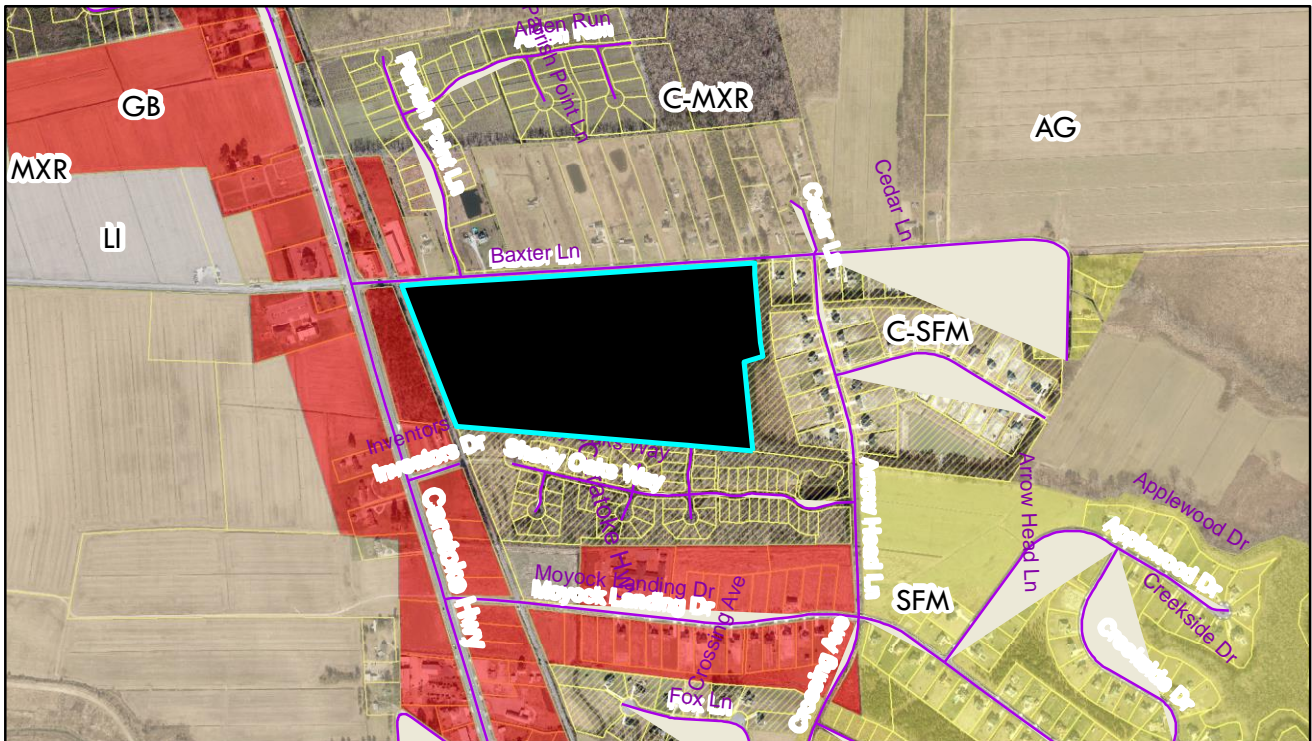
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
 Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



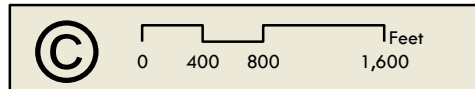
PB 19-17 Baxter Station
PD-R Rezoning
2016 Aerial Photography



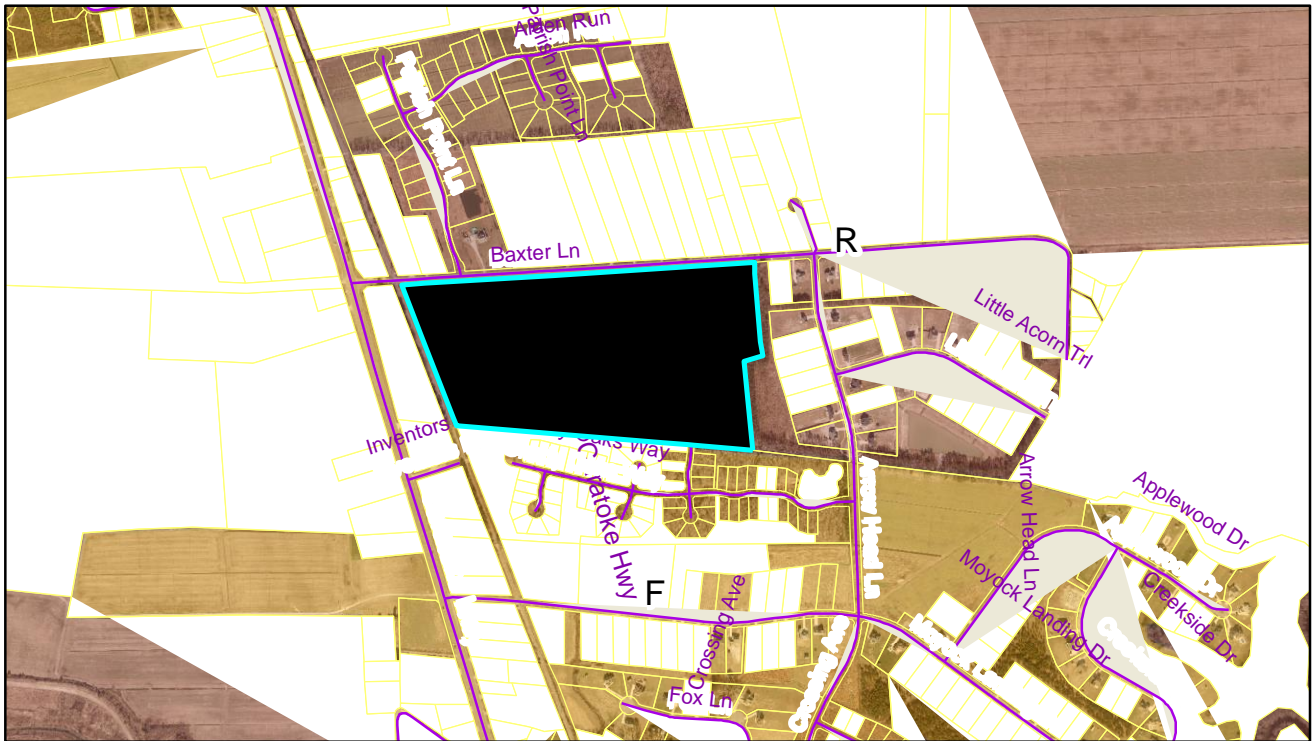
Currituck County
Planning and
Community Development



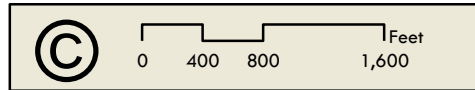
PB 19-17 Baxter Station
PD-R Rezoning
Zoning Map



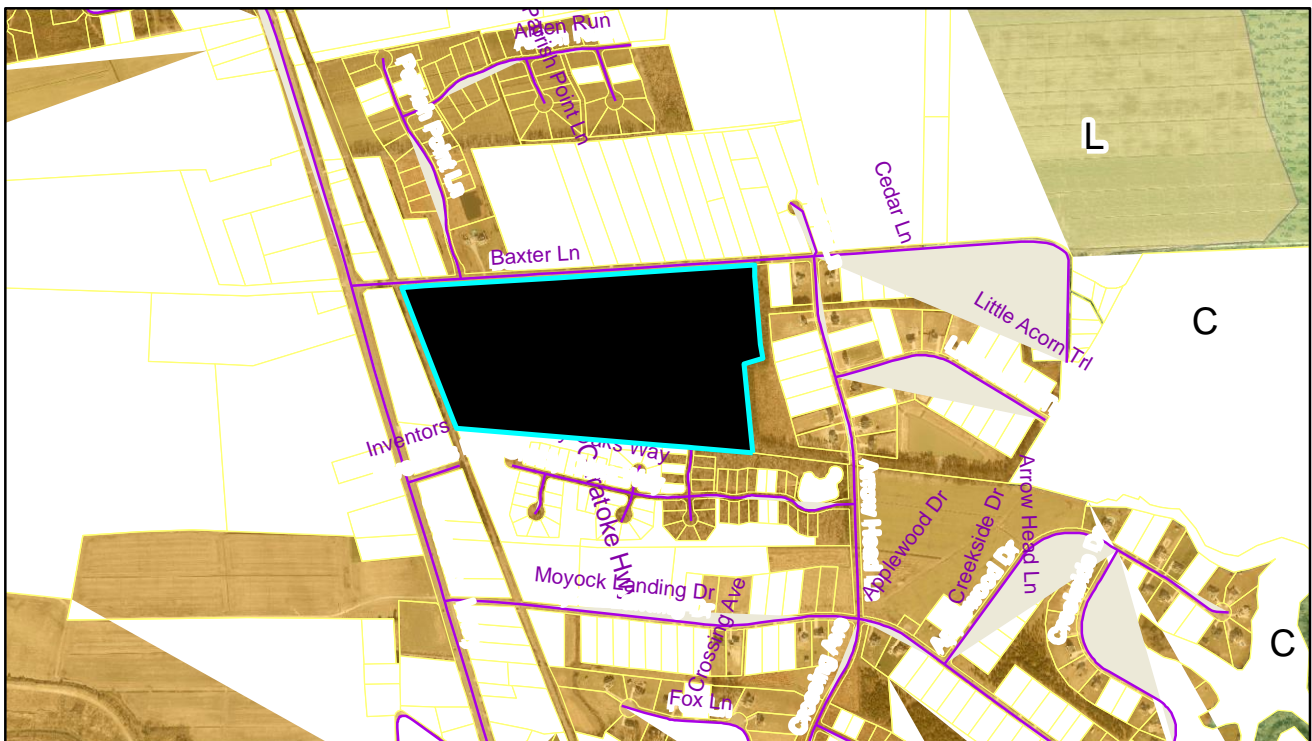
Currituck County
Planning and
Community Development



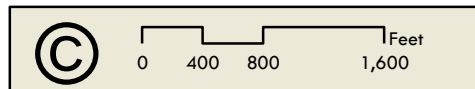
PB 19-17 Baxter Station
PD-R Rezoning
2006 LUP Classification



Currituck County
Planning and
Community Development



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



Currituck County
Planning and
Community Development

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

GENERAL DEVELOPMENT NOTES

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

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

[illegible]

COVER SHEET

DEVELOPMENT NOTES

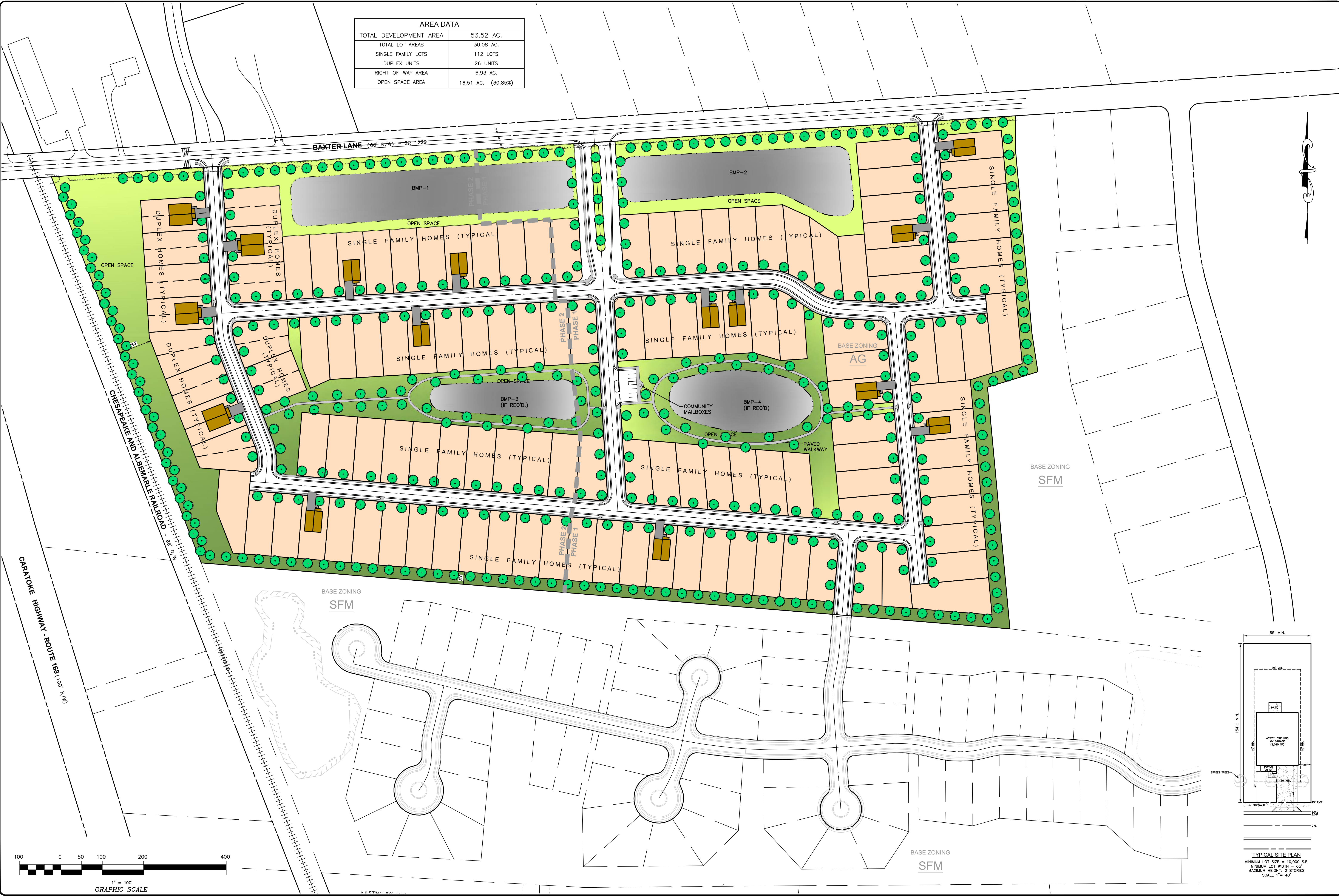
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BISSELL

PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

Bissell Professional Group
Firm License # C-906
3512 North Croatan Highway
O. P. Box 1000
Kinston, North Carolina 27949
(252) 261-3286
(252) 261-3286
FAX (252) 261-1760



S:\projects\4671 Baxter Station Master Plan\467100SK1A.dwg 6/27/2019 8:56 AM HP DesignPlot 12500 PS HP03.2.p3

PROJECT: BAXTER STATION PD-R

MOYOCK TOWNSHIP

CURRITUCK COUNTY

NORTH CAROLINA

MASTER PLAN WITH OFF-SITE WWTP FACILITY

PRELIMINARY MASTER PLAN

DATE: 6/14/19

DESIGNED: BPG

DRAWN: KFW

SHEET: 2

CAD FILE: 467100SK1A

PROJECT NO: 4671

BY:

NO.

DATE

DESCRIPTION

SCALE: 1" = 100'

CHECKED: MSB

APPROVED: BPG

OF 5

PRELIMINARY

DO NOT USE FOR CONSTRUCTION

Bissell Professional Group

Firm License # C-956

10000 Highway

P.O. Box 1008

City of Raleigh, North Carolina 27649

FAX (252) 281-1760

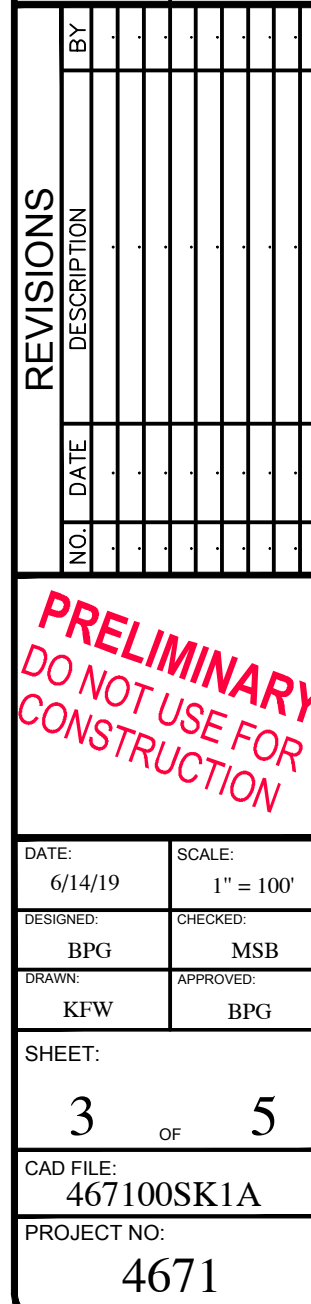
BISSELL

PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

Attachment: 2 6-27-19 Baxter Station Master Plan (PB 19-17 Baxter Station)

Packet Pg. 40



AREA DATA

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

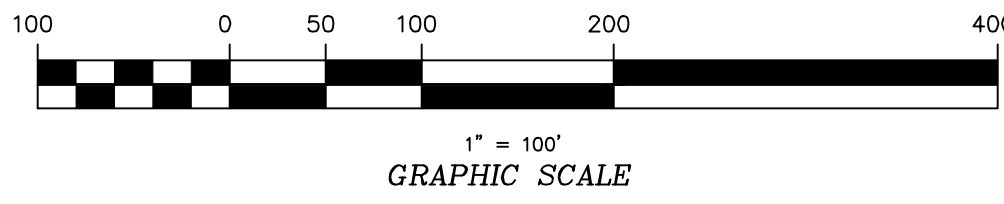
GRAPHIC SCALE

1" = 100'

TYPICAL SITE PLAN

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

[illegible]



PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

DATE: 6/14/19	SCALE: 1" = 100'
DESIGNED: BPG	CHECKED: MSB
DRAWN: KFW	APPROVED: BPG
SHEET: 5 OF 5	
CAD FILE: 467100SK1B	
PROJECT NO: 4671	

UTILITIES PLAN WITH
ON-SITE WWTP FACILITY

MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA

BISSELL
PROFESSIONAL GROUP

Engineers, Planners, Surveyors
and Environmental Specialists

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10000 Old Dominion Highway
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Rt. 101 Hawk North Carolina 27949
Tel. (252) 261-1760
Fax. (252) 261-1760



Currituck County

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

MEMORANDUM

To: Mark Bissell, Bissell Professional Group
 Justin Old, Allied Properties LLC

From: Tammy D. Glave, CZO
 Senior Planner

Date: July 11, 2019

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

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

Planning (Tammy Glave, 252-232-6025)

Reviewed with comments:

1. Until recently zoning map amendments adopted by the BOC placed emphasis on the Moyock Small Area Plan future land use map classifying this property as Full Service. A recent zoning map amendment, PB 18-23 Fost, effective May 6, 2019, placed emphasis on the 2006 CAMA Land Use Plan. The decision emphasizes the 2006 Land Use Plan as the controlling document and the relation to the UDO dimensional standards for the PDR district signifies a discrepancy between the two plans.
 - a. Planned Development – Residential (PD-R) is not allowed on property with a Rural designation in the 2006 Land Use Plan (UDO Sections 3.7.2.B and 3.7.3). A 2006 Land Use Plan (LUP) map amendment by the Board of Commissioners would be required to change the Rural designation of the property to Full Service. We do agree that “there is no corresponding maximum density for the Rural Service Area”, but that is not an oversight, it is simply not allowed. The UDO restricts density in the Rural Service Area by not allowing a planned development in that classification.
 - b. The PD zoning district designation, the master plan, and the terms and conditions document shall be consistent with the LUP, and any applicable functional plans and small area plans adopted by the county. (UDO Section 3.7.2.E)
 - c. Preferred uses in the Rural classification included *very low density*, dispersed development associated directly with farm uses. Residential dwellings associated with farm activity typically employ on-site water supply (e.g. individual wells) and waste disposal (i.e. septic systems). *Areas meeting this intent of this classification are appropriate for or presently used for agriculture, forestry, and other similar uses.* Population densities are generally very low and *development density is anticipated at no more than 1 unit per 3 acres.* In addition, any

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

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

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

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

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

Recommendations

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

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

Approved with corrections:

Inspection Comments

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

Fire Comments

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

Subdivisions

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

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

Reviewed with comment:

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

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

Reviewed with comment:

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

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

Reviewed with comment:

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

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

Reviewed with comment:

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

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

Reviewed without comment.

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

Reviewed with comment:

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

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

Reviewed without comment.

US Post Office (Moyock)

Please contact the post office regarding method of mail delivery.

Comments Not Yet Received from:

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

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

The following items are necessary for resubmittal:

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

TERMS & CONDITIONS

BAXTER STATION PLANNED DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

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

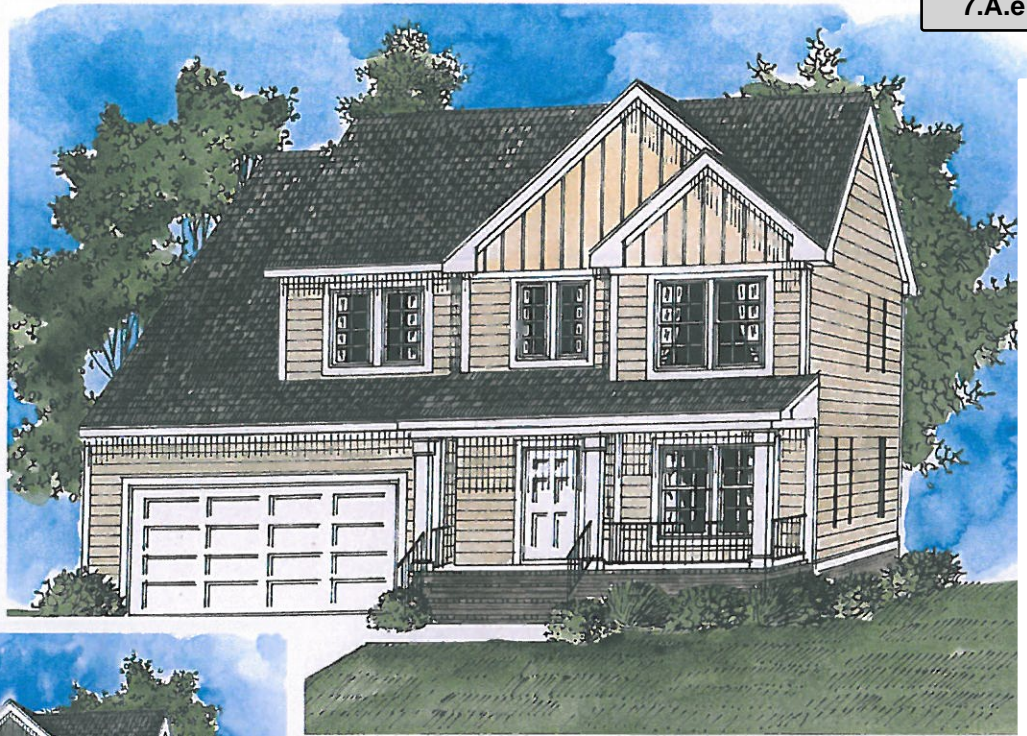
6. Other Provisions: None at this time

TABLE A
DEVELOPMENT STANDARDS & SETBACKS

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

Preliminary Building Elevations

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



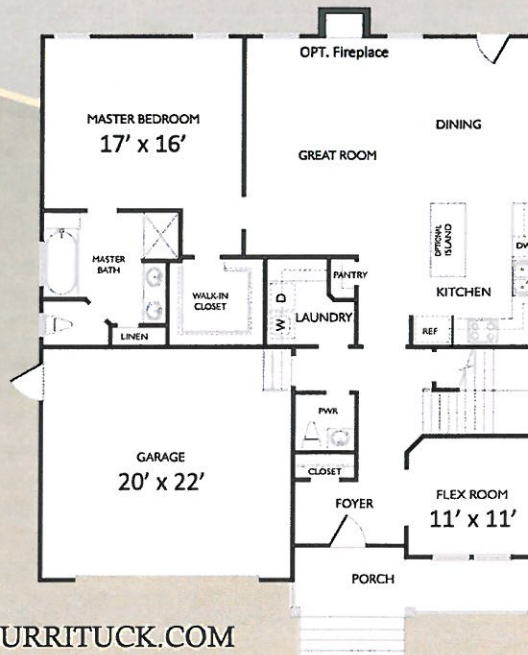
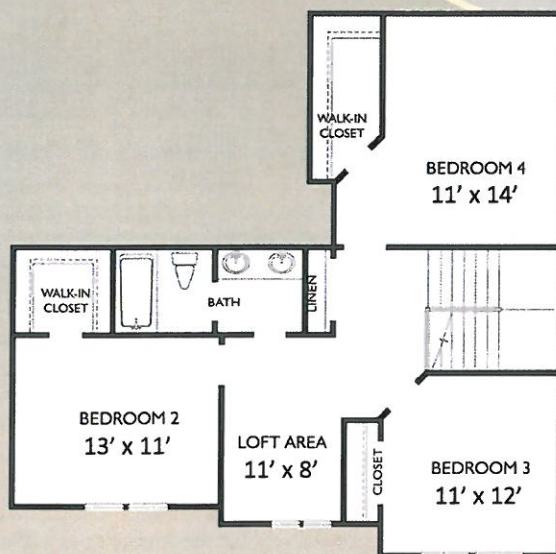
Shown with decorative gable option.

THE BRIGANTINE

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

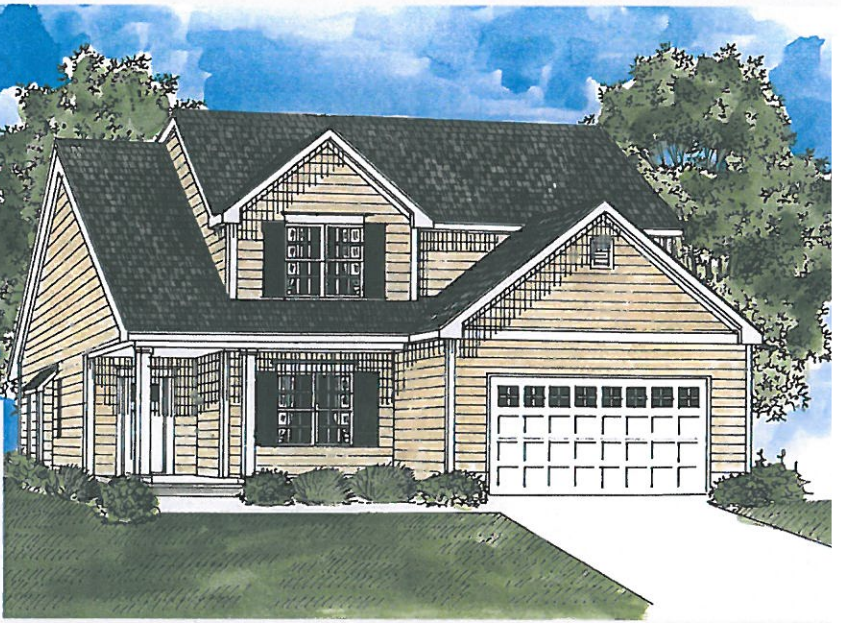


Shown with side load garage, craftsman columns and decorative gables.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.



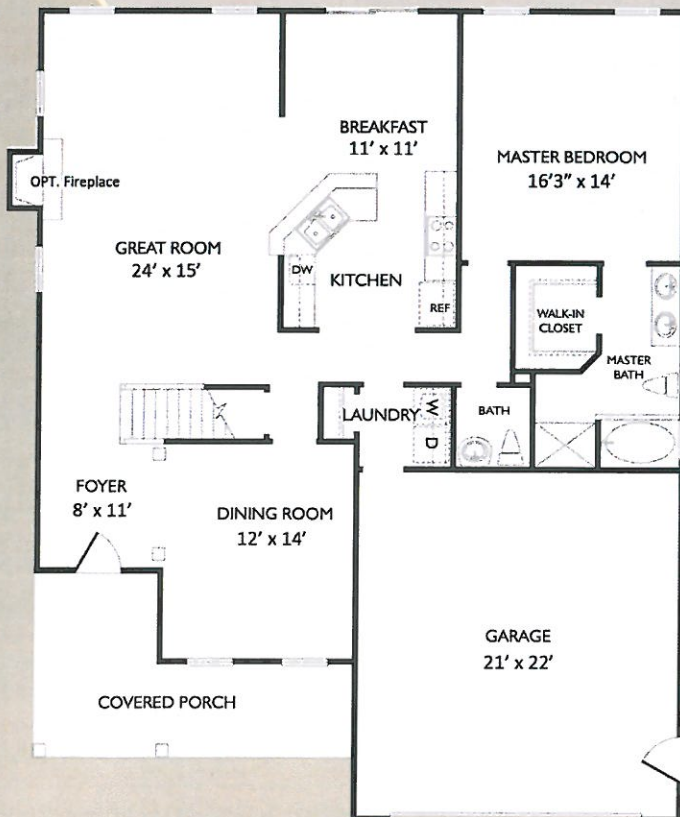
Standard Elevation



Elevation B

THE MELINA

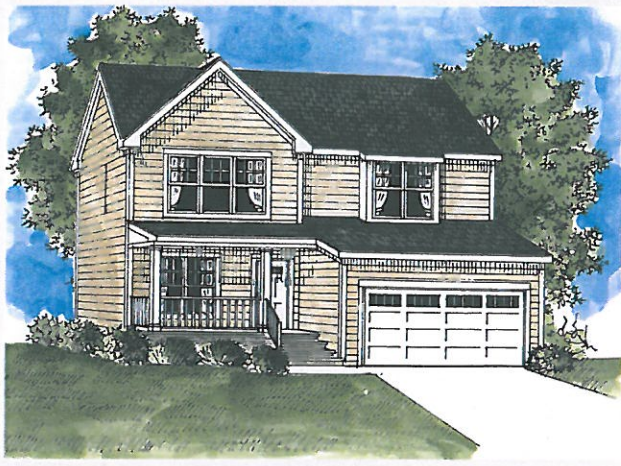
First floor - 1,494 Sq. F.
 Second Floor - 784 Sq. F.
 Total Heated - 2,278 Sq. F.
 Garage - 462 Sq. F.



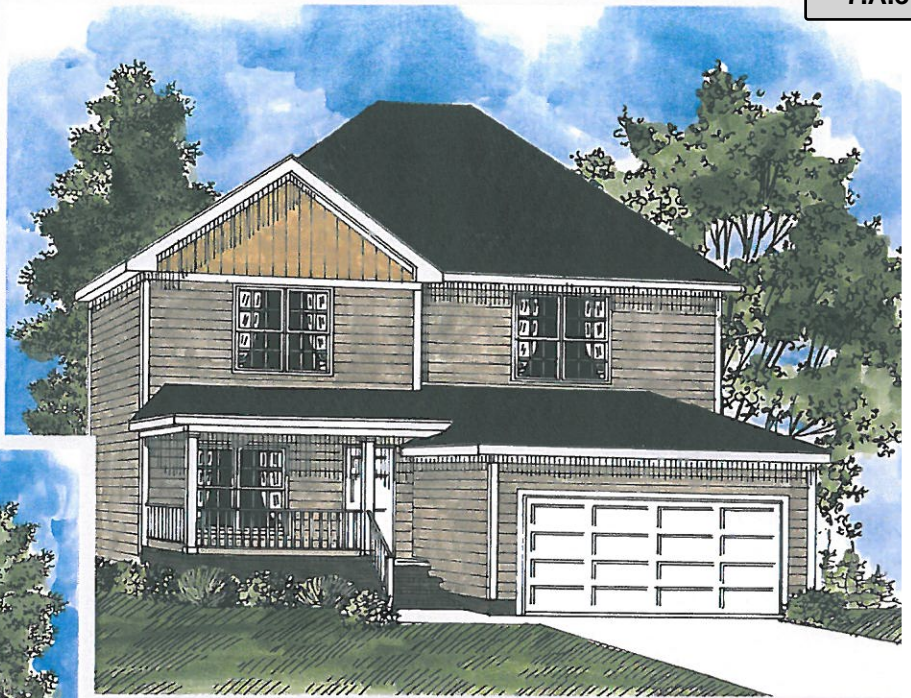
QUALITYHOMESOFCURRITUCK.COM

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



Elevation B



Shown with decorative gable option.

OPT. MASTER
BATH

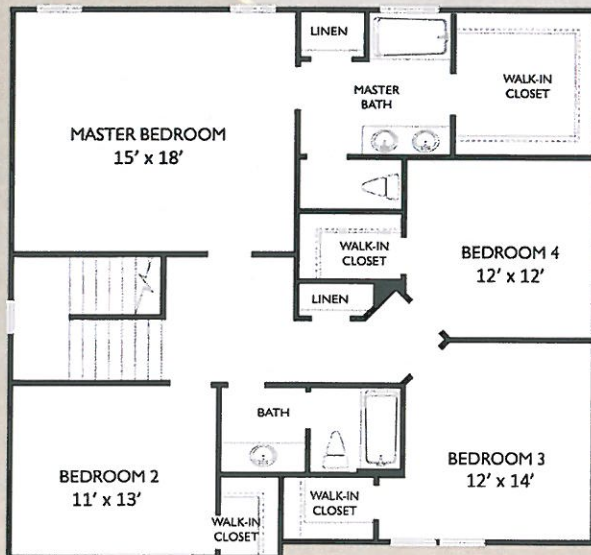
THE AVINGTON

First Floor - 982 sq

Second Floor - 1,262 sq

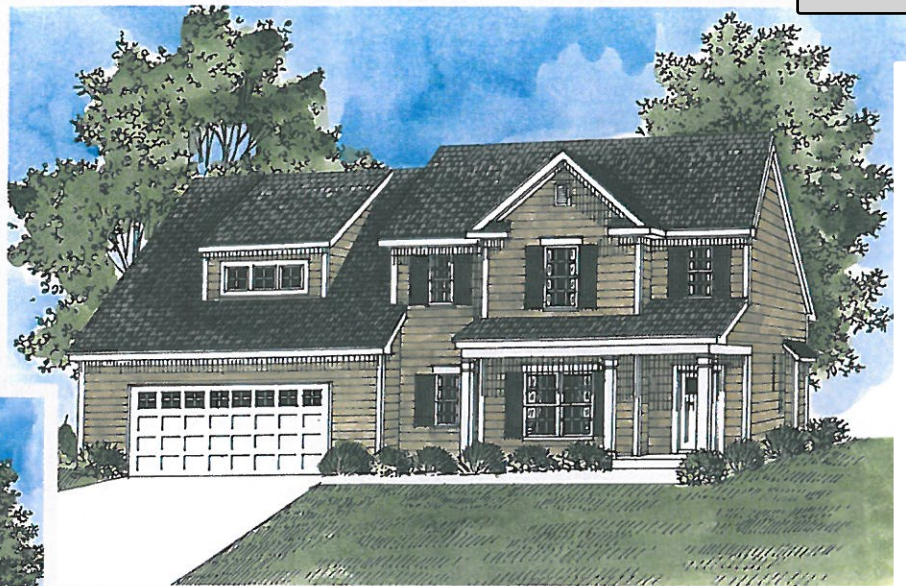
Total Heated - 2,244 sq

Garage - 440 sq



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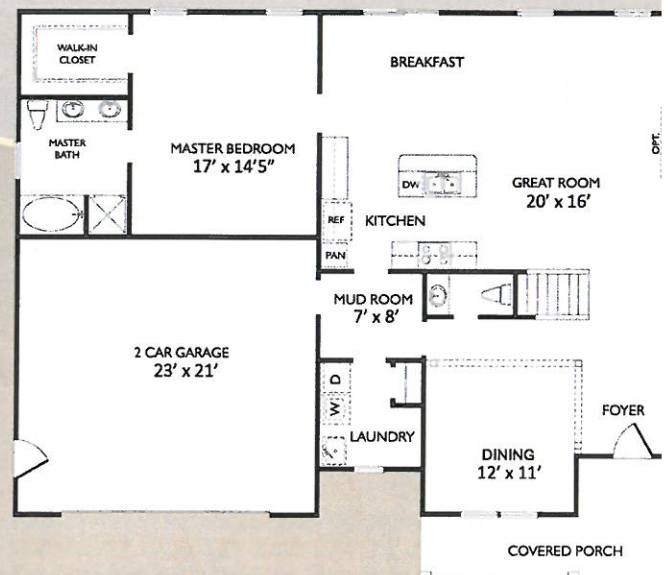
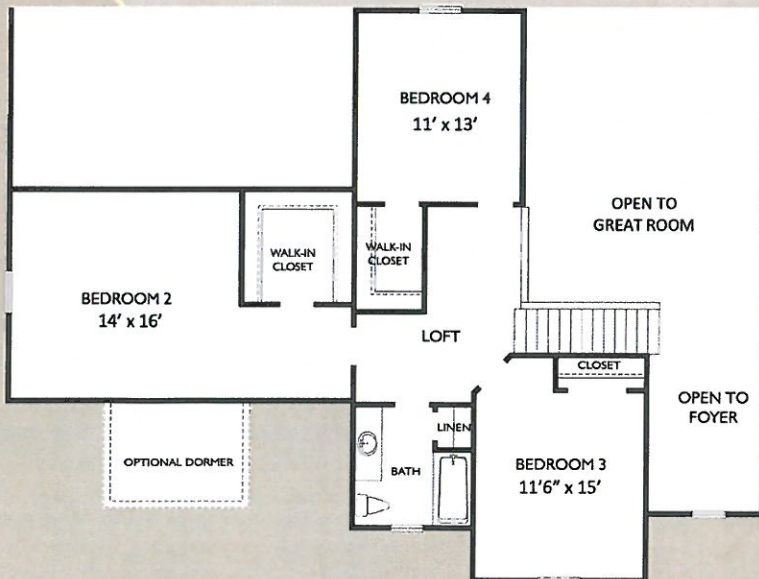
Shown with optional dormer

THE ANFIELD

First Floor - 1,493 sq.
 Second Floor - 927 sq.
 Total Heated - 2,420 sq.
 Garage - 528 sq.
 Opt Dormer - 68 sq.



Elevation B shown with optional dormer



QUALITYHOMESOFCURRITUCK.COM

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



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

CONSISTENCY WITH COMPREHENSIVE PLAN
BAXTER STATION

The proposed zoning is from AG to PD-R, with a sketch plan limiting density to approximately 2.58 units per acre. This request is for approximately 53.52 acres along Baxter Lane just off Caratoke Highway to provide new single-family planned development including a duplex section. This request is consistent with the following density and development pattern policies of the 2006 Land Use Plan, Moyock Small Area Plan, and UDO:

1. 2014 Moyock Area Small Area Plan ("MSAP"):

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

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

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

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

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

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

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

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

2. 2006 Currituck County Land Use Plan ("LUP"):

A. Land Use Compatibility Policies

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

The density guidance in the LUP is based on assumptions about available infrastructure, existing development patterns, and the presence of environmental features that do not apply to this site in the same way they may apply to Rural sites in general. There are no environmentally sensitive features or factors which suggest preservation of this portion of the development is critical. County water is available to be extended from Baxter Lane.

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre.... Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas. LUP, p. 9-7.

POLICY AG6: For areas experiencing intense development pressure, new residential development may be allowed to locate in COMPACT, VILLAGE-LIKE CLUSTERS, PREFERABLY NEAR EXISTING, NON-AGRICULTURAL ACTIVITIES AND SERVICES, or in other locations that will not interfere with resource production activities. Overall density shall

remain very low, with permanent open space, dedicated during the development review process, surrounding such clusters of homes. LUP, p. 9-7.

ii. Development Patterns: This is consistent with the County's approach to development in the Moyock area, which encourages continuation of development patterns instead of abrupt changes, holes, or leapfrogging. It is also consistent with the Board's findings in similar cases approving density in this area of Moyock. The site is also adjacent to commercial uses along 168, which is designated a Full Service Area, and thus is close to the area where more intense development is anticipated.

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl... OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map. LUP, p. 9-7.

POLICY HN4: Currituck County shall discourage all forms of housing from "LEAPFROGGING" INTO THE MIDST OF FARMLAND and rural areas, thereby eroding the agricultural resource base of the county. LUP, p. 9-7.

POLICY AG3: County ACTIONS CONCERNING INFRASTRUCTURE (e.g. schools, parks, and utilities) and regulations shall serve to direct new development first to targeted growth areas near existing settlements identified as Full Service Areas on the Future Land Use Map, rather than "leapfrogging" to locations in the midst of farmland and greenspace identified as Rural and Conservation areas on the Future Land Use Map. LUP, p. 9-6.

POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land. LUP, p. 9-6.

B. Moyock Area Policy Emphasis of the Land Use Plan:

Summary of Area Character: The Moyock area is the fastest growing part of Currituck County. Development densities currently range from 1 to 3 units per acre depending upon development type.

Moyock Area Policy Emphasis: The policy emphasis of this plan is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However in areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. Clustered housing developments, with open space required by ordinance, will ... be encouraged. Given the existing development pattern and availability of services, much of the Moyock area is planned as Full Service. LUP, p. 11-4.

The applicant is proposing on-site stormwater improvements, centralized wastewater treatment with both off-site and on-site treatment alternatives offered, and will connect to County water available on Baxter Lane. The Moyock Area policy consistently references densities at 1 unit per acre minimum, and recognizes that increased density is appropriate where services are available. This is consistent with the 2.58 units per acre proposed.

3. UDO:

- A.** The proposed single-family residential use is designated in the PD-R (Planned Development – Residential) District is intended to encourage “creative design to provide a mix of different residential uses in close proximity to one another on mainland Currituck County, while at the same time providing an efficient use of open space.” UDO Sec. 3.7.3(A).
- B.** This district includes dimensional standards for single-family detached development, including the minimum district area of 50 acres, the maximum housing type, and buffers. UDO Sec. 3.7.3(B). Maximum density is established in the master plan for these districts, and may not exceed 3 units per acre in Full Service areas or 1.5 units per acre for Limited Service areas. There is no corresponding maximum density listed for the Rural Service Area, and thus the UDO does not restrict density in the Rural designated areas of the 2006 Land Use Plan. The proposed density is thus consistent with the UDO.

Baxter Station PD-R

A. Statement of Planning Objectives for the District:

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

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

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

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

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

B. Densities/Intensities

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

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

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

C. Development Phasing Plan

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

D. Conversion Schedule

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

E. Onsite Public Facilities

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

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

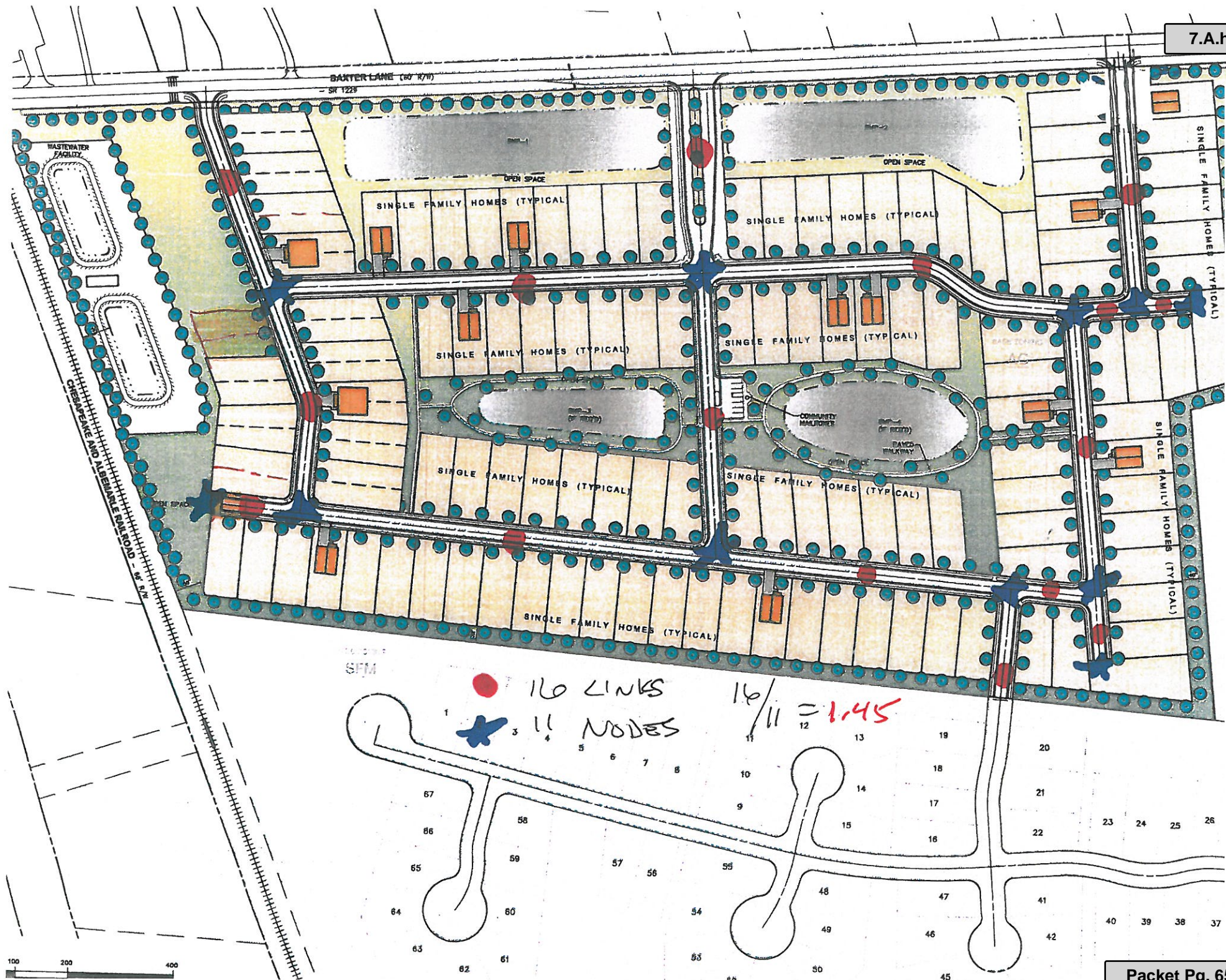
F. Street Standards

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

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

G. Planned Development Terms & Conditions

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



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

Attendees: Justin Old, Representing the Developer
Tammy Glave, Representing the Currituck County
Planning and Development Department
Mark Bissell, Representing the Engineering Firm
Nearby Community Residents (please refer to the
attached sign-in sheet)

Summary:

An outline of the meeting presentation is attached. The residents were provided an overview of the review and approval process for this type of project, and were provided a description of the main elements of the development plan. A map showing the context of the site as well as the preliminary development plan were presented.

The following comments and concerns were expressed by the Community members, and responses that were given are shown next to each comment below:

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

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

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



Planned Development Application

OFFICIAL USE ONLY:

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

Contact Information
APPLICANT:

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

PROPERTY OWNER:

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

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser

Property Information

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

Request

Current Zoning of Property: _____

Proposed Zoning District

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

Amendments

- ☐ Amended Master Plan
☐ Amended Terms and Conditions

Community Meeting

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

Planned Development Request

It is understood and acknowledged that If the property is rezoned as requested, the property involved in this request will be perpetually bound to the master plan, terms and conditions document, use(s) authorized, and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Currituck County Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such planned development so authorized and shall be submitted to the Technical Review Committee.

By: _____

Property Owner (s) Charles T. Busby, Manager

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

Date 6/27/19

Planned Development Application
 Page 5 of 7

Revised 7/1/2018

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



Currituck County

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

To: Planning Board

From: Planning Staff

Date: May 26, 2020

Subject: PB 20-04 Currituck County Text Amendment
 Flood Ordinance

The county adopted a revised Flood Insurance Study (FIS) and revised Flood Insurance Rate Map (FIRM) panels effective December 21, 2018. Since the county shares FIRM panels with Dare County and Dare is currently in the process of adopting their revised FIS and FIRMs, Currituck County is required to revise our FIS and FIRM.

To remain in good standing and to continue participation in the National Flood Insurance Program (NFIP), the county is required to adopt the effective Flood Insurance Study (FIS) report and Digital Flood Insurance Rate Maps (DFIRM) prior to June 19, 2020. No significant changes have been made to the flood hazard data for Currituck County.

This text amendment will revise Chapter 1, Section 1.7.2. of the Unified Development Ordinance (UDO) to reference the most recent effective date of the FIS and FIRM and includes auto adoption language for any revisions thereto after January 1, 2021.

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

Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

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

1. *Land Use and Development Goal #1*
To protect and conserve the area's natural beauty and coastal resources as the County's greatest asset for economic development and a high quality of life.
2. *Land Use and Development Goal #7*
To exercise caution, foresight, and common sense in dealing with the risks of coastal development.
3. *Natural Hazards Area CAMA Management Goal*
Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection functions and their natural resources, giving recognition to public health, safety, and welfare issues.
4. **POLICY NH1**: The County recognizes the risks to life and property that exist within SPECIAL FLOOD HAZARD AREAS (i.e. areas having a 1% chance of flooding in any year) that may be inundated during major storm events. The County will continue taking measures to mitigate these risks and will avoid taking any action in these areas that materially increases risks to life and property.

The request is reasonable and in the public interest because:

1. It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
2. It minimizes damage to public and private property due to flooding.



**STAFF REPORT
PB20-04 CURRITUCK COUNTY
FLOOD ORDINANCE
PLANNING BOARD
MAY 28, 2020**

Amendment to the Unified Development Ordinance Chapter 1: General Provisions.

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 1: General Provisions be amended by adding the following underlined language and deleting the struck-through language:

1.7. OFFICIAL ZONING MAP

1.7.2. Incorporated by Reference

- A. The Official Zoning Map and all the notations thereon is incorporated herein by reference and made part of this Ordinance.
- B. The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) dated June 19, 2020 ~~December 21, 2018~~ (as amended). The FIS for Currituck County and associated DFIRM panels, including any digital data developed as part of the FIS, are adopted by reference and declared a part of this Ordinance, and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Currituck County are also adopted by reference and declared a part of this Ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three months.

Item 2: Statement of Consistency and Reasonableness:

The requested text amendment, adoption of the FIRM, and FIS are consistent with the goals, policies, and objectives of the 2006 Land Use Plan because:

- It will conserve the floodplains and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues. (Natural Hazards Area CAMA Management Goal)
- It includes requirements for development and redevelopment within special flood hazard areas to meet the standards of the NFIP and the flood damage prevention ordinance. (LUP POLICY NH2)

- It recognizes the potential risks to life and properties within the special flood hazard areas and the implements measures to mitigate the risks. (LUP POLICY NH1)

The request is reasonable and in the public interest because:

- It continues the county's participation in the National Flood Insurance Program that enables property owners in participating communities to purchase insurance protection against losses from flooding.
- Minimizes damage to public and private property due to flooding.

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 _____, 2020.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS
.....

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

 PB 20-04
 2/21/20
 C. [Signature]

Contact Information

APPLICANT:

Name: County of Currituck

Address: 153 Courthouse Road Suite 204
Currituck, NC 27929

Telephone: 252-232-2075

E-Mail Address: ben.stikeleather@currituckcountync.gov

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 1 & 10 Section(s) 1.7.2 & 10.5 as follows:

To remain in good standing with the National Flood Insurance Program (NFIP), the county is required to adopt the effective Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) prior to June 19, 2020.

The text amendment will revise Chapter 1, Section 1.7.2. to reference the most recent effective date of the FIS and FIRM and will add auto adoption language for any revisions after January 1, 2021.

The text amendment will revise definitions referencing Section 7.4 Flood Damage Prevention where necessary for effective interpretation and implementation of the ordinance.

*Request may be attached on separate paper if needed.

Ben Stikeleather
 Petitioner

3-2-2020
 Date



Federal Emergency Management Agency

Washington, D.C. 20472

December 19, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115A

The Honorable Bob White
Chairman, Currituck County Board of
Commissioners
153 Courthouse Road, Suite 206
Currituck, North Carolina 27929

Community No.: 370078
Community: Currituck County,
North Carolina
(Unincorporated Areas)
Map Panels Affected: See enclosed
Summary of Map Actions (SOMA)

Dear Mr. White:

On November 30, 2015, you were provided copies of the preliminary Flood Insurance Study (FIS) report for Currituck County, North Carolina and Incorporated Areas and Flood Insurance Rate Map (FIRM) panels for your community. You were also notified of the proposed flood hazard information reflected in the FIS report and FIRM panels and of the dates the proposed flood hazard determinations would be published in your local newspaper. The flood hazard determinations for your community may include addition or modification to Base Flood Elevations, base flood depths, Special Flood Hazard Areas (SFHAs), zone designations, and regulatory floodways. SFHAs are the areas subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). The 90-day appeal period that was initiated on July 5, 2016, when the Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in *The Daily Advance*, has elapsed.

FEMA did receive an appeal from you during that 90-day period. The technical data submitted in support of the appeal have been evaluated and the appeal has been resolved. Therefore, the determination (copy enclosed) of the Agency as to the flood hazard determinations for your community is considered final. The final flood hazard determinations will be published in the *Federal Register* as soon as possible. The modified flood hazard information and revised map panels, as referenced on the enclosed SOMA, are effective as of June 19, 2020, and revise the FIRM which was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated on the maps and must be used for all new policies and renewals.

No significant changes have been made to the flood hazard data presented on the preliminary and/or revised preliminary FIRM for your community; therefore, we encourage you to use these materials in the floodplain management regulations adoption process described below. Final printed copies of the FIS report and FIRM will arrive prior to the effective date.

To assist your community in maintaining the FIRM, we have enclosed a SOMA to document previous Letters of Map Change (LOMCs) (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the revised FIRM panels become

Attachment: December 19, 2019 LFD (PB 20-04 Currituck County Flood Ordinance Text Amendment)

effective. Information on LOMCs is presented in four categories: (1) LOMCs that have been included on the revised FIRM panels; (2) LOMCs that have not been shown on the revised FIRM panels because of scale limitations or because the LOMC that was issued had determined that the lots or structures involved were outside the SFHA shown on the FIRM; (3) LOMCs that have not been included on the revised FIRM panels because they are being superseded by new detailed flood hazard data; and (4) LOMCs that will be re-determined. The LOMCs in Category 2 of this form are revalidated through a single letter that reaffirms the validity of a previously issued LOMC. LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures have changed (Category 4) cannot be revalidated through this administrative process. However, we will review the data which were previously submitted as part of the original LOMA or LOMR request and issue a new determination for the subject properties after the FIRM effective date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIS report and FIRM for your community made by this map revision, certain additional requirements must be met under Section 1361 of the National Insurance Flood Act of 1968, as amended, within 6 months from the date of this letter. Prior to June 19, 2020, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Section 60.3(e) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all of the standards specified in Section 60.3(e) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIS report and FIRM to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amend existing regulations to incorporate any additional requirements of Section 60.3(e);
2. Adopt all of the standards of Section 60.3(e) into one new, comprehensive set of regulations; or,
3. Show evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Section 60.3(e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 as amended.

The North Carolina Division of Emergency Management is available to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. Any questions may be directed to the following address:

Mr. John D. Brubaker, P.E., CFM
 NFIP State Coordinator
 North Carolina Department of Public Safety
 Risk Management Section
 4218 Mail Service Center
 Raleigh, North Carolina 27699-4218
 (919) 825-2300
 dan.brubaker@ncdps.gov

In addition, a FEMA Region IV Compliance Specialist has been designated to assist your community. You may contact your FEMA Region IV Compliance Specialist at FEMA, Federal Insurance and Mitigation Division, 3003 Chamblee Tucker Road, Atlanta, Georgia 30341, or at (770) 220-5200, or the FEMA Map eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP).

Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *Use of Flood Insurance Study (FIS) Data as Available Data*, *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <https://www.fema.gov/letter-final-determination>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
 Engineering and Modeling Division
 Federal Insurance and Mitigation Administration

Enclosures:

Final SOMA
 Notice of Final Flood Hazard Determinations
 FEMA 495 brochure: Adoption of FIRMs
 by Participating Communities

cc: Ms. Laurie LoCicero, Planning Director, Currituck County
 Ms. Tonda Shelton, Program Manager, North Carolina Floodplain Mapping Program (NCFMP)
 Mr. John D. Brubaker, P.E., CFM, NFIP State Coordinator, North Carolina Department of Public Safety, Risk Management Section (via email)
 Mr. Randy Mundt, AICP, CFM, Outreach and Planning Manager, NCFMP (via email)
 FEMA, Region IV (via email)

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF**
2 **COMMISSIONERS AMENDING SECTION 8-88 OF THE CURRITUCK**
3 **COUNTY CODE OF ORDINANCES TO DEFER PAYMENT OF THE 2020**
4 **OUTDOOR TOUR OPERATOR LICENSE FEE UNTIL SEPTEMBER 1, 2020**

5 WHEREAS, on March 20, 2020 the Chairman of the Currituck County Board
6 of Commissioners declared a State of Emergency under Chapter 166A of the
7 General Statutes of North Carolina and Chapter 6, Article III of the Currituck
8 County Code of Ordinances in response to the COVID-19 pandemic; and

9 WHEREAS, the March 20, 2020 Declaration of a State of Emergency
10 prohibited visitor and non-resident property owner access to the Currituck County
11 Outer Banks; and

12 WHEREAS, outdoor tour operators that operate on the Currituck County
13 Outer Banks were effectively unable to provide tour services from March 20, 2020
14 until at least April 23, 2020 when non-resident property owners were permitted to
15 enter the Currituck County Outer Banks; and

16 WHEREAS, although visitors are now permitted to enter the Currituck
17 Outer Banks certain Center for Disease Control recommendations limit the number
18 of customers outdoor tour operators may accommodate on each tour thus reducing
19 revenue to those businesses; and

20 WHEREAS, the economic effects of the COVID-19 pandemic have
21 detrimentally affected outdoor tour operators and it is deemed necessary to
22 appropriate to defer payment of outdoor tour operator license fees; and

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

27 WHEREAS, pursuant to N.C. Gen. Stat. §153A-134 a county may by
28 ordinance regulate and license occupations, businesses, trades, and professions.

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

31 PART I. Section 8-88 of the Code of Ordinances, Currituck County, North Carolina
32 is amended by adding paragraph (e) so that the section reads as follows:

33 **Sec. 8-88. License required.**

34 (a) It shall be unlawful for any person to engage in business as an outdoor
35 tour operator or to operate an outdoor tour vehicle in the designated area without a

1 license issued pursuant to this article. The license shall be effective only for term of
2 two years stated in the license and upon payment of any annual fee, unless
3 suspended or revoked sooner as provided for by ordinance and may not be
4 transferred.

5 (b) No more than ten licenses to engage in business as an outdoor tour
6 operator or to operate outdoor tour vehicles in the designated area shall be issued at
7 any one time. In the event that a license is forfeited, revoked, not renewed or
8 otherwise vacated, the county manager or county manager's designee may solicit by
9 public notification applications for the available license. The county manager or
10 county manager's designee shall then use a lottery in selecting from among the
11 qualified license applicants.

12 (c) Each license may allow an outdoor tour operator to operate at any given
13 point in time and only on approved routes five outdoor tour vehicles or the number
14 of outdoor tour vehicles allowed in an issued special use permit, whichever is less.

15 (d) Any outdoor tour operator lawfully operating more outdoor tour vehicles
16 than allowed pursuant to section 8-88(c) of this article on the date that this
17 ordinance becomes effective shall be deemed a nonconforming use. Any use
18 determined to be a nonconforming use by application of the provisions of section 8-
19 88(d) of this article shall be permitted to continue for a period not to exceed one year
20 from the effective date of the ordinance from which this article is derived.

21 (e) Payment of the annual license fee required in paragraph (a) of this
22 section is deferred for the year 2020 until September 1, 2020.

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

25 PART III. Severability. In the event one or more of the provisions contained in this
26 ordinance shall for any reason be held by a court to be invalid, illegal or
27 unenforceable in any respect, such invalidity, illegality or unenforceability shall not
28 affect the remaining provisions of this ordinance, and this ordinance shall be
29 construed as if such invalid, illegal or unenforceable provision or provisions had
30 never been contained herein.

31 PART III. This ordinance is effective upon its adoption.
32
33
34
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36
37
38

ADOPTED this 1st day of June, 2020.

Bob White, Chairman

ATTEST:

Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

Donald I. McRee, Jr., County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS

Bid Tabulation Sheet - Moyock Regional WWTP 200,000 gpd Expansion Project

4/22/2021

Contractor	Envelope #1					Envelope #2					Engineer's Estimate Range
	Proof of Contractors License	5% Bid Deposit	Statement of Technical Qualifications	E-Verify Affidavit	MB & WB Efforts	Lump Sums	Amount	Base Bid	Unit Price Sheet Completion	Acknowledgment of Addendums	
Hatchell Concrete, Inc.	X	X	X	X	X	Lump Sum 1	\$ 367,700.00	\$ 9,989,200.00	X	X	\$ 8,864,631.50
						Lump Sum 2	\$ 285,000.00				\$ 9,751,094.65
						Lump Sum 3	\$ 128,800.00				
						Lump Sum 4	\$ 95,500.00				
						Lump Sum 5	\$ 83,700.00				
						Lump Sum 6	\$ 849,000.00				
						Lump Sum 7	\$ 1,011,500.00				
						Lump Sum 8	\$ 977,500.00				
						Lump Sum 9	\$ 65,500.00				
						Lump Sum 10	\$ 6,125,000.00				
Enviro-tech Unlimited Construction Services, LLC	X	X	X	X	X	Lump Sum 1	\$ 410,000.00	\$ 10,500,000.00	X	X	
						Lump Sum 2	\$ 307,750.00				
						Lump Sum 3	\$ 119,500.00				
						Lump Sum 4	\$ 70,500.00				
						Lump Sum 5	\$ 112,500.00				
						Lump Sum 6	\$ 950,000.00				
						Lump Sum 7	\$ 1,000,000.00				
						Lump Sum 8	\$ 1,000,000.00				
						Lump Sum 9	\$ 58,500.00				
						Lump Sum 10	\$ 6,471,250.00				
Jones & Smith Contractors, LLC	X	X	X	X	X	Lump Sum 1	\$ 850,000.00	\$ 11,375,800.00	X	X	
						Lump Sum 2	\$ 700,000.00				
						Lump Sum 3	\$ 500,000.00				
						Lump Sum 4	\$ 425,000.00				
						Lump Sum 5	\$ 80,000.00				
						Lump Sum 6	\$ 965,000.00				
						Lump Sum 7	\$ 568,790.00				
						Lump Sum 8	\$ 1,137,580.00				
						Lump Sum 9	\$ 75,000.00				
						Lump Sum 10	\$ 6,074,430.00				



Currituck County

Contract Bid Sheet R1 - 3/25/20

Title: Currituck County - Moyock Regional WWTP

Project: 200,000 gpd Expansion Project

Bid Table

Bid Column

1.	Lump Sum 1 - Bid for the Construction of the access road.	
2.	Lump Sum 2 – Bid for the installation of the 12” & 8” water main and all related appurtenances.	
3.	Lump Sum 3 - Bid for the installation of the 8” influent wastewater forcemain and all related appurtenances.	
4.	Lump Sum 4 - Bid for the installation of the 6” wastewater forcemain from the new 200,000 gpd WWTP to the existing 99,000 gpd WWTP and all related appurtenances.	
5.	Lump Sum 5 - Bid for the installation of Fencing & Gates.	
6.	Lump Sum 6 – Bid for the construction of the Site Plan Improvements.	
7.	Lump Sum 7 – Bid for the installation of the Disposal Dosing Pump Tank, Forcemains and Disposal Basins and all related appurtenances.	
8.	Lump Sum 8 – Bid for the installation of the Disposal Basin Perimeter Drain System and Stilling Basin and all related appurtenances.	
9.	Lump Sum 9 – Bid for the installation of the Raven Liner in the Disposal Dosing Tank	
10.	Lump Sum 10 - Evoqua Screen Plant, 4-stage Biological Nutrient Removal (BNR) Unit, Membrane Bioreactor (MBR), RAS/WAS Pump Station, UV disinfection, MCC/VFD enclosure and all related treatment system piping and appurtenances.	
Base Bid (Sum of Lump Sum Values 1. - 10. Above)		

Attachment: Bid Tabulation-Moyock Wastewater Plant (Moyock Wastewater Treatment Plant Bid Consideration)

From: Samantha Hurd
Sent: Thursday, May 21, 2020 3:50 PM
To: Leeann Walton
Cc: Mary Etheridge
Subject: DSS Board Term Expiring

Margarette Etheridge's DSS Board term will expire on June 30, 2020. Ms. Etheridge's seat is appointed by the Board of Commissioners. Yesterday Megan Morgan submitted an online application to be considered for appointment to the DSS Board effective July 1, 2020. The DSS Board has met with Ms. Morgan via conference call at our last Board meeting, and they support her appointment to the DSS Board.

Would you please add Ms. Morgan's application to the agenda for the next BOC meeting?

Samantha A. Hurd, MS
Director
Currituck County Department of Social Services
153 Courthouse Road
Suite 400
Currituck, NC 27929
252-232-6040

Attachment: DSS Board Appt-Megan Morgan (Board Appointments-Social Services Board)



**CURRITUCK COUNTY
NORTH CAROLINA**

May 18, 2020

Minutes – Regular Meeting of the Board of Commissioners

6:00 PM CALL TO ORDER

The Currituck County 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

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

B) Approval of Agenda

Chairman White amended the agenda by adding a Closed Session after the Consent Agenda. Commissioner Mary Etheridge seconded and the agenda was approved as amended.

Approved 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.

Communication: Minutes for May 18, 2020 (Approval Of Minutes-May 18, 2020)

**Commissioner's
Report**

**County Manager's
Report**

Public Hearings

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

New Business

A) Board Appointments

1. Joint Nursing/Domiciliary Advisory

B) Consent Agenda

1. Approval Of Minutes-May 4, 2020
2. Budget Amendments
3. Audit Contract with Carr, Rigg, & Ingram-2020
4. Parks & Recreation Records Disposal

Closed Session-Amended Item

Amended-Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the attorney-client privilege in the matter entitled Ayers v. Currituck County Department of Social Services

Adjourn

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

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.

A public comment received by email was read by Chairman White. No name was provided. The writer talked about challenges negotiating with a vacation rental company when trying

to get a refund of their rental deposit or reschedule the vacation due to the Covid-19 virus pandemic.

Chairman White, in response, said rental companies operate independently and the Board has no input as to the operation of private businesses in the county. County Attorney, Ike McRee, confirmed visitors staying in a residential vacation rental are an exception to the mass gathering restriction in the North Carolina Governor's Executive Order.

COMMISSIONER'S REPORT

Chairman White discussed visitor re-entry to the Outer Banks. He mentioned how busy the beach area was over the weekend and acknowledged the efforts of the Currituck County Sheriff's office with the county's re-opening.

Commissioner Payment also noted the increased visitor activity. He said businesses were happy to see visitors return, and he looks forward to a good summer for everyone.

Commissioner Mary Etheridge announced the end of the Operation Love Thy Neighbor program at the end of May. She thanked all who donated and encouraged others to do so, if able. She welcomed visitors back to Currituck County.

Commissioner Beaumont reported on the county's lifeguard services and highlighted this season's particularly talented lifesaving crew. He welcomed visitors back to Currituck County.

Commissioner McCord acknowledged the County's Emergency Medical Service (EMS) employees in recognition of National EMS week and announced last week's celebration of National Police Week. He honored Franklin Morgan who died in the line of duty in 1963, the county's only line of duty death. He announced beach parking passes are available and described the activity on the beach over the weekend. Commissioner McCord encouraged that social distancing continue and at risk individuals remain at home. He thanked EMS, law enforcement, Emergency Management and county staff for their efforts during this time.

Commissioner J. Owen Etheridge echoed the sentiments of the other Commissioners and acknowledged the County's successful first weekend. He encouraged everyone to continue to take personal responsibility to stay safe.

Commissioner Jarvis provided an update from Trillium Health Resources and reported their activities in response to the Covid-19 pandemic. She noted they have had an uptick in calls to the mobile crisis unit. Commissioner Jarvis also encouraged citizens to donate to the Operation Love Thy Neighbor program, and she thanked County law enforcement and first responders.

COUNTY MANAGER'S REPORT

County Manager, Ben Stikeleather, reported on the county's operational and staffing changes that would begin on Tuesday, May 26, 2020, following the Memorial Day holiday, in anticipation of Phase 2 of the Governor's Executive Order that would ease Covid-19 related restrictions. Some of the plans for Phase 3 were presented and included reopening of public libraries and Senior Centers.

In addition to the majority of staff returning to work, Mr. Stikeleather reported Phase 2 would allow drop-off hours for construction permitting and curbside book pickup and returns at county libraries. He discussed the cancellation of baseball and softball season and reviewed how the county would safely manage future sports tournaments.

Mr. Stikeleather also reviewed procedures for residents, property owners, and visitors to acquire Beach Parking Permits. He reported on the Board's earlier budget work sessions and the upcoming meetings for consideration and adoption of the budget for next fiscal year. He acknowledged several members of the county's Fire and Emergency Medical Services staff in response to an email from a citizen who wrote to express their appreciation for the level of care and empathy shown by the crew.

PUBLIC HEARINGS

A. PB 19-17 Baxter Station:

Chairman White moved to continue the Public Hearing for PB 19-17, Baxter Station, to the June 1, 2020, Board of Commissioners meeting. The motion was seconded by Commissioner Payment. The motion carried.

RESULT:	CONTINUED [UNANIMOUS]	Next: 6/1/2020 6:00 PM
MOVER:	Bob White, Chairman	
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	

NEW BUSINESS

A) Board Appointments

1. Joint Nursing/Domicilliary Advisory

Commissioner McCord moved to approve nominees Renja Murray and Marcia Steele to serve on the Joint Nursing Home/Domicilliary Community Advisory Committee. Commissioner Jarvis seconded and the nominees were approved.

RESULT: APPROVED [UNANIMOUS]
MOVER: Kevin E. McCord, 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

B) Consent Agenda

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

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, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

1) Approval Of Minutes-May 4, 2020

1. Minutes for May 4, 2020

2. Budget Amendments

			Debit		Credit
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
10550-590000	Capital Outlay				\$ 3,932
10550-532000	Supplies		\$ 3,432		
10550-536000	Uniforms		\$ 500		
			\$ 3,932		\$ 3,932
Explanation:	Airport (10550) - Transfer residual capital outlay funds for uniforms and supplies for the airport.				
Net Budget Effect:	Operating Fund (10) - No change.				

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10460-545000	Contracted Services		\$ 10,000
10460-516200	Vehicle Maintenance	\$ 3,000	
10460-532000	Supplies	\$ 7,000	
		\$ 10,000	\$ 10,000
Explanation: Public Works (10460) - Transfer funds for operations in the Public Works department for the remainder of this fiscal year.			
Net Budget Effect: Operating Fund (10) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10490-513003	Utilities Court		\$ 1,000
10490-532000	Supplies Other	\$ 500	
10490-516003	Repairs & Maint Court/Jail	\$ 500	
		\$ 1,000	\$ 1,000
Explanation: Court Facility Fees (10490) - Transfer budgeted funds for operations for Court Facilities for the remainder of this fiscal year.			
Net Budget Effect: Operating Fund (10) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10540-516200	Vehicle Maintenance	\$ 5,356	
10540-506000	Insurance Expense		\$ 2,500
10380-484001	Insurance Recovery		\$ 2,856
		\$ 5,356	\$ 5,356
Explanation: Inspections (10540) - Increase appropriations to record insurance proceeds and transfer remaining budgeted funds to repair inspections vehicle damaged in an accident.			
Net Budget Effect: Operating Fund (10) - Increased by \$2,856.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10512-545000	Contracted Services	\$ 5,000	
10512-561000	Professional Services		\$ 5,000
		\$ 5,000	\$ 5,000

Explanation: Animal Services & Control (10512) - Transfer funds for modifications to the animal shelter required by State inspection.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10441-532000	Supplies	\$ 10,000	
10441-590000	Capital Outlay		\$ 10,000
		\$ 10,000	\$ 10,000

Explanation: Information Technology (10441) - Transfer budgeted funds for supplies for network upgrades.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10440-506000	Insurance Expenses		\$ 8,000
10440-502000	Salaries		\$ 17,000
10415-561000	Professional Services	\$ 25,000	
		\$ 25,000	\$ 25,000

Explanation: Finance (10440); Legal (10415) - Transfer upspent salary funds in Finance to Legal professional services for legal fees.

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

Communication: Minutes for May 18, 2020 (Approval Of Minutes-May 18, 2020)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
67878-516000	Repairs & Maintenance	\$ 6,000	
67878-532000	Supplies	\$ 4,000	
67878-545000	Contract Services	\$ 12,550	
67878-557100	Software License Fee	\$ 300	
67878-545100	Credit Card Fees	\$ 500	
67878-531000	Fuel		\$ 2,900
67878-506000	Health Insurance Expense		\$ 4,000
67360-470000	Utilities Charges		\$ 16,450
		<u>\$ 23,350</u>	<u>\$ 23,350</u>
Explanation:	Mainland Central Sewer (67878) - Transfer and increase appropriations for operations for the remainder of this fiscal year.		
Net Budget Effect:	Mainland Central Sewer Fund (67) - Increased by \$16,450.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
61818-590000	Capital Outlay		\$ 59,000
61818-533600	System Supplies	\$ 59,000	
		<u>\$ 59,000</u>	<u>\$ 59,000</u>
Explanation:	Mainland Water (61818) - Transfer budgeted funds for operating supplies for the remainder of this fiscal year.		
Net Budget Effect:	Mainland Water Fund (61) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10981-502000	Salaries	\$ 30,000	
10981-502100	Salaries - Overtime	\$ 30,000	
10981-503000	Salaries - Part time	\$ 5,000	
10981-505000	FICA Expense	\$ 4,973	
10981-507000	Retirement Expense	\$ 9,750	
10981-508000	Supplemental Pension	\$ 6,000	
10981-532000	Supplies	\$ 25,000	
10981-545000	Contract Services	\$ 5,000	
10330-445110	CARES ACT		\$ 115,723
		\$ 115,723	\$ 115,723
Explanation:	Disaster Recovery - COVID19 (10981) - Increase appropriations for anticipated COVID19 costs through June 30, 2020.		
Net Budget Effect:	Operating Fund (10) - Increased by \$115,723.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10980-545000	Contract Services	\$ 100,000	
10330-445100	FEMA - Public Assistance		\$ 100,000
		\$ 100,000	\$ 100,000
Explanation:	Disaster Recovery (10980)- Increase appropriations for bulkhead repairs from Hurricane Dorian.		
Net Budget Effect:	Operating Fund (10) - Increased by \$100,000.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10480-508000	Supplemental Pension	\$ 800	
10480-557300	Excise Tax on Deeds	\$ 150,000	
10320-410000	Deed Stamp Excise Tax		\$ 150,800
		\$ 150,800	\$ 150,800
Explanation:	Register of Deeds (10480) - Increase appropriations due to increased collections of Deed Stamp Excise Tax. Fifty percent (50%) of this fee is remitted to the State of NC.		
Net Budget Effect:	Operating Fund (10) - Increased by \$150,800.		

3. Audit Contract with Carr, Rigg, & Ingram-2020

Communication: Minutes for May 18, 2020 (Approval Of Minutes-May 18, 2020)

4. Parks & Recreation Records Disposal

CLOSED SESSION-AMENDED ITEM

1. Amended-Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the attorney-client privilege in the matter entitled Ayers v. Currituck County Department of Social Services

Chairman White moved to enter Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and to preserve the attorney-client privilege in the matter entitled Ayers v. Currituck County Department of Social Services. The motion was seconded by Commissioner Payment. The motion carried and the Board entered Closed Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
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

ADJOURN

Motion to Adjourn Meeting

The Board of Commissioners returned from Closed Session and, with no further business, Commissioner Beaumont moved to adjourn. Commissioner Payment seconded the motion. The motion carried and the meeting of the Board of Commissioners adjourned at 6:45 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, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

Communication: Minutes for May 18, 2020 (Approval Of Minutes-May 18, 2020)

Number

20200148

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10380-484001	Insurance Recovery		\$ 5,857
10441-506000	Health Insurance		\$ 5,000
10441-526000	Advertising		\$ 1,500
10510-506000	Health Insurance		\$ 7,744
10510-514500	Training & Education		\$ 10,000
10510-516200	Vehicle Repairs & Maintenance	\$ 14,857	
10510-531000	Fuel		\$ 11,000
10510-532000	Supplies	\$ 5,500	
10510-532001	Canine Supplies	\$ 4,500	
10510-536000	Uniforms	\$ 6,500	
10510-545000	Contract Services	\$ 9,744	
		<u>\$ 41,101</u>	<u>\$ 41,101</u>

Explanation: Sheriff (10510) - Increase appropriations to record insurance recovery and transfers for operations for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$5,857.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number

20200149

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10530 502100	Overtime		\$ 1,500
10530 505000	FICA		\$ 115
10530 507000	Retirement		\$ 180
10530 514000	Travel	\$ 41	
10530 516200	Vehicle Maintenance	\$ 1,500	
10530 536000	Uniforms		\$ 1,541
10530 545000	Contracted Services		\$ 5,000
10541 502100	Overtime	\$ 1,500	
10541 505000	FICA	\$ 115	
10541 507000	Retirement	\$ 180	
10541 545000	Contracted Services	\$ 5,000	
		<u>\$ 8,336</u>	<u>\$ 8,336</u>

Explanation: Emergency Medical Services (10530); County Fire Services (10541) - Transfers for operations for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

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Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200150

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10330-445000	EMERGENCY MGMT		\$ 18,279
10531-590000	CAPITAL OUTLAY	\$ 10,000	
10531-532000	SUPPLIES	\$ 6,779	
10531-516200	VEHICLE MAINTENANCE	\$ 1,500	
		<u>\$ 18,279</u>	<u>\$ 18,279</u>

Explanation: Emergency Management (10531) - 2020 Emergency Management Performance Grant Supplemental Funds to be used to purchase an event management trailer (remaining balance of project), replace EM truck tires, purchase various office supplies and re-entry permits.

Net Budget Effect: Operating Fund (10) - Increased by \$18,279.

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Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200151

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10330-445000	EMERGENCY MGMT		\$ 20,625
10531-590000	CAPITAL OUTLAY	\$ 20,625	
		<u>\$ 20,625</u>	<u>\$ 20,625</u>

Explanation: Emergency Management (10531) - 2020 Emergency Management Performance Grant to be used to purchase an event management trailer (message board, traffic cones, barricades, safety vests).

Net Budget Effect: Operating Fund (10) - Increased by \$20,625.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200152

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
25607-545000	Guinea Mill Contracted Services	\$ 20,000	
25390-499900	Appropriated Fund Balance		\$ 20,000
		<u>\$ 20,000</u>	<u>\$ 20,000</u>

Explanation: Guinea Mill Watershed Improvements District (25607) - Provide funds in Contracted Services for clear/snag and bush hog mowing ditch improvements project along Guinea Mill Canal.

Net Budget Effect: Guinea Mill Watershed Improvements District (25) - Increased by \$20,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200153

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10650-531000	Fuel	\$ 300	
10650-545000	Contracted Services		\$ 3,000
10650-553000	Dues and Subscriptions	\$ 3,000	
10650-511000	Telephone & Postage		\$ 300
		<u>\$ 3,300</u>	<u>\$ 3,300</u>

Explanation: Economic Development (10650) - Transfer budgeted funds for increases in dues and subscriptions and fuel.

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

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Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200154

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10550-590000	Capital Outlay		\$ 3,668
10550-554000	Insurance		\$ 955
10550-503000	Part-time Salary	\$ 1,400	
10550-505000	FICA Expense	\$ 107	
10550-532000	Supplies	\$ 3,068	
10550-557100	Software License Fee	\$ 117	
10550-561000	Professional Services	\$ 38	
10550-511010	Data Transmission		\$ 107
		<u>\$ 4,730</u>	<u>\$ 4,730</u>

Explanation: Airport (10550) - Transfers for operations.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200155

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-532000	Supplies	\$ 3,000	
10460-590000	Capital Outlay	\$ 8,200	
10460-592000	Projects		\$ 8,200
10460-513000	Utilities		\$ 3,000
		<u>\$ 11,200</u>	<u>\$ 11,200</u>

Explanation: Public Works (10460) - Transfer funds for operations for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

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Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200156

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10790-545000	CONTRACTED SERVICES	\$ 3,000	
10790-514800	FEES PAID TO OFFICIALS	\$ 100	
10790-532001	LIBRARY MATERIALS	\$ 1,500	
10790-513000	UTILITIES		\$ 3,100
10790-511000	TELEPHONE & POSTAGE		\$ 1,500
		<u>\$ 4,600</u>	<u>\$ 4,600</u>

Explanation: Library (10790) - Transfer fund for operations for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

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Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200157

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10795-532000	Supplies	\$ 13,900	
10795-576001	Baseball/Softball/Tball		\$ 13,900
		<u>\$ 13,900</u>	<u>\$ 13,900</u>

Explanation: Parks & Recreation (10795) - Transfer funds for operations for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200158

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10441-511010	Data Transmission	\$ 1,500	
10441-557100	Software License Fees	\$ 1,000	
10441-502000	Salaries		\$ 2,500
		<u>\$ 2,500</u>	<u>\$ 2,500</u>

Explanation: Information Technology (10441) - Transfer funds for operations for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200159

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10512-516200	Vehicle Maintenance	\$ 1,500	
10512-557100	Software License Fees		\$ 1,351
10512-561000	Professional Services		\$ 149
		<u>\$ 1,500</u>	<u>\$ 1,500</u>

Explanation: Animal Services & Control (10512) - Transfer for operations.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200160

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10606-511000	Postage/Telephone		\$ 200
10606-532000	Supplies	\$ 200	
		<u>\$ 200</u>	<u>\$ 200</u>

Explanation: Soil & Water Conservation (10606) - Transfer funds for printer ink cartridges.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

Number 20200161

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10750-557701	Low Income Energy Assist Program	\$ 2,163	
10330-431600	Low Income Energy Assist Program		\$ 2,163
10760-585000	Donations	\$ 5,000	
10330-484000	Disaster Relief Donations		\$ 5,000
		<u>\$ 7,163</u>	<u>\$ 7,163</u>

Explanation: Social Services Administration (10750); County Services (10760) - Increase appropriations for additional allocation of Low Income Energy Assistance Funding and donations for "Operation Love Thy Neighbor" both results of COVID19 assistance.

Net Budget Effect: Operating Fund (10) - Increased \$7,163.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: 2020-06-01_BudAmends_General Meeting (Budget Amendments)

RESOLUTION

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

County Asset	Description	Serial Number	DEPT
2830	Capella Chairs w/arms	A,C,D,F,G,H,I,J,K,L,M,P Q,R,S,T,U,V,X & 1 no tag	DSS
838	Blue wooden chairs (received from the library)	no tags - 8 total	DSS

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

ADOPTED, this 6th day of June, 2020.

Bob White, Chairman
Currituck County Board of Commissioners

Leeann Walton
Clerk to the Board (Seal)



a Subsidiary of Breathing Air Systems

210 Labrador Dr.
Randleman, NC 27317

THE NATION'S LARGEST DISTRIBUTOR OF **BAUER**
COMPRESSORS

BREATHING
AIR
SYSTEMS

Quote

Order Number: 0082149
Order Date: 4/8/2020
Customer Number: 07-0613829

Sold To:
COROLLA FIRE & RESCUE SQUAD
827 WHALEHEAD DR
Corolla, NC 27927

Ship To:
COROLLA FIRE & RESCUE SQUAD
827 WHALEHEAD DR
ATT: CHIEF SHORTWAY
COROLLA, NC 27927

Confirm To: CHIEF SHORTWAY

PO#:

Terms: Net 30

Salesperson: Ricky Lee

Quantity	Item Code	
1	NSPARTS	Used Bauer 13 cfm, 6000 psi, 1 Used Bauer 13 cfm, 6000 psi, 10 hp single phase compressor with CO monitor
1	NSPARTS	Used Bauer CFS 3 position fill Used Bauer CFS 3 position fill station with 4 bank air control panel
1	ACP-4BNK-3P-SS	4 Bank air control panel to mo 4 Bank air control panel to mount on top of CFS 3 position fill station
4	90-HC-6000USED	DOT CYL USED 6000 PSI
4	CYL-ELB-702	CGA FITTING/ELBOW FOR 6K
4	94-B996GALV	UNI-STRUT PER FOOT 13/16" GAL UNI-STRUT PER FOOT 13/16" GALV
4	95-C105-93/8	CLAMPS, 9 3/8"
4	50-BA003-3E	BREATHING AIR HOSE 3'
1	50-BA010-3E	BREATHING AIR HOSE 10'
1	/AIRTEST-N11989/SLP-NC	AIR TEST SINGLE GRADE 1989, SL AIR TEST SINGLE GRADE 1989, SLP LAB
10	/TRAVEL LABOR NC	TRAVEL LABOR NC
4	/FIELD LABOR - NC	FIELD LABOR SAS PER HOUR

Attachment: Corolla VFD Quote-Used 6k comp 3 pos fs 4 6k dots apr 2020 (Corolla VFD Purchase Request-Breathing Air Compressor System)



a Subsidiary of Breathing Air Systems

info@safeairsystems.com | sales@breathingair.com



8.E.4.a

QUOTE #: 0082149

Page 2 of 2

THIS QUOTE IS FOR:

1- USED BAUER 13 CFM, 6000 PSI, 10 HP SINGLE PHASE COMPRESSOR WITH CO MONITOR.

1- USED BAUER CFS 3 POSITION FILL STATION WITH 4 BANK AIR CONTROL PANEL

4- USED DOT 6000 PSI CYLINDERS WITH HARDWARE TO CONNECT TO FILL STATION
INCLUDES WALL MOUNT HARDWARE.

PRICE INCLUDES DELIVERY, INSTALLATION, WITH A SINGLE ONE TIME AIR TEST. USER
TRAINING WILL BE CONDUCTED AT THE TIME OF INSTALLATION.

USED SYSTEM COMES WITH 6 MONTH WARRANTY.

Net Order:	22,35
Less Discount:	
Freight:	
Sales Tax:	1,50
Order Total:	23,86

Sales Department

Note: Payment by Credit Card will incur a convenience fee totaling 3.0% of the transaction amount on all transactions exceeding \$1,500.00.

Order Acceptance

Sign: _____

Date: _____

Title: _____

PO#: _____

Attachment: Corolla VFD Quote-Used 6k comp 3 pos fs 4 6k dots apr 2020 (Corolla VFD Purchase Request-Breathing Air Compressor System)



Attachment: Carova VFD Breathing Air Compressor (Carova Beach VFD-Purchase Request-Air Compressor Breathing System)





Attachment: Carova VFD Breathing Air Compressor (Carova Beach VFD-Purchase Request-Air Compressor Breathing System)

BAUER COMPRESSORS, INC.
NORFOLK, VIRGINIA, U.S.A.

BAUER
COMPRESSORS

MODEL NO.

2V-E1

BLOCK NO.

35/1730/07

SERIAL NO.

32071

PRESSURE

1500

PSIG

CAPACITY

5.0

CFM

CHG. RATE

5.8

CFM

MOTOR

5.5

HP

SPEED

1500

RPM

230

VOLTS

1

PH

60

HZ

25.3

AMPS

DATE OF MANUFACTURE

10-95

LBL-4

Handwritten: 10/11/84

FORM 101A MANUFACTURER'S DATA REPORT FOR PRESSURE VESSELS
 (Optional Form for Single Component, Completely Shop-Fabricated Vessels Only)
 as required by the provisions of the ASME Code, Sec. VIII, Division 1

1. Manufacturer and location: **Forrestal Steel Tank Co., Inc., 3443 S. 24th St., West Allis, WI 53214**

2. Manufacturer for: **Forrestal Steel Tank Co., Inc., 3443 S. 24th St., West Allis, WI 53214**

3. Location of installation: **10000 W. 100th St., CEN 00000, 546, 10000 W. 100th St., West Allis, WI 53214**

4. Item: **Pressure Vessel** *Handwritten: 10000 W. 100th St.*

5. The material and physical properties of all parts meet the requirements of material specifications of the ASME Code, Sec. VIII, Division 1, and applicable code. The design, construction and manufacturing processes in ASME Code, Section VIII, Division 1, are applicable. *Handwritten: 10000 W. 100th St.*

6. Material: **SA 372 T5** *Handwritten: 10000 W. 100th St.*

7. Design: **Standard** *Handwritten: 10000 W. 100th St.*

8. Remarks: **SA 372 T5** *Handwritten: 10000 W. 100th St.*

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BAUER COMPRESSORS

INSTRUCTION MANUAL AND MAINTENANCE PARTS LIST

CFS

CONTAINMENT FILL STATION

BAUER COMPRESSORS, INC.

1308 Ames Garden Road • Norfolk, Virginia 23502-1944

Phone: (804) 855-6006 • Fax: (804) 855-6224

Payment Plan for Utility Customers – Revised for Executive Order 124

The following guidance was posted by Kara Millonzi, Professor of Public Law and Government at the UNC School of Government on April 2, 2020 with updates through May 6, 2020.

The following details the specific requirements and/or limitations imposed by the EO.

Suspends Disconnections for Nonpayment on Residential Utility Accounts. The EO mandates that end-user local government utility providers stop disconnecting water, wastewater, electric, and natural gas services to residential customers for nonpayment as of March 31, 2020, unless it is “necessary as a matter of safety” or unless disconnection is “requested by the customer.” There are a few important details in this directive.

First, the EO only prohibits a local government utility from disconnecting utility services for nonpayment. A local government, pursuant to its adopted policies, may continue to disconnect service for other reasons, such as meter tampering, or because the connection is causing problems for the system, or because a temporary disconnection is necessary to add new connections to the system. Of course, a utility’s governing board is free to specify that it will not terminate utility services for any reason (except in an emergency), but the EO only mandates suspension of disconnections for nonpayment on residential service accounts. Many, if not most, local government utilities had already taken action, prior to the issuance of EO 124, to suspend residential disconnections during the pandemic.

Second, the prohibition on disconnections only applies to residential utility service. A local government utility is free to continue to disconnect service, according to its normal policies, to commercial and/or industrial customers, unless the unit’s governing board decides to suspend disconnections for these types of services, too. Note, however, that if service is being provided to a residence, the prohibition against disconnection applies even if a business is being conducted out of that residence. (Many business operations are now being done at home.)

Third, the EO only prohibits a local government utility from disconnecting utility services for nonpayment of “ordinary monthly (or other periodically-issued) charges for services to residential customer locations in North Carolina.” I interpret this provision to mean that the prohibition on disconnection applies for nonpayment of both the fixed and variable components of the monthly or bi-monthly user fees charged for residential utility services. It also applies to any capital or debt service charges that a unit adds to its residential customers’ regular bill. The prohibition on disconnections, however, does not apply to nonpayment of other fees that may be charged by the utility, such as hook-up/connection fees, special assessments, system development fees, or contractual charges.

Fourth, the prohibition against disconnection for nonpayment on a residential services account applies to a delinquency that was outstanding as of March 31, 2020, as well as a delinquency that occurs after the March 31 date, and until the EO expires, is extended, or is rescinded. (Without further action, EO 124 expires 60 days from its effective date of March 31, 2020.)

Fifth, the EO does not require a local government utility to re-establish service to residential (or other) customers whose services were disconnected before March 31, 2020, although it encourages utilities to do so. However, it does suspend any local policies or ordinances that prevent reconnection. Reading these two provisions together, it appears as though if a local government utility specifies in its ordinance what is required to get services reconnected (such as full payment of the bill plus all applicable fees and penalties or such as requiring a deposit or prepayment), those provisions are suspended. The utility's governing board may then make the decision whether to authorize reconnections (without demanding any payment or requiring the customer to go through the normal process) or not.

Sixth, the EO does not mandate that a local government establish new residential or other service. A local government utility is free to continue to add new customer accounts to the extent that it is able to do so. And a local government is free to follow its normal policies for creating a new account, including requiring deposits, proof of lawful residence, and proof of identity, and assessing a new account fee. (Of course, some of the unit's normal procedures may have to be modified to account for remote work and social distancing best practices.)

Finally, a local government utility's governing board may continue to specify, by ordinance, how partial payments will be applied among multiple utility services that are included on the same bill so as to apply lastly to water services. The utility may not disconnect the residential water services for nonpayment, though.

Prohibits Charging Certain Fees and Penalties. A local government utility may not bill or collect any fee, charge, penalty, or interest for a late or otherwise untimely payment on a residential account that becomes due between March 31, 2020 and the termination of the EO, currently scheduled for June 1, 2020. Again, there are some nuances to this directive.

The prohibition only applies to fees, charges, penalties or interest (collectively penalties) assessed on residential accounts for failure to pay the full amount owed on time. It does not prohibit the local government from assessing its normal rates and charges for utility services, including its user fees and any administrative charges. The EO also does not prohibit a local governing board from amending its fee schedule to either increase or decrease its normal rates and charges during the pandemic.

As with the other provisions of the EO, the prohibition on assessing penalties for nonpayment only applies to residential customer accounts. A local government utility may continue to assess any applicable penalties on its non-residential customer accounts (such as commercial or industrial customer accounts), according to the utility's normal policies. Note, however, that if an individual is using his/her residence to conduct business, that does not convert a residential account to a commercial account.

But, the prohibition applies to all penalties assessed on residential accounts for nonpayment. Some units have a tiered system, whereby a penalty is applied if the bill is not paid in full by the due date and then a second penalty is assessed when service is disconnected or if the amount remains unpaid for some specified period of time. As of March 31, 2020, a local government may not assess any of these penalties on residential accounts that become delinquent for at least 60 days (from

March 31, 2020) or until the EO is rescinded. A local government may not apply the penalty and simply defer collection. It is prohibited from applying the penalty to the delinquent residential account at all.

The prohibition does not apply to penalties or other charges assessed on residential accounts for reasons other than nonpayment. For example, a local government utility may continue to charge a fee for a bounced check. State law allows a local government to assess an administrative charge of up to \$35 for checks returned for insufficient funds (NSFs). *See* G.S. 25-3-506. This is not a fee imposed for late payment, but a fee imposed to cover the administrative costs of handling the bounced check. (If the customer's payment is late because of the bounced check, though, a local government utility may not assess a late penalty.) Similarly, a local government utility is free to continue to assess a convenience fee if a customer pays his/her bill by phone or online. And, if a local government utility contracts with a third-party to process its payments, that third party may continue to assess an administrative charge to the customer. (Many local governments are waiving these fees or paying them to the third party on behalf of the customer to encourage electronic payments during the pandemic.)

The EO does not extinguish or waive any account balances, including pre-existing penalties, although in the short-term it may contribute to reduced collections. Once the effective period of the EO expires, a local government utility will be able to resume its normal collection practices.

Mandates Payment Plans. A local government utility must provide its customers an opportunity to set up reasonable payment plans to pay any delinquencies on residential accounts. This mandate should help local government utilities keep their residential customers on track as much as possible so as to avoid even more significant revenue shortfalls to the unit.

The EO purports to go further and mandate that local government allow a specified period of time for customers to pay off their delinquencies. It states

Customers shall be provided the opportunity to make reasonable payment arrangements to pay off over at least a six (6) month period arrearages accumulated during the effective period of the Executive Order and any order extending this Executive Order and 180 days thereafter. The six (6) month payoff period shall be calculated from the date of termination of this Section of this Executive Order or, if other applicable Executive Orders extend the protections of this Section, from the date of the termination of the last Order that extends such protections....."

What this means is that once the EO is terminated, a residential customer must be allowed to pay off any delinquencies incurred between March 31 and June 1 (or when the EO is terminated, whichever is later) over 6 months.

Payment Plan for Currituck County Mainland Water and Sewer, Ocean Sands Water and Sewer and Southern Outer Banks Water Customers:

1. Any utility customer with a past due balance on June 1, 2020 that desires to be put on a payment plan may do so by contacting the Utility Billing Office at UBwater@CurrituckCountyNC.gov or by calling 252-232-2769.
2. Customers will have up to December 1, 2020 to pay off any balances prior to June 1 without incurring any additional interest or penalties as long as terms of payment plan are met by the customer.
3. Customers must make minimum monthly payments, due on the due date of their monthly bill.
4. Failure to make the minimum monthly payment will automatically terminate the payment plan and interest and penalties will be assessed from the date of missed payment. If the customer is two months late, utility service disconnect and associated fees would be in place.
5. The payment plan will require 1/6 of the past due amount as of June 1, 2020 plus any additional amount charged for utilities after June 1, 2020 on the monthly billing to be paid by the due date of the monthly bill, which will vary depending on the cycle that the customers' residence is located.

Example: If customer has a past due balance of \$120 on June 1, and on June 5 a bill is generated with the prior month usage bill of \$40, then this customer would be due to pay $1/6$ of \$120 = \$20 + \$40 current charge = \$60 for the due date on the June 5 bill.

6. Any customer on a payment plan that desires to may additional payments may pay-off the payment plan any time prior to December 1.

**RESOLUTION
APPROVING THE EXHIBITION, USE AND DISCHARGE OF
PYROTECHNICS AT EAGLE CREEK GOLF COURSE IN MOYOCK,
NORTH CAROLINA**

WHEREAS, pursuant to N.C. Gen. Stat. §14-410 and §14-413, a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the Board of Commissioners for a county; and

WHEREAS, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

WHEREAS, Kevin Wetzel, aka. Wetzel Pyrotechnics is under contract with Tim Paasch to provide an exhibition of fireworks in Moyock at property known as Eagle Creek Golf Course, 109A Greenview Road, in Moyock, North Carolina, on a single night, not to take place before Saturday, July 4, 2020 or after Saturday, July 11, 2020. The fireworks display will be a public exhibition, and Wetzel Pyrotechnics has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Wetzel Pyrotechnics is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as Eagle Creek Golf Course, 109A Greenview Road, Moyock, North Carolina, on a single night, not to take place before Saturday, July 4, 2020 or after Saturday, July 11, 2020.

Section 2. This Resolution shall be effective upon adoption.

ADOPTED this 1st day of June, 2020.

Bob White, Chairman

ATTEST:

Leeann Walton
Clerk to the Board

**RESOLUTION
APPROVING THE EXHIBITION, USE AND DISCHARGE OF
PYROTECHNICS AT WHALEHEAD IN HISTORIC COROLLA
COROLLA, NORTH CAROLINA**

WHEREAS, pursuant to N.C. Gen. Stat. §14-410 and §14-413, a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the Board of Commissioners for a county; and

WHEREAS, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

WHEREAS, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as Whalehead in Historic Corolla, Corolla, North Carolina, on Friday, July 3, 2020, which will be a public exhibition, and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc., is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as Whalehead in Historic Corolla, 1100 Club Road, Corolla, North Carolina on Friday, July 3, 2020.

Section 2. This resolution shall be effective upon adoption.

ADOPTED this 1st day of June, 2020.

Bob White, Chairman

ATTEST:

Leeann Walton
Clerk to the Board

Number

TDA2020020

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-532000	Supplies	\$ 2,300	
15448-532000	Supplies	\$ 2,300	
15442-503500	Temporary Services		\$ 2,300
15448-503500	Temporary Services		\$ 2,300
		<u>\$ 4,600</u>	<u>\$ 4,600</u>

Explanation:

Tourism Promotion (15442); Tourism Related Expenditures (15447) - Transfer budgeted funds to replace the Ipads used as cash registers at the Visitors Centers and Whalehead Club.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: TDA_June 1_BudAmends-iPads (TDA Budget Amendment-iPads)

Number

TDA2020021

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-514000	Travel		\$ 6,000
15442-590000	Capital Outlay	\$ 6,000	
		<u>\$ 6,000</u>	<u>\$ 6,000</u>

Explanation: Occupancy Tax - Promotions (15442) - Transfer funds to upgrade videographer computer.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

TDA2020022

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-511010	Data Transmission	\$ 3,000	
15442-503500	Temporary Services		\$ 3,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

Explanation:

Occupancy Tax - Promotions (15442) - Transfer funds for increased data transmission costs for the remainder of this fiscal year.

Net Budget Effect:

Occupancy Tax Fund (15) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

TDA2020023

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-516002	Outer Banks Ramps	\$ 3,000	
15447-531000	Fuel	\$ 500	
15447-539000	Unemployment Insurance	\$ 900	
15447-545000	Contract Services		\$ 4,940
15447-557100	Software License Fees	\$ 540	
		<u>\$ 4,940</u>	<u>\$ 4,940</u>

Explanation:

Occupancy Tax - Tourism Related Expenditures (15447) - Transfers for operations for the remainder of this fiscal year.

Net Budget Effect:

Occupancy Tax Fund (15) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number OS2020007

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Ocean Sands Water and Sewer Authority, at a meeting on the 1st day of June 2020, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2020.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-511000	Telephone & Postage	\$ 1,100	
60808-516001	Repairs & Maintenance	\$ 10,000	
60808-531001	Fuel	\$ 2,500	
60808-532001	Supplies	\$ 10,000	
60808-533801	Chemicals	\$ 20,000	
60808-545001	Contract Services	\$ 20,000	
60808-533201	Lab Tests	\$ 10,000	
60808-553001	Dues & Subscription	\$ 1,500	
60808-506000	Health Insurance		\$ 400
60808-511001	Telephone & Postage - Sewer		\$ 1,100
60808-511010	Data Transmission		\$ 1,000
60808-514000	Travel		\$ 2,500
60808-514500	Training & Education		\$ 3,000
60808-561001	Professional Services		\$ 4,600
60360-473000	Reconnection Fees		\$ 450
60380-481000	Investment Earnings		\$ 10,000
60380-484001	Disaster Recovery		\$ 6,940
60390-499900	Appropriated Retained Earnings		\$ 45,110
		<u>\$ 75,100</u>	<u>\$ 75,100</u>

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

Net Budget Effect: Ocean Sands Water and Sewer District Fund (60) - Increased by \$62,500.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: 2020-06-01_OSWSD_BudAmends (OSWSD-Budget Amendments)