



**CURRITUCK COUNTY
NORTH CAROLINA**

February 15, 2021

Minutes – Regular Meeting of the Board of Commissioners

6:00 PM CALL TO ORDER

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

Attendee Name	Title	Status	Arrived
Michael H. Payment	Commissioner	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	
Bob White	Commissioner	Present	

Chairman Payment called the meeting to order.

A) Invocation & Pledge of Allegiance

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

B) Approval of Agenda

Commissioner Jarvis added a personnel discussion pursuant to G.S. 143-318.11(a)(6) to Closed Session. Commissioner Mary Etheridge moved for approval. The motion was seconded by Commissioner McCord. The motion carried, 7-0.

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 PublicHearing. Public comments are limited to 3 minutes.

Commissioner's

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

- A) Resolution Honoring Superior Court Judge J. Carlton "J.C." Cole Upon His Retirement as Resident Superior Court Judge for the First Judicial District of North Carolina.
- B) Game Commission Report-Attorney William Brumsey, IV and Commission Chair Andy Shilling

New Business

- A) Consideration of Resolution Establishing the Board of Commissioners' Regular Meeting Days and Times
- B) Consideration of An Ordinance Amending Section 2-65 of the Currituck County Code of Ordinances Providing for the Location of Old Business and Public Hearings on the Board of Commissioners' Agenda
- C) Board Appointments
 - 1. Planning Board
- D) Consent Agenda
 - 1. Budget Amendments
 - 2. Vehicle Surplus Resolution-Airport and Sheriff
 - 3. Change Order-Shingle Landing Park Project
 - 4. Surplus Resolutions and Authorization for Sergeant Evelyn Thornton and Deputy Steven Koch to Purchase Service Weapons in the Amount of \$1.00 Upon Retirement
 - 5. Approval Of Minutes-February 1, 2021

Closed Session

Closed Session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney and 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. ***(Amended to include G.S. 143-318.11(a)(6) to discuss a personnelmatter.)***

Adjourn

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

PUBLIC COMMENT

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

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

COMMISSIONER'S REPORT

Commissioner J. Owen Etheridge recognized the loss of local businessman and owner of El Potrillo restaurants, Samuel, who died tragically in a car accident. He asked for prayers for the family.

Commissioner McCord echoed Commissioner J. Owen Etheridge's sentiments on the loss of Samuel. He provided information on Covid vaccine clinics and resources for information. He thanked Currituck BBQ for providing meals for clinic workers.

Commissioner Beaumont acknowledged the loss of Samuel and said he will be missed at the restaurant.

Chairman Payment reported on Covid-19 vaccine clinics in the County and said feedback on clinic operations has been very positive. He reported on the expected number of doses Currituck County will receive and provided case statistics.

Commissioner White reported on Currituck County's beaches being ranked number six for summer vacation destinations. He reported on Corolla recycling and said homeowners can sign up directly with Bay Disposal, who will continue to provide recycling services if they get enough households to sign up for the program.

Commissioner Jarvis congratulated College of the Albemarle's Associates in Nursing program that received the number one ranking in North Carolina by registerednurse.org. She said she was impressed with the scope of the County's new Public Safety Center following her recent tour of the facility.

COUNTY MANAGER'S REPORT

Ben Stikeleather, County Manager, reported on the Board's recent annual retreat and encouraged people to monitor social media and government press releases as initiatives move forward, as well as informational videos the county will be publishing.

ADMINISTRATIVE REPORTS

A. Resolution Honoring Superior Court Judge J. Carlton “J.C.” Cole Upon His Retirement as Resident Superior Court Judge for the First Judicial District of North Carolina.

The Board of Commissioners recognized the Honorable J.C. Cole upon his retirement from service as Superior Court Judge for the First Judicial District of North Carolina. Chairman Payment invited Judge Cole to the podium where he was presented with a Resolution honoring his career and service to the citizens of Currituck County. Chairman Payment read the Resolution and Clerk of Superior Court Ray Matusko and Sheriff Matt Beickert each took an opportunity to say a few words to honor Judge Cole as did Commissioners. Judge Cole recognized his family, staff and others who assisted him during his years of service.

Chairman Payment called a brief recess to allow guests to exit the Board Room.

RESOLUTION HONORING SUPERIOR COURT JUDGE J. CARLTON “J.C.” COLE UPON HIS RETIREMENT AS RESIDENT SUPERIOR COURT JUDGE FOR THE FIRST JUDICIAL DISTRICT OF NORTH CAROLINA

WHEREAS, Judge J. Carlton “J.C.” Cole is retiring in March 2021 and stepping down from the bench after serving 15 years as District Court Judge and 12 years as Resident Superior Court Judge for the First Judicial District of North Carolina, ending a notable tenure; and

WHEREAS, Judge Cole is a native son of Pasquotank County, North Carolina and began at an early age to prepare for a lifetime of public and community service, attending public schools in Pasquotank County, graduating from Livingstone College with a major in Mathematics, and serving as a United States Navy Reservist, United States Postal Inspector and Private Investigator prior to earning his master’s degree and Juris Doctorate from North Carolina Central University School of Law in 1987; and

WHEREAS, following his 1987 admission to the North Carolina State Bar, Judge Cole entered the private practice of law until his appointment by Governor James B. Hunt, Jr. to the District Court bench in 1994, an appointment receiving acclaim so widespread that the ceremony to swear in Judge Cole was held on the front lawn of the Perquimans County Courthouse because the courtroom was too small for the crowd in attendance; and

WHEREAS, Judge Cole served as a District Court Judge until his appointment by Governor Beverly Perdue to the Superior Court bench in 2009 where he continued to serve after election in 2010 and reelection in 2018; and

WHEREAS, Judge Cole’s service as a judge is notable for the care, attention and respect he gave to parties appearing before him, especially young at-risk defendants he would speak with about their education, future and second chances followed by a step down from the bench to offer a hug as a sign of support and encouragement; and

WHEREAS, despite his busy professional life, Judge Cole has been active in his community and church and as an alumnus of his beloved Livingstone College about which he stated in a 2018 Founder’s Day address, “I understand the importance of this great institution in my life and my development. God first, but Livingstone second.”; and

WHEREAS, after 27 years of distinguished service, Judge Cole leaves an indelible mark on the judiciary and the people of Northeastern North Carolina and will forever be remembered as a determined, concerned, just and caring public servant.

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners expresses its gratitude to Judge J. Carlton “J.C.” Cole for his dedication and service and congratulates him and wishes him happiness and peace in his retirement.

Adopted the 15th day of February 2021.

B. Game Commission Report-Attorney William Brumsey, IV and Commission Chair Andy Shilling

Attorney for the Game Commission, William Brumsey, and Chair Andy Shilling, provided an update on the Game Commission and its authorization to regulate and establish rules governing the hunting of waterfowl in the County. Mr. Brumsey reviewed the application process and rules pertaining to the various types of blinds, permitted hours, budget and appeal processes. Chairman Shilling discussed build reporting processes for blinds and suggested pictures be required for reporting. Mr. Brumsey and Mr. Shilling responded to questions during presentation and Commissioners thanked them for appearing.

NEW BUSINESS**A. Consideration of Resolution Establishing the Board of Commissioners' Regular Meeting Days and Times**

County Attorney, Ike McRee, reviewed the Resolution based on discussion at the February Board Retreat that would change the regular meeting time of the second meeting of each month from 6:00 PM to 3:00 PM. Mr. McRee said the change was requested because of the length of some meetings that would run late into the evening. In addition, quasi-judicial hearings would be placed on the earlier meeting to allow expert testimony that is required for use permit applications to take place earlier in the day closer to regular working hours. Mr. McRee and County Manager, Ben Stikeleather, responded to questions from Commissioners.

Commissioner Beaumont expressed concern that, due to work commitments, he would not be able to attend earlier meetings. He also asked about his ability to participate and vote in quasi-judicial proceedings if he was not able to be present at the start of a hearing. Mr. McRee responded to questions and presented scenarios in which a Commissioner could still participate if not in attendance at a meeting, but said the ability to cross-examine witnesses would be lost if a Board member was not present at the hearing.

Commissioners discussed reduced public participation at meetings and scheduling options. Considerations related to staff time and meeting lengths were discussed and Commissioners chose to modify the start time of the second meeting of the month.

Commissioner Mary Etheridge moved to establish a 6:00 PM meeting start for the first Monday meeting of each month, and the meeting on the third Monday of the month would begin at 4:00 PM. Commissioner McCord seconded the motion. The motion carried 6-1 with Commissioner Beaumont opposed.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA ESTABLISHING THE REGULAR MEETING TIME AND PLACE FOR BOARD OF COMMISSIONERS MEETINGS

WHEREAS, pursuant to N.C. Gen. Stat. §153A-40 a board of commissioners shall hold a regular meeting at least monthly; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-40 a board of commissioners may by resolution fix the time and place of its regular meetings.

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

Section 1. Beginning with its meeting on March 1, 2021, the Currituck County Board of Commissioners shall hold its regular meetings on the first Monday of each month at 6:00 p.m. and the third Monday of each month at 4:00 p.m. in the Commissioners Meeting Room of the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina, 27929.

Section 2. The Clerk to the Board of Commissioners shall post a copy of this resolution on the Historic Currituck Courthouse bulletin board and cause its publication no less than ten days prior to March 1, 2021.

Section 3. This resolution shall be effective upon its adoption.

ADOPTED this 15th day of February, 2021.

RESULT:	APPROVED [6 TO 1]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Kevin E. McCord, Commissioner
AYES:	Michael H. Payment, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner
NAYS:	Paul M. Beaumont, Commissioner

B. Consideration of An Ordinance Amending Section 2-65 of the Currituck County Code of Ordinances Providing for the Location of Old Business and Public Hearings on the Board of Commissioners' Agenda

County Attorney, Ike McRee, reviewed the ordinance amendment to the Code of Ordinances to revise the order of items on the agenda by moving the location of Old Business to take place prior to Public Hearings.

Commissioner White moved for approval of the ordinance amendment. Commissioner Mary Etheridge seconded the motion. The motion carried by unanimous vote of all members, 7-0.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 2-65 OF THE CURRITUCK COUNTY, NORTH CAROLINA CODE OF ORDINANCES PROVIDING FOR THE LOCATION OF OLD BUSINESS AND PUBLIC HEARINGS ON THE BOARD OF COMMISSIONERS' AGENDA

WHEREAS, pursuant to N.C. Gen. Stat. §153A-71 a board of commissioners may adopt its own rules of procedure in keeping with the size and nature of the board and in the spirit of generally accepted principles of parliamentary procedure.

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

PART I. Sec. 2-65 of the Code of Ordinances, Currituck County, North Carolina is rewritten to read as follows

Sec. 2-65. - Order of business.

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- (1) Call to order;
- (2) Invocation and pledge of allegiance;
- (3) Approval of agenda;
- (4) Public comment;
- (5) Commissioner reports;
- (6) County manager's report;
- (7) Administrative reports;
- (8) ~~Public hearings~~ Old business;
- (9) ~~Old business~~ Public hearings;
- (10) New business;
- (11) Board appointments;
- (12) Consent agenda;
- (13) Approval of minutes;
- (14) Adjournment.

Without objection, the chair may call items in any order most convenient for the dispatch of business.

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

PART III. This ordinance is effective immediately upon adoption.

ADOPTED this 15th day of February, 2021.

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

C) Board Appointments

1. Planning Board

No member appointments were made to the Planning Board.

D) Consent Agenda

Commissioner Beaumont moved to approve Consent Agenda. Commissioner McCord seconded the motion. The motion carried, 7-0.

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

1. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
210541-590000	Capital Outlay		\$ 12,500
210541-536000	Uniforms	12,500	
		\$ 12,500	\$ 12,500
Explanation: Corolla Fire Services (210541) - Transfer budgeted funds allocated for complete sets of turnout gear in capital outlay to uniforms for replacement parts for existing sets of turnout gear.			
Net Budget Effect: Corolla Fires Service District Fund (210) - No change.			
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10430-532100	Ballots & Imprint	\$ 1,000	
10430-503430	Poll Workers		1,000
		\$ 1,000	\$ 1,000
Explanation: Elections (10430) - Transfer budgeted funds for increased costs of ballots for elections.			
Net Budget Effect: Operating Fund (10) - No change.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10410-511000	Telephone & Postage	\$ 2,000	
10410-561000	Professional Services		2,000
		\$ 2,000	\$ 2,000
Explanation: Administration (10410) - Transfer budgeted funds for increased postage for 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		
17838-545000	Contracted Services	\$ 3,500	
17390-499900	Fund Balance Appropriated		3,500
		\$ 3,500	\$ 3,500
Explanation: Whalehead Solid Waste Service District (17838) - Increased appropriations due to contract increase for the current fiscal year for rollback services.			
Net Budget Effect: Whalehead Solid Waste Service District Fund (17) - Increased by \$3,500.			

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10440-545100	Credit Card Processing Fees	\$ 3,000	
10540-545100	Credit Card Processing Fees	14,000	
61818-545100	Credit Card Processing Fees	23,000	
66868-545100	Credit Card Processing Fees	6,000	
10320-411000	Article 39 Sales Tax		\$ 14,000
10340-450420	Beach Parking Permits		\$ 3,000
61360-467000	Sale of Materials		\$ 23,000
66360-473000	Reconnection Fees		\$ 6,000
		\$ 46,000	\$ 46,000
Explanation:	Various Departments - Increase appropriations for credit card processing fees due to increased usage of online payments for beach parking, building permits and utility payments.		
Net Budget Effect:	Operating Fund (10) - Increased by \$17,000.		
	Mainland Water Fund (61) - Increased by \$23,000.		
	Southern Outer Banks Water Fund (66) - Increased by \$6,000.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
12541-554003	Insurance - Moyock	\$ 1,100	
12390-499900	Fund Balance Appropriated		\$ 1,100
		\$ 1,100	\$ 1,100
Explanation:	Moyock VFD Insurance (12541) - Increase appropriations for increase in property/liability insurance for Moyock Volunteer Fire Department.		
Net Budget Effect:	Fire Services Fund (12) - Increased by \$1,100.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-532001	SUPPLIES - BEACH PARKING	\$ 75,000	
10340-450420	BEACH PARKING		\$ 75,000
		\$ 75,000	\$ 75,000

Explanation: Public Works (10460) - Increase appropriations to purchase beach parking permits, informational brochures for permit holders, seasonal signage and other associated expenses.

Net Budget Effect: Operating Fund (10) - Increased by \$75,000.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
50550-592021	North Apron Rehab-Grant 36244.10.7.1	\$ 538,192	
50380-481000	Investment Earnings		\$ 53,820
50330-448000	State Aid to Airports		\$ 484,372
		\$ 538,192	\$ 538,192

Explanation: County Governmental Construction Fund - Airport (50550) - Increase appropriations to record an additional \$538,192 for the North Apron Rehabilitation - Grant 36244.10.7.1. This will consist of an additional \$484,372 in State Aide to Airports and \$53,820 from investment earnings within the construction fund.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$538,192.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10800-590100	School Capital Outlay	\$ 435,000	
10390-495041	T F - School Capital Reserve		\$ 435,000
41990-587010	T T - Operating Fund	435,000	
41320-411001	Article 40 Sales Tax		\$ 217,500
41320-411002	Article 42 Sales Tax		217,500
		\$ 870,000	\$ 870,000

Explanation: Education (10800) - Increase appropriations for one mobile classroom at Moyock Elementary School and two mobile classrooms at Shawboro Elementary School.

Net Budget Effect: Operating Fund (10) - Increased by \$435,000.
School Capital Reserve Fund (41) - Increased by \$435,000.

2. Vehicle Surplus Resolution-Airport and Sheriff

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	Department
5636	2003 KAWASAKI MULE 4X4	JK1AFCE1638522589	AIRPORT
6023	2005 JEEP CHEROKEE	1J4GR48K45C651858	AIPORT
6143	2006 FORD EXPLORER	1FMEU7346UA73959	AIRPORT
6023	2005 JEEP CHEROKEE	1J4GR48K45C651858	AIRPORT
6146	2006 FORD 500	1FAFP23146G168929	SHERIFF
7597	2012 DODGE CHARGER	2C3CDXAT5CH282613	SHERIFF
8678	2015 FORD TAURUS	1FAHP2MK6FG121501	SHERIFF
8683	2015 FORD TAURUS	1FAHP2MK5FG121506	SHERIFF
6103	2006 KUBOTA ZERO TURN 72 CUT MOWER	ZD28F72P	AIRPORT
	YAMAHA GOLF CART	UNKNOWN	AIRPORT
	CLUB CAR VILLAGER GOLF CART	UNKNOWN	TOURISM
<p>NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.</p>			
<p>ADOPTED, this 15th day of February, 2021.</p>			

3. Change Order-Shingle Landing Park Project

4. Surplus Resolutions and Authorization for Sergeant Evelyn Thornton and Deputy Steven Koch to Purchase Service Weapons in the Amount of \$1.00 Upon Retirement

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on February 15, 2021, authorized the following property listed below be declared surplus and disposed of; and

WHEREAS, Sheriff Beickert has requested that upon the retirement of Deputy Steven Koch that his duty weapon, a Glock 22 handgun, Serial

#PVF948, be given to him. Mr. Koch has made the request to purchase same upon his retirement.

ADOPTED, this the 15th day of February, 2021.

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on February 15, 2021, authorized the following property listed below be declared surplus and disposed of; and

WHEREAS, Sheriff Beickert has requested that upon the retirement of Sergeant Evelyn Thornton that her duty weapon, a Glock 22 handgun, Serial #PVF971, be given to her. Ms. Thornton has made the request to purchase same upon her retirement.

ADOPTED, this the 15th day of February, 2021.

5) Approval Of Minutes-February 1, 2021

1. Minutes for February 1, 2021

CLOSED SESSION

- 1. Closed Session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney and 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. (Amended to include G.S. 143-318.11(a)(6) to discuss a personnel matter.)**

Chairman Payment entered the Board into Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney and 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; and pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

ADJOURN

Motion to Adjourn Meeting

The Board returned from Closed Session and had no further business. Commissioner Payment moved to adjourn. The motion was seconded by Commissioner Mary Etheridge. The motion carried, 7-0, and the meeting of the Board adjourned at 8:12 PM.

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

**RESOLUTION HONORING SUPERIOR COURT JUDGE J. CARLTON “J.C.” COLE UPON HIS
RETIREMENT AS RESIDENT SUPERIOR COURT JUDGE FOR THE FIRST JUDICIAL
DISTRICT OF NORTH CAROLINA**

WHEREAS, Judge J. Carlton “J.C.” Cole is retiring in March 2021 and stepping down from the bench after serving 15 years as District Court Judge and 12 years as Resident Superior Court Judge for the First Judicial District of North Carolina, ending a notable tenure; and

WHEREAS, Judge Cole is a native son of Pasquotank County, North Carolina and began at an early age to prepare for a lifetime of public and community service, attending public schools in Pasquotank County, graduating from Livingstone College with a major in Mathematics, and serving as a United States Navy Reservist, United States Postal Inspector and Private Investigator prior to earning his master’s degree and Juris Doctorate from North Carolina Central University School of Law in 1987; and

WHEREAS, following his 1987 admission to the North Carolina State Bar, Judge Cole entered the private practice of law until his appointment by Governor James B. Hunt, Jr. to the District Court bench in 1994, an appointment receiving acclaim so widespread that the ceremony to swear in Judge Cole was held on the front lawn of the Perquimans County Courthouse because the courtroom was too small for the crowd in attendance; and

WHEREAS, Judge Cole served as a District Court Judge until his appointment by Governor Beverly Perdue to the Superior Court bench in 2009 where he continued to serve after election in 2010 and reelection in 2018; and

WHEREAS, Judge Cole’s service as a judge is notable for the care, attention and respect he gave to parties appearing before him, especially young at-risk defendants he would speak with about their education, future and second chances followed by a step down from the bench to offer a hug as a sign of support and encouragement; and

WHEREAS, despite his busy professional life, Judge Cole has been active in his community and church and as an alumnus of his beloved Livingstone College about which he stated in a 2018 Founder’s Day address, “I understand the importance of this great institution in my life and my development. God first, but Livingstone second.”; and

WHEREAS, after 27 years of distinguished service, Judge Cole leaves an indelible mark on the judiciary and the people of Northeastern North Carolina and will forever be remembered as a determined, concerned, just and caring public servant.

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners expresses its gratitude to Judge J. Carlton “J.C.” Cole for his dedication and service and congratulates him and wishes him happiness and peace in his retirement.

Adopted the 15th day of February 2021.

Michael H. Payment, Chairman
Board of Commissioners

ATTEST:

Leeann Walton, Clerk to the Board

Attachment: Resolution Honoring Judge Cole (Resolution-Judge Cole Retirement)

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK
COUNTY, NORTH CAROLINA ESTABLISHING THE REGULAR MEETING
TIME AND PLACE FOR BOARD OF COMMISSIONERS MEETINGS**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-40 a board of commissioners shall hold a regular meeting at least monthly: and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-40 a board of commissioners may by resolution fix the time and place of its regular meetings.

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

Section 1. Beginning with its meeting on March 1, 2021, the Currituck County Board of Commissioners shall hold its regular meetings on the first Monday of each month at 6:00 p.m. and the third Monday of each month at 4:00 p.m. in the Commissioners Meeting Room of the Historic Currituck Courthouse, 153 Courthouse Road, Currituck, North Carolina, 27929.

Section 2. The Clerk to the Board of Commissioners shall post a copy of this resolution on the Historic Currituck Courthouse bulletin board and cause its publication no less than ten days prior to March 1, 2021.

Section 3. This resolution shall be effective upon its adoption.

ADOPTED this 15th day of February, 2021.

Michael H. Payment, Chairman
Board of Commissioners

ATTEST:

Leeann Walton
Clerk to the Board of Commissioners

(COUNTY SEAL)

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF**
2 **COMMISSIONERS AMENDING SECTION 2-65 OF THE CURRITUCK**
3 **COUNTY, NORTH CAROLINA CODE OF ORDINANCES PROVIDING FOR**
4 **THE LOCATION OF OLD BUSINESS AND PUBLIC HEARINGS ON THE**
5 **BOARD OF COMMISSIONERS' AGENDA**

6 WHEREAS, pursuant to N.C. Gen. Stat. §153A-71 a board of commissioners
7 may adopt its own rules of procedure in keeping with the size and nature of the
8 board and in the spirit of generally accepted principles of parliamentary procedure.

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

11 PART I. Sec. 2-65 of the Code of Ordinances, Currituck County, North Carolina is
12 rewritten to read as follows

13 **Sec. 2-65. - Order of business.**

14 Items shall be placed on the agenda according to the order of business. The
15 order of business for each regular meeting shall be as follows:

- 16 (1) Call to order;
- 17 (2) Invocation and pledge of allegiance;
- 18 (3) Approval of agenda;
- 19 (4) Public comment;
- 20 (5) Commissioner reports;
- 21 (6) County manager's report;
- 22 (7) Administrative reports;
- 23 (8) ~~Public hearings~~ Old business;
- 24 (9) ~~Old business~~ Public hearings;
- 25 (10) New business;
- 26 (11) Board appointments;
- 27 (12) Consent agenda;
- 28 (13) Approval of minutes;
- 29 (14) Adjournment.

30 Without objection, the chair may call items in any order most convenient for the
31 dispatch of business.

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

PART III. This ordinance is effective immediately upon adoption.

ADOPTED this 15th day of February, 2021.

Michael H. Payment, Chairman
Board of Commissioners

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

S:\Legal\Ordinances\

PLANNING BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Ana Hilgendorf	District 1		Bob White	December 3, 2018	1st Term 12/31/2020
Garry Owens	District 2		Selina Jarvis	February 18, 2019	Unexp Term 12/31/2020
James Timothy Thomas	District 3		Mike Payment	February 18, 2019	2nd Term 12/31/2020
Bryan Bass	District 4		Paul Beaumont	February 18, 2019	Unexp Term 12/31/2020
Juanita Krause	District 5		J. Owen Etheridge	Dec. 2, 2019	1st Term 12/31/2021
C. Shay Ballance	At-Large		Kevin McCord	February 18, 2019	2nd Term 12/31/2020
David Doll	At-Large		Kitty Etheridge	Dec. 2, 2019	1st Term 12/31/2021
Can be Reappointed					

Number 20210079

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15 day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
210541-590000	Capital Outlay		\$ 12,500
210541-536000	Uniforms	12,500	
		<u>12,500</u>	<u>12,500</u>
		<u>\$ 12,500</u>	<u>\$ 12,500</u>

Explanation: Corolla Fire Services (210541) - Transfer budgeted funds allocated for complete sets of turnout gear in capital outlay to uniforms for replacement parts for exisiting sets of turnout gear.

Net Budget Effect: Corolla Fires Service District Fund (210) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 15_General Meeting (Budget Amendments)

Number 20210080

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15 day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10430-532100	Ballots & Imprint	\$ 1,000	
10430-503430	Poll Workers		1,000
		<hr/>	<hr/>
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: Elections (10430) - Transfer budgeted funds for increased costs of ballots for elections.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 15_General Meeting (Budget Amendments)

Number 20210081

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15 day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10410-511000	Telephone & Postage	\$ 2,000	
10410-561000	Professional Services		2,000
		<hr/>	<hr/>
		<u>\$ 2,000</u>	<u>\$ 2,000</u>

Explanation: Administration (10410) - Transfer budgeted funds for increased postage for this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 15_General Meeting (Budget Amendments)

Number 20210082

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15 day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
17838-545000	Contracted Services	\$ 3,500	
17390-499900	Fund Balance Appropriated		3,500
		<hr/>	<hr/>
		<u>\$ 3,500</u>	<u>\$ 3,500</u>

Explanation: Whalehead Solid Waste Service District (17838) - Increased appropriations due to contract increase for the current fiscal year for rollback services.

Net Budget Effect: Whalehead Solid Waste Service District Fund (17) - Increased by \$3,500.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 15_General Meeting (Budget Amendments)

Number 20210083

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15 day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10440-545100	Credit Card Processing Fees	\$ 3,000	
10540-545100	Credit Card Processing Fees	14,000	
61818-545100	Credit Card Processing Fees	23,000	
66868-545100	Credit Card Processing Fees	6,000	
10320-411000	Article 39 Sales Tax		\$ 14,000
10340-450420	Beach Parking Permits		\$ 3,000
61360-467000	Sale of Materials		\$ 23,000
66360-473000	Reconnection Fees		\$ 6,000
		<hr/>	<hr/>
		<u>\$ 46,000</u>	<u>\$ 46,000</u>

Explanation: Various Departments - Increase appropriations for credit card processing fees due to increased usage of online payments for beach parking, building permits and utility payments.

Net Budget Effect: Operating Fund (10) - Increased by \$17,000.
Mainland Water Fund (61) - Increased by \$23,000.
Southern Outer Banks Water Fund (66) - Increased by \$6,000.

Minute Book # _____, Page # _____

Journal # _____ Clerk to the Board

Attachment: BudAmends_Feb 15_General Meeting (Budget Amendments)

Number

20210084

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15 day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12541-554003	Insurance - Moyock	\$ 1,100	
12390-499900	Fund Balance Appropriated		\$ 1,100
		<hr/>	<hr/>
		<u>\$ 1,100</u>	<u>\$ 1,100</u>

Explanation: Moyock VFD Insurance (12541) - Increase appropriations for increase in property/liability insurance for Moyock Volunteer Fire Department.

Net Budget Effect: Fire Services Fund (12) - Increased by \$1,100.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 15_General Meeting (Budget Amendments)

Number 20210085

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15 day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-532001	SUPPLIES - BEACH PARKING	\$ 75,000	
10340-450420	BEACH PARKING		\$ 75,000
		<hr/>	<hr/>
		<u>\$ 75,000</u>	<u>\$ 75,000</u>

Explanation: Public Works (10460) - Increase appropriations to purchase beach parking permits, informational brochures for permit holders, seasonal signage and other associated expenses.

Net Budget Effect: Operating Fund (10) - Increased by \$75,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 15_General Meeting (Budget Amendments)

Number 20210086

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15 day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50550-592021	North Apron Rehab-Grant 36244.10.7.1	\$ 538,192	
50380-481000	Investment Earnings		\$ 53,820
50330-448000	State Aid to Airports		\$ 484,372
		<hr/>	<hr/>
		<u>\$ 538,192</u>	<u>\$ 538,192</u>

Explanation: County Governmental Construction Fund - Airport (50550) - Increase appropriations to record an additional \$538,192 for the North Apron Rehabilitation - Grant 36244.10.7.1. This will consist of an additional \$484,372 in State Aide to Airports and \$53,820 from investment earnings within the construction fund.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$538,192.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 15_General Meeting (Budget Amendments)

Number 20210087

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15 day of February 2021, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2021.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10800-590100	School Capital Outlay	\$ 435,000	
10390-495041	T F - School Capital Reserve		\$ 435,000
41990-587010	T T - Operating Fund	435,000	
41320-411001	Article 40 Sales Tax		\$ 217,500
41320-411002	Article 42 Sales Tax		217,500
		<u>\$ 870,000</u>	<u>\$ 870,000</u>

Explanation: Education (10800) - Increase appropriations for one mobile classroom at Moyock Elementary School and two mobile classrooms at Shawboro Elementary School.

Net Budget Effect: Operating Fund (10) - Increased by \$435,000.
School Capital Reserve Fund (41) - Increased by \$435,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: BudAmends_Feb 15_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	Department
5636	2003 KAWASAKI MULE 4X4	JK1AFCE1638522589	AIRPORT
6023	2005 JEEP CHEROKEE	1J4GR48K45C651858	AIPORT
6143	2006 FORD EXPLORER	1FMEU7346UA73959	AIRPORT
6023	2005 JEEP CHEROKEE	1J4GR48K45C651858	AIPORT
6146	2006 FORD 500	1FAFP23146G168929	SHERIFF
7597	2012 DODGE CHARGER	2C3CDXAT5CH282613	SHERIFF
8678	2015 FORD TAURUS	1FAHP2MK6FG121501	SHERIFF
8683	2015 FORD TAURUS	1FAHP2MK5FG121506	SHERIFF
6103	2006 KUBOTA ZERO TURN 72 CUT MOWER	ZD28F72P	AIRPORT
	YAMAHA GOLF CART	UNKNOWN	AIRPORT
	CLUB CAR VILLAGER GOLF CART	UNKNOWN	TOURISM

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

ADOPTED, this 15th day of February, 2021.

 Michael H. Payment
 County of Currituck, Board of Commissioners

 Leeann Walton
 Clerk to the Board

(Seal)

Change Order

No. 1 (one)

Date of Issuance: _____ Effective Date: _____

Project: Shingle Landing Park	Owner: Currituck County	Owner's Contract No.: N/A
Contract: Shingle Landing Park		Date of Contract: March 12, 2020
Contractor: A.R. Chesson Construction Co., Inc.		Engineer's Project No.: N/A

The Contract Documents are modified as follows upon execution of this Change Order:

Description: The construction of an additional wooden walkway between the project site and

the Landing Subdivision. The approximate length is 52'. Time extension is included for

construction of the walkway and lost time due to weather.

Attachments: (List documents supporting change):

Carter Lumber material quote.

Parks Land Development piling installation quote.

Sycamore Craftsmen framing quote.

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$2,513,020.00

[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____

N/A

Contract Price prior to this Change Order:

\$ 2,513,020.00

[Increase] [Decrease] of this Change Order:

\$ 22,930.67

Contract Price incorporating this Change Order:

\$ 2,535,950.67

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days ☒ Calendar days

Substantial completion (days or date): February 12, 2021 _____

Ready for final payment (days or date): March 19, 2021 _____

[Increase] [Decrease] from previously approved Change Orders

No. N/A to No. _____

Substantial completion (days): N/A

Ready for final payment (days): N/A

Contract Times prior to this Change Order:

Substantial completion (days or date): February 12, 2021 _____

Ready for final payment (days or date): March 19, 2021 _____

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): April 9, 2021 _____

Ready for final payment (days or date): May 14, 2021 _____

Contract Times with all approved Change Orders:

Substantial completion (days or date): April 9, 2021 _____

Ready for final payment (days or date): May 14, 2021 _____

RECOMMENDED:

By: _____
Engineer (Authorized Signature)

Date: _____

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: Dan Rye
Contractor (Authorized Signature)

Date: 1/27/21

Approved by Funding Agency (if
applicable):

Date: _____

Attachment: Change Order 1 - Shingle Landing Park (Change Order-Shingle Landing Park Project)

CARTER

Lumber

482 Kempsville Building Materials
109 Impact Blvd.
Elizabeth City, NC 27909

PH(252)-264-2323

Fax

REQUEST DATE	
12/10/20	
EXPIRATION DATE	
12/10/20	
FILLED-BY	DELV-BY
DELIVERED	WILL CALL

SOLD TO	
A R Chesson Const Co N58	
P O BOX 1147	
Williamston, NC 27892	
252 792 4486	

SHIP TO	
Shingle Landing Park	
219 Arrow Head Lane	
219 Arrow Head Lane	
Moyock, NC 27958	
252 792 4486	

QUOTE NUMBER
482042155
QUOTE DATE
12/03/20 11:35:37
ACCOUNT NUMBER
RR04199-0085
CUSTOMER PO
OPERATOR
April Perry
PAGE NUMBER
001 OF 001

ESTIMATE

QUANTITY	X	DESCRIPTION	ITEM	UNIT PRICE	UNIT	EXT PRICE
16		20 X 8" BUTT POLE TREATED 2.5	45732	120.89	EACH	1,934.24
16		8X8X16 PRESSURE TREATED .80 C-24	34317	100.68	EACH	1,610.88
32		2X12X16 #2 2.5CCA TREATED FOR AGRICULTURAL USE ONLY	78151	58.88	EACH	1,884.16
28		2X4X12' #2 PRIME GRD CNT MCA TRT	96232	9.73	EACH	272.44
56		2X4X16' #2 PRIME GRD CNT MCA TRT	96233	14.50	EACH	812.00
15		2X6X16' #2 PRIME GRD CNT MCA TRT	96235	20.00	EACH	300.00
49		2X8X16' #2 GRD CONTACT MCA TRT	91812	24.12	EACH	1,181.88
8		2X10X16' #2 GRD CONTACT MCA TRT	91819	33.71	EACH	269.68
114		2X6X12' PRO DECK GC MCA TRT	106848	18.46	EACH	2,104.44

CUSTOMER COPY

NON-TAXABLE
0.00
TAXABLE
10,369.72
MOYOCK, NC, 27958, CURR
699.96
TOTAL
11,069.68

Divisions of the Carter Lumber Company

Holmes Lumber

Kempsville
Building Materials

Kight
HOME CENTER

SEE TERMS AND CONDITIONS ON REVERSE OF CUSTOMER COPY.

Packet Pg. 32

Attachment: Change Order 1 - Shingle Landing Park (Change Order-Shingle Landing Park Project)



PROPOSAL

TO:

A.R. Chesson
ATTEN: Daniel Plyler
Daniel@archesson.com

Date:	12/7/20
PERMIT#	
Date of Plans:	
Job Name	Pile Install Change Order – Shingle Landing
Job Location:	Moyock, NC
Job Contact:	252-217-5917 Michael

Parks Land Development, Inc. proposes to provide the following labor, materials & equipment necessary to perform the following work items, to completion, as defined in the plans, specifications, and scope of work that was provided:

REF: Shingle Landing Park Piling Install Change Order - Boardwalk

- Pile Driving - Installation of 16 Pilings (supplied by others), mobilization, and layout with (4) points provided by AR Chesson Surveyor

TOTAL ----- \$ 3,000.00

***Specified work will be performed in accordance with standard practice. Any change is subject to prior agreement and in the event of such change an adjustment in price may be required. Items not mentioned are to be considered not included. Not responsible for any cause or conditions beyond our control. This proposal is subject to revocation if not accepted within 30 days. ACCEPTED: If the above quote is accepted, payment is due upon completion. By signing you are accepting these terms and are authorizing to proceed.

DATE: _____ SIGNATURE: _____

Parks Land Development, Inc.
1252 Florida Road
Elizabeth City, NC 27909
252-330-2425



Sycamore Craftsmen

327 Sycamore Road

Edenton, NC 27932

252-312-1552

Shingle Landing Park**Labor for Framing of additional walk way bridge**

Labor	\$36 per hour x 120 hours=	\$4,320
-------	----------------------------	---------

OH&P	15%	\$648
------	-----	-------

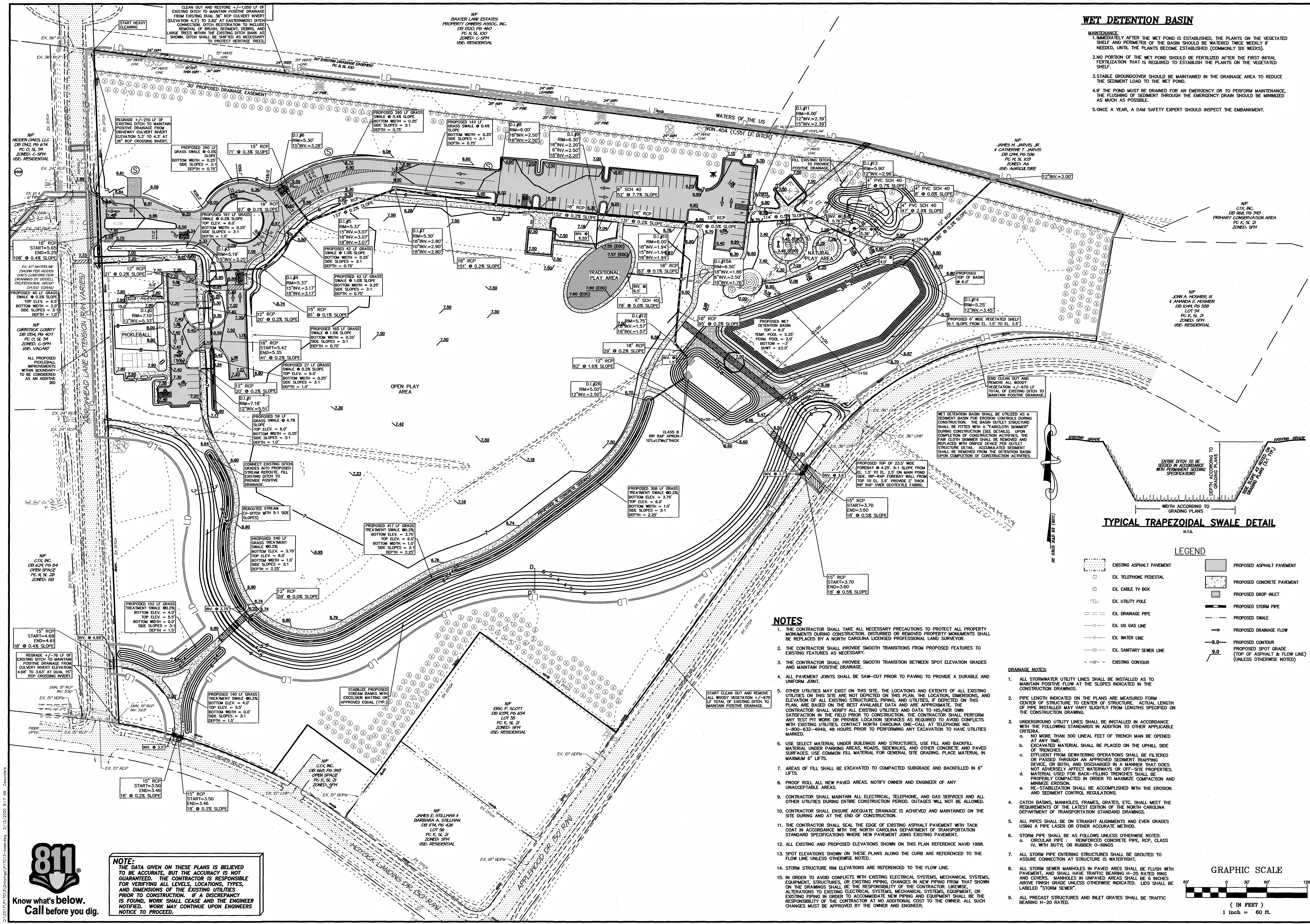
Total		\$4,968
-------	--	---------

Signature: *Jorge Gomez Garcia*

Owner

Date: 12-9-20

Attachment: Change Order 1 - Shingle Landing Park (Change Order-Shingle Landing Park Project)



WET DETENTION BASIN

- MAINTENANCE**
1. IMMEDIATELY AFTER THE WET POND IS ESTABLISHED, THE PLANTS ON THE VEGETATED SHELF AND PERIMETER OF THE BASIN SHOULD BE WATERED TWICE WEEKLY IF NEEDED, UNTIL THE PLANTS BECOME ESTABLISHED (COMMONLY SIX WEEKS).
 2. NO PORTION OF THE WET POND SHOULD BE FERTILIZED AFTER THE FIRST INITIAL FERTILIZATION THAT IS REQUIRED TO ESTABLISH THE PLANTS ON THE VEGETATED SHELF.
 3. STABLE GROUNDCOVER SHOULD BE MAINTAINED IN THE DRAINAGE AREA TO REDUCE THE SEDIMENT LOAD TO THE WET POND.
 4. IF THE POND MUST BE DRAINED FOR AN EMERGENCY OR TO PERFORM MAINTENANCE, THE FLUSHING OF SEDIMENT THROUGH THE EMERGENCY DRAIN SHOULD BE MINIMIZED AS MUCH AS POSSIBLE.
 5. ONCE A YEAR, A DAM SAFETY EXPERT SHOULD INSPECT THE EMBANKMENT.

TYPICAL TRAPEZOIDAL SWALE DETAIL

- LEGEND**
- EXISTING ASPHALT PAVEMENT
 - EX. TELEPHONE PEDESTAL
 - EX. CABLE TV BOX
 - EX. UTILITY POLE
 - EX. DRAINAGE PIPE
 - EX. US GAS LINE
 - EX. WATER LINE
 - EX. SANITARY SEWER LINE
 - EXISTING CONTOUR
 - PROPOSED ASPHALT PAVEMENT
 - PROPOSED CONCRETE PAVEMENT
 - PROPOSED DROP INLET
 - PROPOSED UTILITY POLE
 - PROPOSED STORM PIPE
 - PROPOSED SLOPE
 - PROPOSED DRAINAGE FLOW
 - PROPOSED SPOT GRADE (TOP OF ASPHALT & FLOW LINE) (UNLESS OTHERWISE NOTED)

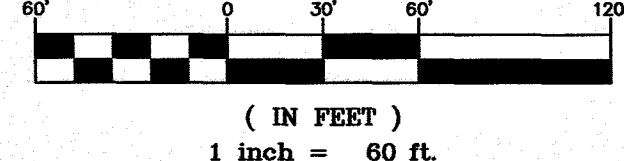
NOTES

1. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT ALL PROPERTY MONUMENTS DURING CONSTRUCTION OR REMOVED PROPERTY MONUMENTS SHALL BE REPLACED BY A NORTH CAROLINA LICENSED PROFESSIONAL LAND SURVEYOR.
2. THE CONTRACTOR SHALL PROVIDE SMOOTH TRANSITIONS FROM PROPOSED FEATURES TO EXISTING FEATURES AS NECESSARY.
3. THE CONTRACTOR SHALL PROVIDE SMOOTH TRANSITION BETWEEN SPOT ELEVATION GRADES AND MAINTAIN POSITIVE DRAINAGE.
4. ALL PAVEMENT JOINTS SHALL BE SAW-CUT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.
5. OTHER UTILITIES MAY EXIST ON THIS SITE. THE LOCATIONS AND EXTENTS OF ALL EXISTING UTILITIES ON THIS SITE ARE NOT DEPICTED ON THIS PLAN. THE LOCATION, DIMENSIONS, AND ELEVATION OF ALL EXISTING STRUCTURES, PIPING, AND UTILITIES, IF DEPICTED ON THIS PLAN, ARE BASED ON THE BEST AVAILABLE DATA AND ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES AND DATA TO HIS/HER OWN SATISFACTION IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL PERFORM ANY TEST PIT WORK OR PROVIDE LOCATION SERVICES AS REQUIRED TO AVOID CONFLICTS WITH EXISTING UTILITIES. CONTACT NORTH CAROLINA ONE-CALL AT TELEPHONE NO. 1-800-632-4949, 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION TO HAVE UTILITIES MARKED.
6. USE SELECT MATERIAL UNDER BUILDINGS AND STRUCTURES, USE FILL AND BACKFILL MATERIAL UNDER PARKING AREAS, ROADS, SIDEWALKS, AND OTHER CONCRETE AND PAVED SURFACES. USE COMMON FILL MATERIAL FOR GENERAL SITE GRADING. PLACE MATERIAL IN MAXIMUM 6" LIFTS.
7. AREAS OF FILL SHALL BE EXCAVATED TO COMPACTED SUBGRADE AND BACKFILLED IN 6" LIFTS.
8. PROOF ROLL ALL NEW PAVED AREAS. NOTIFY OWNER AND ENGINEER OF ANY UNACCEPTABLE AREAS.
9. CONTRACTOR SHALL MAINTAIN ALL ELECTRICAL, TELEPHONE, AND GAS SERVICES AND ALL OTHER UTILITIES DURING ENTIRE CONSTRUCTION PERIOD. OUTAGES WILL NOT BE ALLOWED.
10. CONTRACTOR SHALL ENSURE ADEQUATE DRAINAGE IS ACHIEVED AND MAINTAINED ON THE SITE DURING AND AT THE END OF CONSTRUCTION.
11. THE CONTRACTOR SHALL SEAL THE EDGE OF EXISTING ASPHALT PAVEMENT WITH TACK COAT IN ACCORDANCE WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS WHERE NEW PAVEMENT JOINS EXISTING PAVEMENT.
12. ALL EXISTING AND PROPOSED ELEVATIONS SHOWN ON THIS PLAN REFERENCE NAVD 1988.
13. SPOT ELEVATIONS SHOWN ON THESE PLANS ALONG THE CURB ARE REFERENCED TO THE FLOW LINE UNLESS OTHERWISE NOTED.
14. STORM STRUCTURE RIM ELEVATIONS ARE REFERENCED TO THE FLOW LINE.
15. IN ORDER TO AVOID CONFLICTS WITH EXISTING ELECTRICAL, SYSTEMS, MECHANICAL, SYSTEMS, EQUIPMENT, STRUCTURES, OR EXISTING PIPING, CHANGES IN NEW PIPING FROM THAT SHOWN ON THE DRAWINGS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. LIKEWISE, ALTERATIONS TO EXISTING ELECTRICAL, SYSTEMS, MECHANICAL, SYSTEMS, EQUIPMENT, OR EXISTING PIPING IN ORDER TO ACCOMMODATE NEW PIPING AND EQUIPMENT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. AT NO ADDITIONAL COST TO THE OWNER, ALL SUCH CHANGES MUST BE APPROVED BY THE OWNER AND ENGINEER.

DRAINAGE NOTES:

1. ALL STORMWATER UTILITY LINES SHALL BE INSTALLED AS TO MAINTAIN POSITIVE FLOW AT THE SLOPES INDICATED IN THE CONSTRUCTION DRAWINGS.
2. PIPE LENGTH INDICATED ON THE PLANS ARE MEASURED FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE. ACTUAL LENGTH OF PIPE INSTALLED MAY VARY SLIGHTLY FROM LENGTHS SPECIFIED ON THE CONSTRUCTION DRAWINGS.
3. UNDERGROUND UTILITY LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING STANDARDS IN ADDITION TO OTHER APPLICABLE CRITERIA.
 - a. NO MORE THAN 500 LINEAL FEET OF TRENCH MAY BE OPENED AT ANY TIME.
 - b. EXCAVATED MATERIAL SHALL BE PLACED ON THE UPHILL SIDE OF TRENCHES.
 - c. EFFLUENT FROM DEWATERING OPERATIONS SHALL BE FILTERED OR PASSED THROUGH AN APPROVED SEDIMENT TRAPPING DEVICE, OR BOTH, AND DISCHARGED IN A MANNER THAT DOES NOT ADVERSELY AFFECT WATERWAYS OR OFF-SITE PROPERTIES.
 - d. MATERIAL USED FOR BACK-FILLING TRENCHES SHALL BE PROPERLY COMPACTED IN ORDER TO MAXIMIZE COMPACTION AND MINIMIZE EROSION.
 - e. RE-STABILIZATION SHALL BE ACCOMPLISHED WITH THE EROSION AND SEDIMENT CONTROL REGULATIONS.
4. CATCH BASINS, MANHOLES, FRAMES, GRATES, ETC. SHALL MEET THE REQUIREMENTS OF THE LATEST EDITION OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION STANDARD DRAWINGS.
5. ALL PIPES SHALL BE ON STRAIGHT ALIGNMENTS AND EVEN GRADES USING A PIPE LASER OR OTHER ACCURATE METHOD.
6. STORM PIPE SHALL BE AS FOLLOWS UNLESS OTHERWISE NOTED.
 - a. CIRCULAR PIPE - REINFORCED CONCRETE PIPE, RCP, CLASS IV, WITH BUTYL OR RUBBER O-RINGS.
7. ALL STORM PIPE ENTERING STRUCTURES SHALL BE GROUTED TO ASSURE CONNECTION AT STRUCTURE IS WATERTIGHT.
8. ALL STORM SEWER MANHOLES IN PAVED AREAS SHALL BE FLUSH WITH PAVEMENT, AND SHALL HAVE TRAFFIC BEARING H-20 RATED RING AND COVERS. MANHOLES IN UNPAVED AREAS SHALL BE 6 INCHES ABOVE FINISH GRADE UNLESS OTHERWISE INDICATED. LIDS SHALL BE LABELED "STORM SEWER".
9. ALL PRECAST STRUCTURES AND INLET GRATES SHALL BE TRAFFIC BEARING H-20 RATED.

GRAPHIC SCALE



GRADING & DRAINAGE PLAN

SHINGLE LANDING PARK
CURRITUCK COUNTY

COMMISSION NO.	P17013
DESIGNED BY	CMS
DRAWN BY	JMH/CMS
CHECKED BY	MWS
ISSUE DATE	06/27/19

SHEET NO.
3
OF 10 SHEETS

Quible & Associates, P.C.
ENGINEERING & CONSULTING
1000 W. CHURCH STREET, SUITE 200
BLACKSBURG, VA 24036
Phone: (202) 461-8146
Fax: (202) 461-8147
www.quibleandassociates.com

NC License: C-20208
SINCE 1959

CERTIFICATION
NORTH CAROLINA PROFESSIONAL ENGINEER
06565
JAMES H. JARVIS, JR.
P.E. M.S. 21
ZONED: AGRICULTURE

NO.	DATE	REVISIONS
1	12/12/19	BID SET
2	07/09/20	ADDENDUM #1
3	07/13/20	ADDENDUM #2
4	07/20/20	ADDENDUM #3
5	07/20/20	ISSUED FOR SECS LOT MODIFICATION
6	07/20/20	REVISED PER ARHS
7	09/21/20	REVISED PER ARHS
8	09/21/20	REVISED PER ARHS
9	09/21/20	REVISED PER ARHS

MOYOCK
CURRITUCK COUNTY
NORTH CAROLINA

811
Know what's below.
Call before you dig.

NOTE:
THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER NOTIFIED. WORK MAY CONTINUE UPON ENGINEER'S NOTICE TO PROCEED.

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on February 15, 2021, authorized the following property listed below be declared surplus and disposed of; and

WHEREAS, Sheriff Beickert has requested that upon the retirement of Sergeant Evelyn Thornton that her duty weapon, a Glock 22 handgun, Serial #PVF971, be given to her. Ms. Thornton has made the request to purchase same upon her retirement.

ADOPTED, this the 15th day of February, 2021.

Michael H. Payment, Chairman

ATTEST:

(SEAL)

Leeann Walton, Clerk to the Board

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on February 15, 2021, authorized the following property listed below be declared surplus and disposed of; and

WHEREAS, Sheriff Beickert has requested that upon the retirement of Deputy Steven Koch that his duty weapon, a Glock 22 handgun, Serial #PVF948, be given to him. Mr. Koch has made the request to purchase same upon his retirement.

ADOPTED, this the 15th day of February, 2021.

Michael H. Payment, Chairman

ATTEST:

(SEAL)

Leeann Walton, Clerk to the Board

REQUEST TO SURPLUS ITEMS WITH FAIR VALUE LESS THAN \$5,000

Matthew Beickert, Currituck County Sheriff, requests to surplus the items listed below. These items have a fair market value less than \$5,000 and can be declared surplus by the County Manager by resolution dated April 5, 2019. Items may be disposed of in a manner consistent with this resolution.

Asset Tag	Description	Purchase Cost	Retiree Service Gun	Fair Market Value
Serial PVF948	Glock Handgun	\$409	Stephen Koch	\$0
Serial PVF971	Glock Handgun	\$409	Evelyn Thornton	\$0

Matthew Beickert
Signature of Requesting Party

1-7-21
Date

Approved by:

Ben
County Manager

1.12.2021
Date



From the desk of
Sheriff Matthew W. Beickert

Currituck County, North Carolina

407 Maple Road, Maple, North Carolina 27956
Office: (252) 453-8204 • Fax: (252) 453-2238
matt.beickert@currituckcountync.gov

DATE: December 8, 2020

TO: Currituck County Commissioners

RE: Sergeant Evelyn Thornton's Retirement

Sergeant Evelyn Thornton retired from the Currituck County Sheriff's Office effective 10/31/2020. Sergeant Thornton has been with our agency and in good standing since 9/17/2005. Sergeant Thornton's issued service weapon is a Glock 22 handgun, serial #PVF971, and she has made the request to purchase her weapon upon retirement.

It has been our policy to allow deputies, upon retirement, the option of purchasing their issued service weapon for the total sum of one dollar (\$1.00).

A handwritten signature in black ink that reads "Matthew Beickert".

Sheriff Matthew Beickert
Currituck County Sheriff's Office



From the desk of
Sheriff Matthew W. Beickert

Currituck County, North Carolina

407 Maple Road, Maple, North Carolina 27956

Office: (252) 453-8204 • Fax: (252) 453-2238

matt.beickert@currituckcountync.gov

DATE: December 8, 2020

TO: Currituck County Commissioners

RE: Deputy Stephen Koch's Retirement

Deputy Stephen Koch retired from the Currituck County Sheriff's Office effective 6/30/2020. Deputy Koch has been with our agency and in good standing since 7/13/2002. Deputy Koch's issued service weapon is a Glock 22 handgun, serial #PVF948, and he has made the request to purchase his weapon upon retirement.

It has been our policy to allow deputies, upon retirement, the option of purchasing their issued service weapon for the total sum of one dollar (\$1.00).

A handwritten signature in black ink that reads "Matthew Beickert".

Sheriff Matthew Beickert
Currituck County Sheriff's Office



CURRITUCK COUNTY NORTH CAROLINA

February 1, 2021

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:30 PM Public Safety Center Progress Update

The Currituck County Board of Commissioners met in a Work Session at 4:30 PM in the Board Meeting Room to receive a progress update and consider design options for the County's new Public Safety Center being built in Barco, North Carolina. Assistant County Engineer, Michelle Perry, introduced project construction and design contractors in attendance and Architect Angie Crawford of Boomerang Design attended virtually to present design options for Board consideration. Commissioners provided feedback on their preferences for the exterior plaza and interior lobby areas. Commissioners selected option "B" for the exterior plaza's service memorial design. Commissioners also provided input on placement of flags, benches and concrete walkway areas for the exterior.

Commissioners considered interior design options for the lobby area. After review, option "C" was selected, which consisted of a map of the county, departmental logos of those who will occupy the building, and assorted photos. Commissioners requested the logos be reduced in size and preferred some historical photos be included in the graphic. Ms. Crawford said she would refine the designs and bring those back to Commissioners for consideration.

Following the Public Safety Center review, County Manager Ben Stikeleather reported on the Covid-19 clinic operations held earlier that morning at which many out-of-state residents had shown up to receive vaccines. Following some discussion, Commissioners agreed that future clinics would prioritize North Carolina residents and shots may be offered to out-of-state residents if some doses remained. Plans for future clinics were discussed and Sheriff Beickert and Emergency Management Director Mary Beth Newns were acknowledged for their efforts at the earlier clinic.

The Work Session concluded at 5:26 PM.

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
Michael H. Payment	Commissioner	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	

Communication: Minutes for February 1, 2021 (Approval Of Minutes-February 1, 2021)

Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	
Bob White	Commissioner	Present	

Chairman Payment called the meeting to order and announced the earlier work session.

A) Invocation & Pledge of Allegiance

Chairman Payment offered anyone in attendance the opportunity to offer the Invocation. Sam Miller, an applicant in attendance for Public Hearing, gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Commissioner White moved for approval of the agenda. Commissioner McCord seconded the motion. The motion carried, 7-0.

Approved agenda:

Work Session

4:30 PM Public Safety Center Progress Update

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

Public Hearings

A) PB 20-23 Miller Homes and Builders, LLC: Requests a conventional zoning map amendment of 1.05 acres from C-GB (Conditional - General Business) to GB (General Business) for property located at 155 Survey Road in Moyock, Moyock Township.

B) PB 20-19 Bissell Professional Group: Request for an

amendment to the Currituck County Unified Development Ordinance, Chapter 2: Administration, Section 2.4.8.D., Minor Subdivision, Chapter 6: Subdivision and Infrastructure Standards, Section 6.2.1., Street Standards, and Section 6.2.3. Utility Standards to simplify the approval process, design standards, and defer infrastructure installation for non-residential subdivisions containing three or fewer lots.

C) PB 20-25 Currituck County - Stormwater BMP Text

Amendment: This Text Amendment will revise Chapter 7 Section 3.4.B.2 to require new major subdivision stormwater infrastructure be designed for a twelve-inch rain event over a twenty-four- hour period.

D) Public Hearing and Consideration of Lease of County Property Held for Economic Development Purposes to Truck Accessory Center, Moyock, North Carolina

Old Business

- A) **PB 84-11: Corolla Light PUD, Phase 11-Outer Banks Ventures submitted an amended sketch plan/use permit application to allocate 8 residential units to Phase 11, located at 1099 Ocean Trail, Corolla.**

New Business

A) Board Appointments

1. Consideration of Reappointment to the Area Agency on Aging Regional Advisory Council-Joanne DiBello
2. Animal Services & Control Advisory Board
3. Historic Preservation Commission

B) Consent Agenda

1. Budget Amendments
2. Approval of Memorandum of Understanding Between North Carolina Department of Information Technology State Chief Information Officer and Currituck County to Establish Information Technology Relationship for Technology Improvement and Reduction of Cyber Risks
3. Vehicle Surplus Resolution-Nissan Titan, Inspections
4. Surplus Resolution-CCRC Maintenance Equipment
5. Approval Of Minutes-January 19, 2021 and January 27, 2021 Special Meeting

Adjourn

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

PUBLIC COMMENT

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

Chairman Payment opened the Public Comment period. No one was signed up nor wished to speak. The Public Comment period was closed.

COMMISSIONER'S REPORT

Commissioner Jarvis commended County staff who have worked to give thousands of Covid-19 vaccinations at the clinics held throughout the County. She spoke of the protocols for vaccination and asked that everyone follow the guidelines in place.

Commissioner Mary Etheridge encouraged people to help Currituck children in need by becoming a Foster Parent. She highlighted The Focus county newsletter and the wealth of information that is included.

Commissioner White said he has received many comments about how well the Corolla vaccine clinic went and thanked Ben Stikeleather, County Manager, Albemarle Regional Health Services (ARHS), first responders and emergency services for their efforts and assistance. Second shot information for Corolla residents will be announced as information is received. Commissioner White reported an investigation will take place to determine the cause of death of a couple of young horses on the off-road area. He reported on the methods for collecting funds and selecting roads for upgrades and maintenance in Carova Beach.

Chairman Payment, who sits on the ARHS Board for Currituck County, reported on the vaccine clinics throughout the service region and said decisions are made by the agency the operation of the area clinics. He reported on upcoming second dose clinics and suggested first dose quantities going forward will be 200-300 shots weekly, less than the weeks prior, and encouraged people to monitor websites for updates. He also thanked staff for their efforts and assistance at the clinics. Chairman Payment asked citizens to support their local fire departments.

Commissioner Beaumont serves on the Albemarle Regional Planning Organization and attended their recent virtual meeting. He reported North Carolina Department of Transportation is having funding issues and the county will have to live with those challenges in that regard. He said the Mid-Currituck Bridge is moving forward with construction permitting scheduled for October, 2021.

Commissioner J. Owen Etheridge expressed pride in the way the County has worked to make the Covid-19 vaccine clinics so successful.

Commissioner McCord recognized the efforts of all those involved with the Covid-19 clinics and noted the days clinic distributed 1,051 shots. He encouraged folks to follow the County's website and social media page for information on second shot clinics.

Commissioner McCord presented Currituck County resident Brook Sparks with a plaque in recognition of her work leading the Wounded Warrior in Action program in Currituck County. Ms. Sparks has coordinated the program for nine years and was in attendance to receive the plaque.

COUNTY MANAGER'S REPORT

Ben Stikeleather, County Manager, provided an update on the progress of the Mid-Currituck Bridge construction and noted permitting is continuing to move forward. He acknowledged County staff for their efforts to make the vaccine clinics successful. He announced the Board of Commissioners Retreat begins Thursday, February 4, 2021. Mr. Stikeleather announced recruitment of temporary workers to assist with vaccine clinics. Information is available on the County website.

PUBLIC HEARINGS

A. PB 20-23 Miller Homes and Builders, LLC:

APPLICATION SUMMARY	
Property Owner: Miller Homes and Building, LLC 111 Currituck Commercial Drive, Suite B Moyock, NC 27958	Applicant: Miller Homes and Building, LLC 111 Currituck Commercial Drive, Suite B Moyock, NC 27958
Case Number: PB 20-23	Application Type: Zoning Map Amendment
Parcel Identification Number: 0015-000-047B-0000	Existing Use: Single Family Dwelling and Bakery/specialty eating establishment
Land Use Plan Classification: Full Service	Parcel Size (Acres): 1.06 (survey) 1.05 (application and tax records)
Moyock SAP Classification: Full Service	
Land Use Plan Subarea: Moyock	Zoning History: A-40 (1974); AG (1989); C-GB (2018)
Current Zoning: C-GB	Proposed Zoning: GB
Request: Request for a zoning map amendment to rezone Conditional – General Business (C-GB) property to General Business (GB).	

Narrative

The applicant is requesting a conventional rezoning of approximately 1.05 acres from Conditional – General Business (C-GB) to General Business (GB). The subject property was rezoned as a conditional zoning application in 2018 that included a conceptual plan (site plan) of the property and conditions related to the proposed use and prohibited uses. This request will remove the zoning conditions and the conceptual plan. The 2018 application focused on an outbuilding that was intended to be converted to a bakery/light sandwich shop with the possibility to change the use if the bakery was not successful. The residential use was identified on the plan as a one-story modular dwelling and was not intended to change unless a new application was submitted to change the zoning district (including any conceptual plan/conditions). The

applicant is submitting the application to remove the zoning conditions and conceptual plan approved in 2018 and develop the property with uses that are allowed in the GB zoning district.

A use comparison is included at the end of this report.

Community Meeting

A community meeting was held November 9, 2020 at 155 Survey Road, Moyock. There were six people in attendance including the applicant and county representatives. The attendees asked questions regarding the proposed use and what changes will occur on their property.

SURROUNDING PARCELS

	LAND USE	ZONING
NORTH	CULTIVATED FARMLAND AND SINGLE FAMILY DWELLING	AG
SOUTH	RESIDENTIAL DEVELOPMENT WITH GOLF COURSE	AG
EAST	CULTIVATED FARMLAND	GB
WEST	PLANNED UNIT DEVELOPMENT	SFM WITH PUD OVERLAY

LAND USE PLAN

THE 2006 LAND USE PLAN (LUP) CLASSIFIES THIS SITE AS FULL SERVICE WITHIN THE MOYOCK SUBAREA. THE FULL SERVICE AREA SPECIFIES IT IS ESSENTIAL TO PRESERVE THE EXISTING COMMUNITY CHARACTER WITH RESPECT TO NONRESIDENTIAL USES. THE FOLLOWING POLICY IS RELEVANT TO THE ZONING MAP AMENDMENT REQUEST:

POLICY CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.
------------	--

MOYOCK SMALL AREA PLAN

THE 2014 MOYOCK SMALL AREA PLAN CLASSIFIES THIS SITE AS FULL SERVICE. FULL SERVICE DESIGNATED AREAS ENCOURAGES A HIGH DEGREE OF ARCHITECTURAL ELEMENTS AND CREATIVE SITE DESIGN. DEVELOPMENT IS INTENDED TO BE DESIGNED AND ORIENTED WITH PEOPLE IN MIND (HUMAN SCALE). THE FOLLOWING POLICIES ARE RELEVANT TO THE REQUEST:

POLICY CC2	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.
POLICY ST2	Support local entrepreneurs that establish community serving businesses that diversify the local economy, are in close proximity to residential areas, and promote community interaction.

In North Carolina, it is illegal to impose conditions on rezonings to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor.

RECOMMENDATION

Communication: Minutes for February 1, 2021 (Approval Of Minutes-February 1, 2021)

PLANNING STAFF

Beginning in 2007, conditional zoning has been a tool to help guide development to align with the community values and character recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to more appropriately address the impacts expected to be generated by the development. It provides predictability in the rezoning application to ensure that the development and use will conform to the county's adopted plans (2006 Land Use Plan and 2014 Moyock Small Area Plan) including LUP Policy CD1, CD4, CD5, and MSAP Policy CC2.

A conventional rezoning application is only required to meet the minimum standards of the UDO. The purpose of the General Business (GB) zoning district is to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways. The GB district includes some uses that are intended or more suited for major highways and not secondary roadways such as Survey Road. Potential use compatibility conflicts with the allowed general uses in the GB zoning district could include such uses as: a parking lot; bar, nightclub, and lounge; convenience store; laundromat; pawn shop; boat and marine rental sales and service; automobile repair and service; car wash; taxicab service; hotel/motel; contractor service; and crabshedding. The conditional zoning process can tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. It can also address impacts that may be associated with the particular property and intended land use. Since the adoption of the 2013 UDO, conventional rezoning approvals included properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.

The request does not appear to be in direct conflict with the 2006 Land Use Plan or the Moyock Small Area Plan. However, the LUP and the MSAP further describe highway oriented commercial uses that are more intended along major highways and do not encroach within or immediately adjoining existing residential areas (LUP Policy CD4, and CD5). The request does not provide assurances that all of the allowed uses in the GB zoning district would be consistent with the goals, objectives, and policies of the officially adopted plans. The property is located along a secondary road and across the street from a planned unit development with planned neighborhood serving commercial uses with use permit conditions intended for the undeveloped property. The property is also adjacent to existing GB zoning district that has frontage on Caratoke Highway.

In an effort to provide assurances that address the 2006 LUP and MSAP compatibility policies, staff recommends the applicant submit a conditional zoning application with a plan that is more conceptual in nature. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains the community values and consistency with the officially adopted plans.

The request does not appear to provide any direct conflict with the 2006 LUP or MSAP. The board may determine that the location, size of the property, and general district allowable uses are consistent with LUP and MSAP; and compatibility can adequately be addressed through the site plan review process and requirements of the UDO.

PLANNING BOARD RECOMMENDATION

The Planning Board gave the following recommendation of approval on January 12, 2021:

Chairman Ballance moved to recommend approval of PB 20-23 because the request is consistent with Land Use Plan and Policy CD1 and the Moyock Small Area Plan Policies CC2 and ST2.

The request is reasonable and in the public interest because:

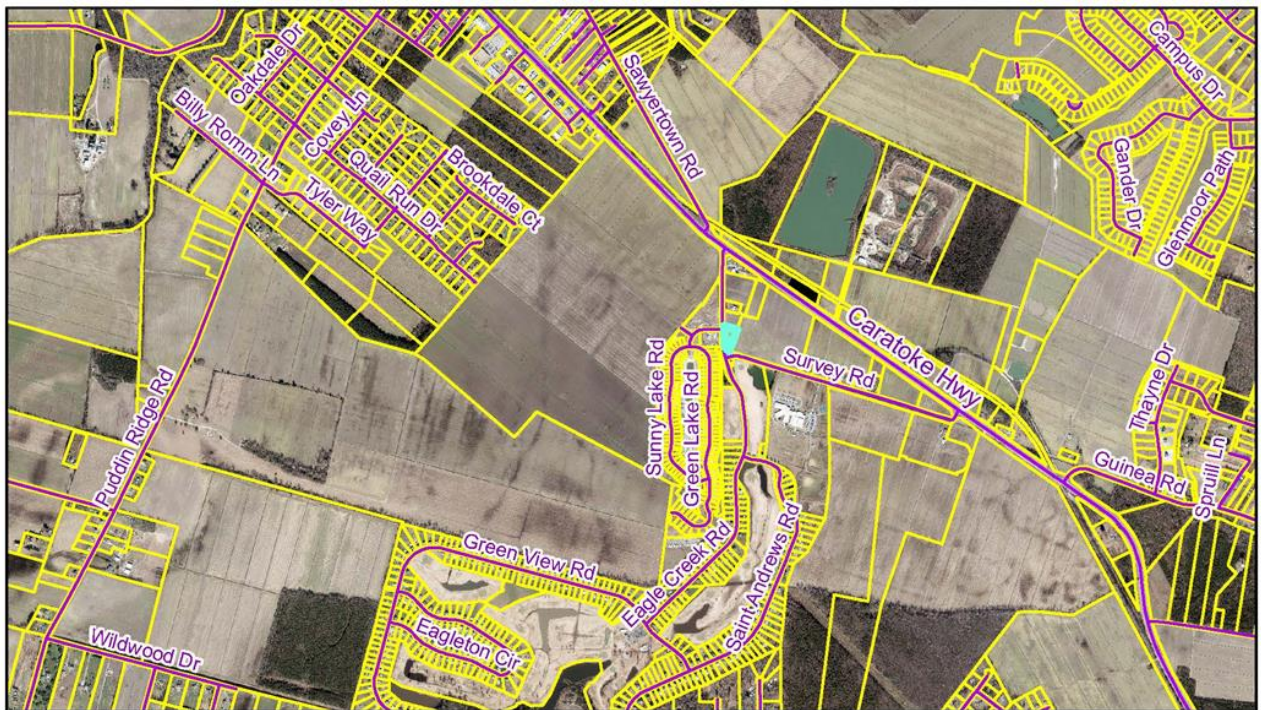
- The property is designated as Full Service in the Land Use Plan and the Moyock Small Area Plan.
- The property is adjacent to General Business zoned property.
- The property is approximately 1.05 acres and limits the size and scale of development.
- The allowable uses in the GB zoning district are consistent with the LUP and Moyock Small Area Plan and compatibility can be adequately addressed through the site plan review process and requirements of the UDO.

Mr. Doll seconded the motion and the motion carried unanimously 4-0.

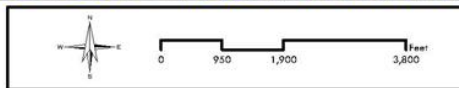
A ZONING MAP AMENDMENT IS A LEGISLATIVE DECISION OF THE BOARD OF COMMISSIONERS. IN DETERMINING WHETHER TO APPROVE OR DENY A ZONING MAP AMENDMENT THE BOARD OF COMMISSIONERS SHALL ADOPT A WRITTEN STATEMENT OF CONSISTENCY AND REASONABLENESS.

USE COMPARISON	
2018 C-GB Zoning Conditions	Uses Allowed in GB
<u>Immediate Use:</u> Bakery and specialty sandwich shop <u>Potential Future Uses:</u> Eating Establishments Offices Recreation/Entertainment (indoor and outdoor) Retail Sales and Services limited to: Drug store or pharmacy Financial institution Repair establishment Retail sales establishment <u>Prohibited Uses (requires BOC approval):</u> Nightclubs Bar Automotive Sales Shopping Center Pawn Shop Arena, Stadium Wind Energy Major Utility Helicopter Landing Halfway House Boat Sales	Agriculture/Horticulture; Agri-education; Agri-entertainment Agribusiness; Equestrian facility; Farmer's and roadside market; Nursery; Agricultural research facility; Distribution hub for agricultural and agronomic products; Silviculture Dwelling (live/work, manufactured, single-family detached, upper story) Dormitory; Family care home; Rooming or boarding house Community Services Day Care Educational Facilities Government Facilities Health Care Facilities Assisted living facility; Auditorium, conference, and convention center; Club or lodge; Halfway house (u); Nursing home; Religious institution Arboretum or botanical garden; Community garden; Park Police, fire, or EMS facility Airport (u); Helicopter landing facility (u) Passenger terminal (surface transportation) Telecommunications antenna and tower (u); Utility, minor/ major (u); Animal Care Eating Establishments Offices Parking lot Recreational/Entertainment, Indoor Arena, amphitheater, or stadium(u); Athletic facility; Golf driving range; Marina; Outdoor tour operator (u); Outdoor Recreation

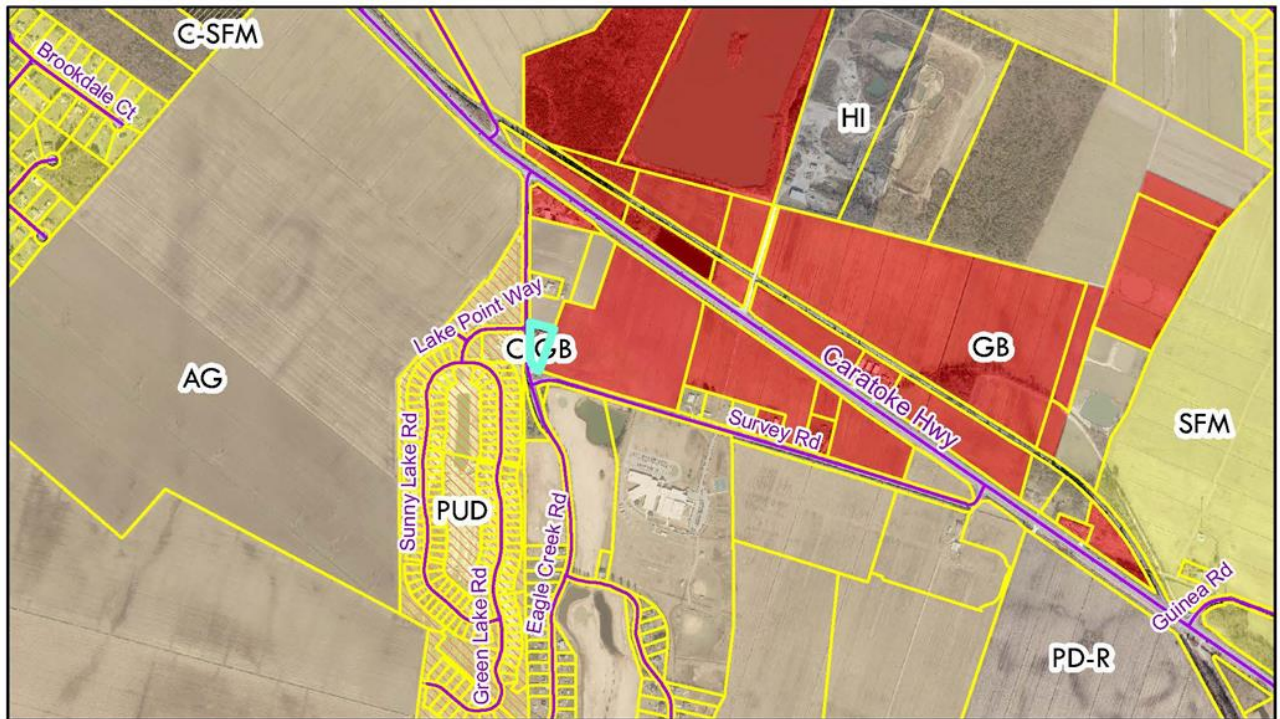
USE COMPARISON	
	<p>Artisan food and beverage producer; Bar, nightclub, or cocktail lounge; Convenience store; Drug store or pharmacy; Entertainment establishment; Financial institution; Funeral home; Grocery store; Laundromat; Pawn shop (u); Personal services establishment; Repair establishment; Retail sales establishment; Shopping center (u); Winery</p> <p>Boat and marine rental, sales, and service</p> <p>Vehicle sales and service, light</p> <p>Visitor Accommodations</p> <p>Contractor service</p> <p>Crabshedding; Research and development</p> <p>Public convenience center/transfer station (u)</p>



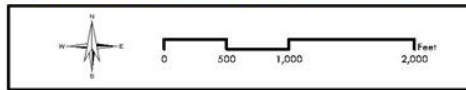
PB 20-23
Miller Homes and Building, LLC
Aerial Context Map



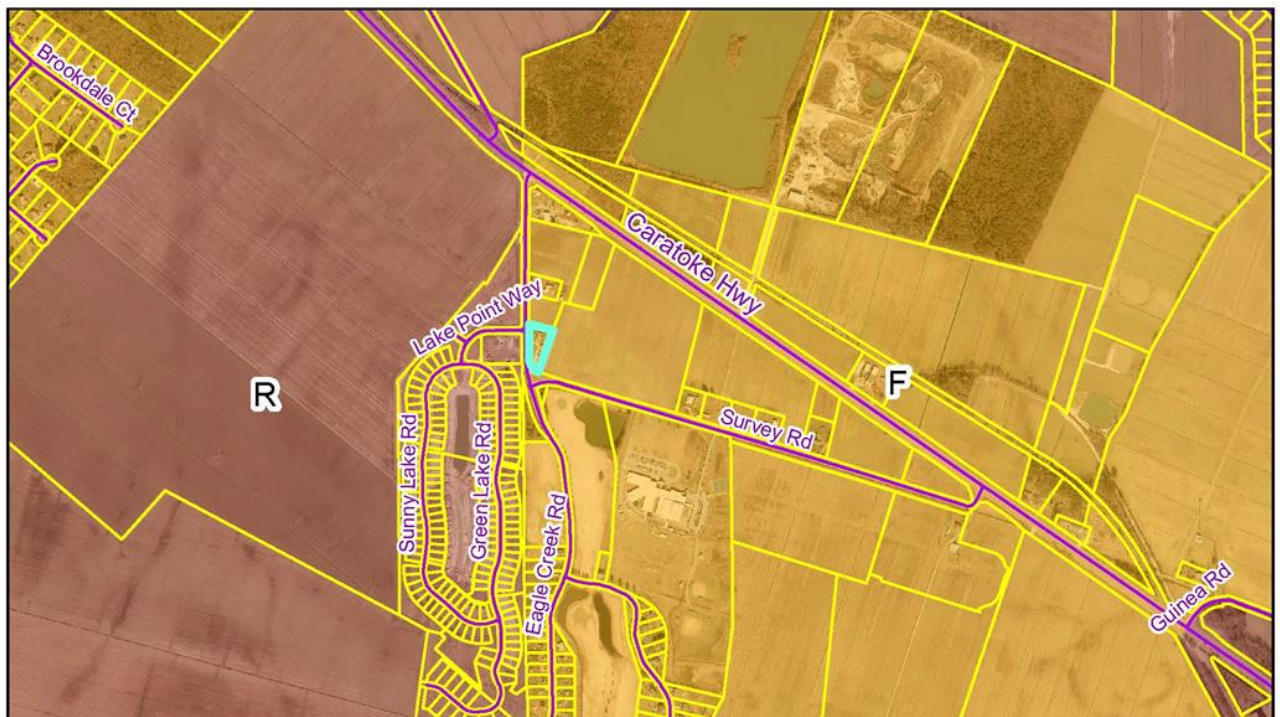
Communication: Minutes for February 1, 2021 (Approval Of Minutes-February 1, 2021)



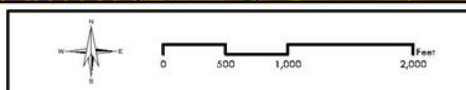
PB 20-23
Miller Homes and Building, LLC
Zoning Map



Currituck County
 Planning and Community
 Development

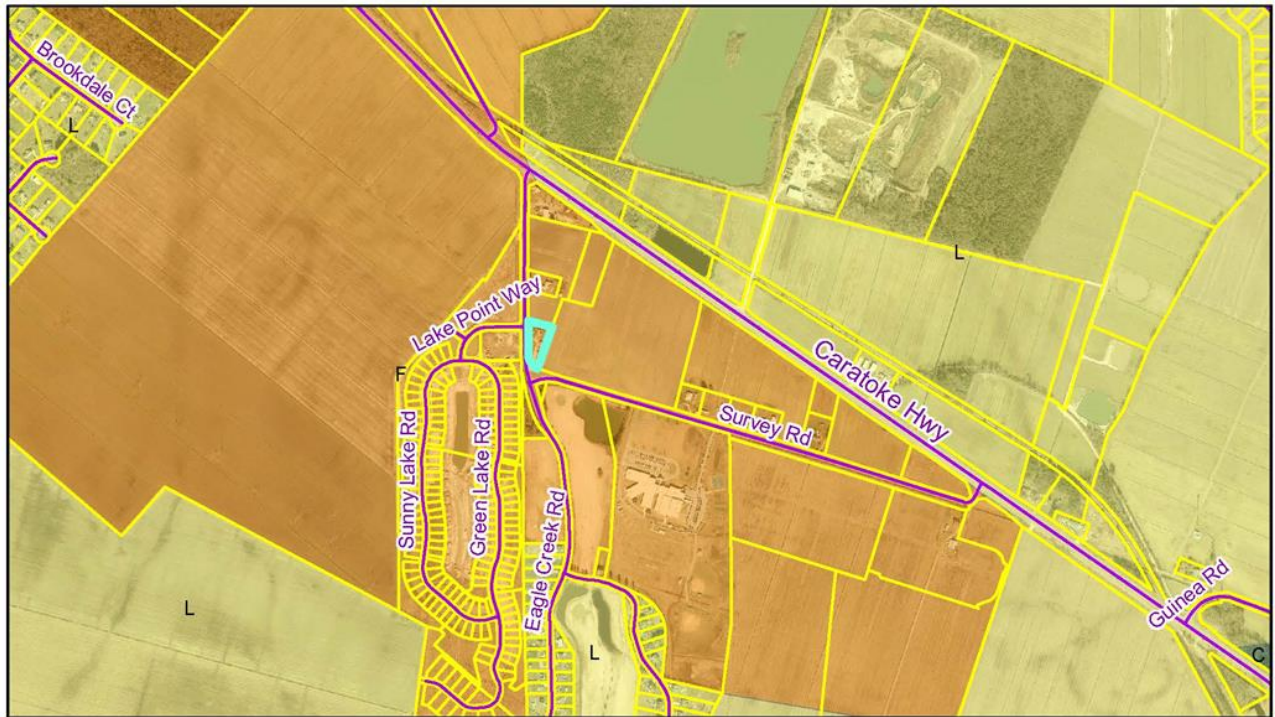


PB 20-23
Miller Homes and Building, LLC
2006 Land Use Classification Map



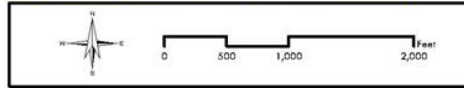
Currituck County
 Planning and Community
 Development

Communication: Minutes for February 1, 2021 (Approval Of Minutes-February 1, 2021)



PB 20-23

Miller Homes and Building, LLC
2014 Moyock Small Area Plan



Currituck County
Planning and Community
Development

Assistant Planning Director, Donna Voliva, reviewed the request for Commissioners. The overhead was used to display aerial maps of the location, area zoning, surrounding Land Uses. Specific information in the agenda packet was highlighted, and General Business purposes within the Unified Development Ordinance (UDO) were referenced. Ms. Voliva explained conditions cannot be established because it is a request for conventional zoning. Land Use Plan and Moyock Small Area Plan policies were reviewed. The Planning Board recommended approval of the request. Staff recommended a Conditional zoning be considered to allow flexibility and compatibility. Ms. Voliva responded to several questions related to commercial uses near other residential development and impacts of a straight General Business (GB) zoning at the location.

Applicant, Sam Miller, addressed the Board to speak to the operation of the existing bakery at the location and why the initial decision was made to apply for a conditional rezoning. He clarified the reasoning behind the current application to change to straight General Business zoning and responded to questions from Commissioners. Mr. Miller said no major concerns were raised at the community meeting.

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

Commissioner J. Owen Etheridge moved for approval of PB 20-23: Miller Homes and Building, LLC, because the requests is consistent with the Land Use Plan (LUP) Policy CD1 and the Moyock Small Area Plan Policies CC2 and ST2.

The request is reasonable and in the public interest because the property is designated as Full Service in the Land Use Plan and the Moyock Small Area Plan; the property is adjacent to General Business zoned property; the property is approximately 1.05 acres and limits the size and scale of development; the allowable uses in the GB zoning district are consistent with the LUP and Moyock Small Area Plan and compatibility can be adequately addressed through the site plan review process and requirements of the UDO.

The motion was seconded by Commissioner McCord. The motion carried, 7-0.

A brief recess was called at 7:22 PM following the hearing. The meeting reconvened at 7:28 PM.

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

B. PB 20-19 Bissell Professional Group:

To: Board of Commissioners

From: Planning Staff

Date: January 25, 2021

Subject: PB 20-19 Bissell Professional Group

Mark Bissell, Bissell Professional Group, submitted a text amendment to the Unified Development Ordinance (UDO) to establish a process and review standards for non-residential minor subdivisions in the General Business (GB) zoning district. The request would also modify the infrastructure standards and installation requirements for this type of development. The proposed text amendment allows the developer to create up to three lots as a non-residential minor subdivision for commercial uses from the parent parcel that existed on the effective date of this amendment. If approved, the developer could create lots under the provisions of the amendment and delay infrastructure installation to a later time and not completed as part of the subdivision. Instead, the development would be completed more similar to individual site development plans. The delay in infrastructure installation could include water mains and service, sewer, road or access improvements including deceleration lanes, landscaping, buffers, and stormwater.

Background

At its January 2019 retreat, the Board of Commissioners directed staff to address the increasing use of minor subdivisions and the potential safety issue from subdivisions creating lots and installing driveways along existing state roads. In 2019, minor subdivisions were divisions of land into 5 lots or less without significant infrastructure improvements (i.e. road installed to

NCDOT standards, fire hydrant, fire pond). The adopted language (September 3, 2019) reduced the number of lots created as a minor subdivision (maximum of three lots) and limited driveway cuts along existing NCDOT streets preserving the traffic function of these existing roads. The amendment also required all lots to access an internal subdivision street, unless exempt.

The applicant's request states the 2019 text amendment prohibits the platting of additional lots on existing state roads and has the effect of slowing commercial site development particularly in the Moyock commercial corridor by making it difficult to divide existing larger commercial tracts along Caratoke Highway for the purpose of commercial development.

Request Summary

1. Non-residential minor subdivision of no more than three lots zoned GB with frontage on an existing NCDOT public street.
2. Parent parcel date to be changed from April 2, 1989 to the effective date of the amendment.
3. Driveway (shared or individual) construction in easements instead of road construction in a right of way.
4. Individual lot stormwater design (site plan design standards instead of subdivision design standards).
5. Individual water and sewer (public/private/individual) to be provided prior to initiation of the use instead of installed before the subdivision is recorded and/or building permit application for water and sewer.
6. General Development Plan.

Staff Comments Regarding the Proposed Request

Establishing a non-residential minor subdivision process for General Business (GB) zoned property could streamline the subdivision review process for commercial projects. Allowing the parent parcel to be reestablished from April 2, 1989 to the adoption date of the text amendment for non-residential minor subdivisions could also increase flexibility in the process. This would reduce the review time and eliminate the subdivision requirements associated with major subdivisions for properties that were previously divided and no longer qualify for minor subdivisions. Those two changes would reduce the difficulties identified in the application.

During discussions at the December Planning Board meeting the number of lots requested in the application was identified as a conflict with the 2019 approved text amendment. The applicant amended his request and reduced the number of allowable lots that could be divided as a minor subdivision from four to three to be more consistent with the 2019 text amendment.

Since the January Planning Board meeting, the applicant agreed to add the staff requested modifications to the text amendment. Non-residential development can have different water and wastewater demands that are not always known at the subdivision review process, and the installation of the utilities would be deferred to the building permit application authorizing construction of the use. In addition, development fee language was removed from the request since NC General Statutes identifies the timing in which development fees for public water and sewer must be paid.

The maintenance of a shared access can become an issue when additional lots access the common infrastructure without agreements in place that outline the maintenance responsibilities. After the December Planning Board meeting, the applicant modified the language to require an agreement be recorded specifying responsibility for the maintenance of common infrastructure. The agreement will be recorded prior to the issuance of the building permit authorizing

construction of the use. In addition, the drive aisle access, utilities, and drainage improvements will be extended to the abutting property (including easements) to reduce the construction impacts to the established lot, and accommodate an efficient access point to the abutting property possibly during construction.

The proposed text amendment, if adopted, requires a general development plan to identify existing water and sewer lines, stormwater infrastructure, approximate plan and location for water and wastewater, conceptual drainage plan, preliminary location for building pads and parking areas, and a preliminary plan for fire protection. The amendment will generate a development that is individually designed and managed instead of a planned subdivision that is designed, installed, and maintained as a comprehensive project.

The subdivision standards of the UDO primarily address right of way or street access instead of the easement. New subdivision streets are used for setbacks, defining lot frontage, site landscaping, sidewalks, and street trees. The applicant is proposing all lots that are part of the non-residential minor subdivision front an existing NCDOT public street. This frontage requirement will establish the NCDOT right of way as the basis for meeting the UDO standards listed above.

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 (updated after January Planning Board meeting)

The applicant agreed to include the staff recommended modifications to the request following the January Planning Board meeting. Staff recommends approval of the proposed text amendment.

The proposed text amendment is consistent with the Unified Development Ordinance and the County Code of Ordinances. Although there is no direct correlation to goals, objectives, and policies in the 2006 Land Use Plan, the request would be consistent with:

POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

And, the request will result in a logical and orderly development pattern since new development requires a general plan of development addressing the infrastructure improvements and maintenance responsibilities for the improvements with this proposed text amendment.

Planning Board Recommendation

On January 12, 2021, the Planning Board recommended approval with the following changes:

Bryan Bass moved to recommend approval of PB 20-19 subject to the staff and the applicants suggested modifications:

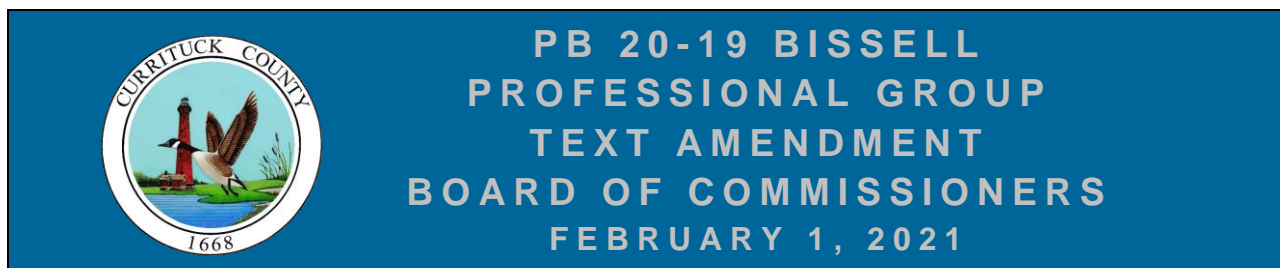
- Where the proposed language states: “prior to the initiation of the use on the first subdivision lot”, and “prior to initiation of the use on each subdivision lot”, staff recommends the language be replaced with: “at the time of issuance of the building permit authorizing construction to begin on each subdivision lot”.
- Utilities and interconnecting drive aisles providing a cross access to abutting properties shall be extended to the property line. All construction, utility, drainage, and access easements shall be provided to abutting property lines at the time of issuance of the building permit authorizing construction to begin on each subdivision lot.

Because the request is consistent with the 2006 Land Use Plan Policy CD4 by encouraging nonresidential development to cluster along arterial roadways and provide internal vehicular connectivity.

And the request is reasonable and in the public interest because:

- The proposed text amendment will result in a logical and orderly development pattern since new development would be required to submit a general plan of development addressing the installation of infrastructure improvements as well as the maintenance responsibilities of private and common infrastructure.

Mr. Doll seconded the motion and the motion carried unanimously 4-0.



PB 20-19 Bissell Professional Group requests an amendment to the Unified Development Ordinance, Chapter 2: Administration and Chapter 6: Subdivision & Infrastructure Standards to simplify the approval process, design standards, and defer infrastructure installation for non-residential development containing three or fewer lots.

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 2 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 2.4.8.

6.1.3.1. Minor Subdivision**6.1.3.1.1. Procedure****6.1.3.1.1.1. Pre-Application Conference**

Not applicable.

6.1.3.1.1.2. Community Meeting

Not Applicable.

6.1.3.1.1.3. Application Submittal and Acceptance

6.1.3.1.1.3.1. Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the standards in Section 2.4.8.E.5.b, Final Plat Review Standards.

6.2.3.1.1.1.1. Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members, and that conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

6.1.3.1.1.4. Staff Review and Action

Applicable (see Section 2.3.5). The Planning Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Planning Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

6.1.3.1.1.5. Public Hearing Scheduling and Public Notification

Not applicable.

6.1.3.1.1.6. Public Hearing Procedures

Not applicable.

6.1.3.1.1.7. Advisory Body Review and Recommendation

Not applicable.

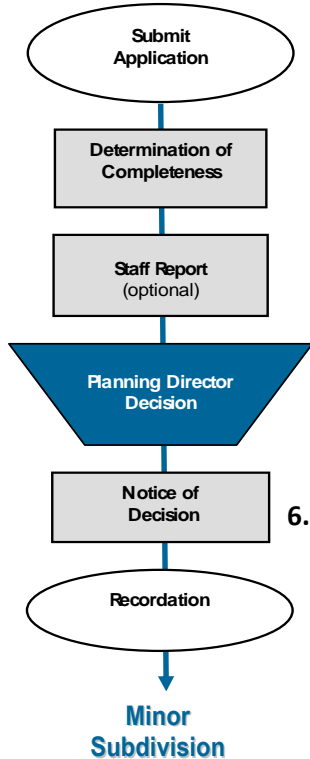
6.1.3.1.1.8. Decision-Making Body Review and Decision

Not applicable.

6.1.3.1.2. Minor Subdivision Review Standards**6.1.3.1.2.1. General Standards**

A minor subdivision shall be approved on a finding that:

- 6.1.3.1.2.1.1. It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- 6.1.3.1.2.1.2. It complies with the dimensional standards of Chapter 3;
- 6.1.3.1.2.1.3. It will result in no more than three lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions), or as allowed in Section 2.4.8.D.2.C Additional Standards for Non-residential Minor Subdivisions;
- 6.1.3.1.2.1.4. It does not front an existing NCDOT-maintained public street (except for Family Subdivisions) and Non-residential Minor Subdivisions;



- 6.1.3.1.2.1.5. The parent parcel and new parcel(s) shall front a private access street (except as allowed in Section 2.4.8.D.2.C. , Additional Standards for Non-residential Minor Subdivisions). The existing driveway to the parent parcel shall be removed if the driveway is not converted into the private access street to serve the resultant parcels;
- 6.1.3.1.2.1.6. There is no public right-of-way dedication;
- 6.1.3.1.2.1.7. It does not create a private access street serving more than two lots unless it is a family subdivision;
- 6.1.3.1.2.1.8. Any private access street created shall connect to an existing NCDOT-maintained public street and shall comply with Section 6.2.1.B.1 Private Access Street Standards; and,
- 6.1.3.1.2.1.9. It does not require significant infrastructure improvements. For the purpose of this section significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.

6.1.3.1.2.2. Additional Standards for Family Subdivisions

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

- 6.1.3.1.2.2.1. Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child, grandchild). A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.
- 6.1.3.1.2.2.2. No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.
- 6.1.3.1.2.2.3. Ingress and egress to a lot shall not be from a major arterial street.
- 6.1.3.1.2.2.4. Private access streets created shall connect to an NCDOT-maintained public street and shall not serve more than five lots.
- 6.1.3.1.2.2.5. Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

6.1.3.1.2.3. Additional Standards for Non-Residential Minor Subdivisions

Non-residential minor subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above. In order to assure orderly development, non-residential minor subdivisions shall also comply with the following:

- 6.1.3.1.2.3.1. Lots shall be created exclusively for commercial use and on properties that are located in a GB zoning district.
- 6.1.3.1.2.3.2. No more than three lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed on (effective date of amendment).
- 6.1.3.1.2.3.3. Lots shall front on an existing NCDOT maintained public street. Ingress and egress points shall be designated on the plat and shall comply with Section 6.2.1.D.5.B. Minimum Separations.

- 6.1.3.1.2.3.4. A general plan of development shall be provided showing the following:
- 6.1.3.1.2.3.4.1. Locations of existing water and sewer lines and stormwater facilities in the vicinity of the property.
 - 6.1.3.1.2.3.4.2. Approximate plan and location for water service to each of the proposed lots on the property.
 - 6.1.3.1.2.3.4.3. Either a site evaluation report from Albemarle Regional Health Services, or an approximate plan and location for sewer service to each of the proposed lots on the property.
 - 6.1.3.1.2.3.4.4. A conceptual drainage plan for the property.
 - 6.1.3.1.2.3.4.5. Preliminary locations for building pads and parking areas for each of the lots.
 - 6.1.3.1.2.3.4.6. A preliminary plan for fire protection.
 - 6.1.3.1.2.3.4.7. An access management plan, including the locations of proposed internal easements that provide access and circulation between lots and easements for the interconnection of utilities and drainage facilities. Parking lot cross access easements shall be designated at the individual site plan review stage in accordance with Section 5.1.4.
 - 6.1.3.1.2.3.4.8. An agreement specifying responsibility for the maintenance of private common infrastructure. The maintenance agreement shall be recorded prior to the issuance of the building permit authorizing construction to begin on each subdivision lot.
 - 6.1.3.1.2.3.4.9. Development that will connect to existing public water and sewer utilities shall be in accordance with Section 6.2.3, and obtain all necessary county, State, and Federal agency permits prior to issuance of the building permit authorizing construction to begin on each subdivision lot.
- 6.1.3.1.2.3.5. Utilities and shared drive aisles providing cross access to abutting properties shall extend to the property line of each subdivision lot as provided on the general plan of development. All required construction, utility, drainage, and access easements shall be provided to abutting property lines prior to issuance of the building permit authorizing construction to begin on each subdivision lot.
- 6.1.3.1.2.3.6. A note shall appear on the final plat advising the public that each lot is responsible for providing access, water, sewer, and fire protection as necessary to comply with the provisions of this ordinance.
- 6.1.3.1.3. Effect of Development Approval**
- 6.1.3.1.3.1. Approval of a minor subdivision constitutes approval of a final plat for subdivision.
 - 6.1.3.1.3.2. Lots shall not be sold or conveyed until after a final plat has been recorded.

6.1.3.1.4. Amendment of Development Approval

Applicable (see Section 2.3.14).

6.1.3.1.5. Expiration of Development Approval

A minor subdivision plat shall be recorded with the Currituck County Register of Deeds within 90 days of its approval, or it shall be null and void.

Item 2: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.1.3.

6.1.4. Subdivision Standards**6.1.4.1. Local, State, or Federal Agency Permits Required**

6.1.4.1.1. Except for Non-residential minor subdivisions, A applicants proposing a subdivision that will connect to existing public water or sewer systems shall obtain all necessary county, State, and Federal agency permits prior to approval of the subdivision. Requirements for non-residential minor subdivisions are specified in Section 2.4.8.D.2.C.

Item 3: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.2.1.

6.2. REQUIRED INFRASTRUCTURE

Unless exempted, all development in the county shall comply with the standards in this section.

6.2.1. Street Standards**6.2.3.1. Street Access****6.2.3.1.1. Streets Serving Non-Residential Minor Subdivisions**

Streets serving non-residential minor subdivisions are exempt from the prohibition in C.1. above provided they comply with Section 6.2.1.D.5.B. Minimum Separation. Cross-access easements shall be provided as necessary for access to each non-residential subdivision lot.

Item 4: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.2.3.:

11.3.3. Utility Standards**6.2.3.2. Water Supply Standards****6.2.3.2.1. Connection to Public Water Supply System**

6.2.3.2.1.1. The developer shall install the water mains and accessories necessary so that all lots and uses to be developed are able to connect to the county water supply system. Non-residential minor subdivisions shall be permitted to extend water service to the lots after the subdivision has been recorded in accordance with Section 2.4.8.D.2.C. If a highway bore is required to bring water service to the

subdivision, only one bore shall be permitted per minor subdivision.

6.2.3.3. Sewage Disposal Standards

6.2.3.3.1. Sewage System Required

6.2.3.3.1.1. Every principal use and every buildable lot in a subdivision shall be served by a wastewater system that complies with all Albemarle Regional Health Services and State standards. Non-residential minor subdivision shall be permitted to extend sewer service to the lots after the subdivision has been recorded in accordance Section 2.4.8.D.2.C.

Item 5: That Chapter 6 is amended by deleting the following bold and underlined strikethrough language and adding the underlined language in Section 6.2.4.:

6.2.4. Fire Protection Standards

6.2.3.4. General Provisions

6.2.3.4.1. Fire Hydrants Required

All development serviced by the county water supply system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within the development. Fire hydrants shall be located in a manner that ensures hydrants are spaced a maximum of 1,000 linear feet apart and every portion of lot frontage is within 500 linear feet of a hydrant. The Fire Code Official may authorize or require a deviation from this standard if, in the opinion of the Fire Code Official, another arrangement satisfactorily complies with the intent or standards in this Ordinance. Non-residential minor subdivisions shall be permitted to install fire hydrants in connection with the development of each building site, in accordance with an approved general plan of development for the subdivision that shall be on file in the Department of Planning and Community Development. If a highway bore is required to bring fire service to the subdivision, only one bore shall be permitted per subdivision.

Item 6: Staff suggested Statement of Consistency and Reasonableness:

The proposed text amendment is consistent with the Unified Development Ordinance and the County Code of Ordinances. Although there is no direct correlation to goals, objectives, and policies in the 2006 Land Use Plan, the request (with staff recommended modifications) would be consistent with:

- POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize

signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

And the request is reasonable and in the public interest because:

- The proposed text amendment will result in a logical and orderly development pattern since new development would be required to submit a general plan of development addressing the infrastructure improvements and maintenance responsibilities of private and common infrastructure.

Item 7: 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 8: This ordinance amendment shall be in effect from and after the _____ day of _____, 2021.

Donna Voliva, Assistant Planning Director, reviewed the text amendment request for Commissioners. She provided the background for the proposal, allowances in the application, and Planning Board recommendations for approval, which were incorporated into the text amendment. She said staff approval was recommended with those modifications. Consistency statements supporting approval were reviewed and Ms. Voliva responded to questions.

Applicant, Mark Bissell, used a powerpoint to review the request, and he provided additional information related to the application and the specific site, ready for development, that spurred the text amendment request. Mr. Bissell responded to questions during presentation and Commissioners considered whether the number of lots should be increased to five from three as stated in the application. Larry Lombardi, Economic Development Director, said commercial development should be looked at based on the piece of property and not on an arbitrary number of lots. Laurie LoCicero, Planning and Community Development Director, explained the text amendment is very specific to address only minor subdivisions that fall within a parent parcel.

Chairman Payment opened the Public Hearing.

Cathleen Saunders, Engineer with Quible and Associates, spoke in support of approval of the text amendment. She said Tractor Supply, a business locating in Moyock, has run into the same issue, and speaking on their behalf, Ms. Saunders said that developer, Baseline Development, also support approval of the text amendment.

No others were signed up nor wished to speak and the Public Hearing was closed.

Commissioners asked about increasing the number of lots and County Attorney, Ike McRee, said in his opinion the increase to five would constitute a significant change making the item have to be brought back through the process. As delay would negatively affect Tractor Supply from moving forward with their project Mr. McRee

suggested adopting the language as is and coming forward with another amendment later if desired.

Commissioner Beaumont moved to approve PB 20-19: Bissell Professional Group text amendment because the request is consistent with the 2006 Land Use Plan Policy CD4 by encouraging non-residential development to cluster along arterial roadways and provide internal vehicular connectivity. And, the request is reasonable and in the public interest because the proposed text amendment will result in a logical and orderly development pattern since new development would be required to submit a general plan of development addressing the installation of infrastructure improvements as well as the maintenance responsibilities of private and common infrastructure.

The motion was seconded by Commissioner J. Owen Etheridge. The motion carried, 7-0.

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

C. PB 20-25 Currituck County - Stormwater BMP Text Amendment:

To: Board of Commissioners

From: Planning Staff

Date: January 25, 2021

Subject: PB 20-25 Currituck County Text Amendment
Stormwater BMP

At its 2020 retreat, the Board of Commissioners discussed ways to address the stormwater and drainage issues the county is experiencing. These stormwater and drainage problems are especially impactful with the rate of growth of residential development. From the retreat discussion, staff received direction to model the impacts of "doubling" the stormwater regulations on a major subdivision project. A major subdivision is defined as a subdivision creating more than three lots. The current standards of the Unified Development Ordinance require new major subdivisions be designed to handle a ten-year, twenty-four-hour storm event, which is nearly equivalent to a six-inch rain event over twenty-four hours. The Timmons Group was tasked with modeling the increased pond storage size for two existing subdivisions, Froggy Meadows and Countryside Estates. They compared stormwater pond size for storing a six-inch rain versus a twelve-inch rain over a twenty-four-hour period. Staff from the Timmons Group presented their results at a Board meeting in June 2020.

Doubling of the regulations led to the following conclusions:

1. The pond area was increased by 2.5 times.
2. Resulted in a 15% loss in lot yield.

This Text Amendment will revise Chapter 7 Section 3.4.B.2 to require new major subdivision stormwater infrastructure be designed for a twelve-inch rain event over a twenty-four-hour period.

This amendment will require some changes to Chapter 2 of the County Stormwater Manual. Specifically, sections 2.1, 2.4.3, 2.4.4 and 2.4.5 will need to be revised. Planning staff and Stormwater are working on manual to coincide with potential enactment of this new regulation.

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:

Vision Statement: We will strive to maintain and enhance the quality of life within our communities for present and future generations by providing: [...]

- sound transportation planning and water, waste, and stormwater services for a growing population

Section 1: Community Concerns and Aspirations. “Although County development regulations are considered to be extremely strong, stormwater management concerns have been escalating as impervious surfaces and associated run-off have increased. For the Mainland, these concerns focus mostly on the abandonment and filling in of relic as well as functioning farm ditches to accommodate new development. Moreover, highly engineered

stormwater management plans are being proposed to meet county requirements while existing, yet less sophisticated, systems are not being well maintained.”

Goal 7.9: To ensure development is sensitive to the physical constraints of the land. (E)

5. Develop procedures for County review of drainage and storm water control plans and establish a system to verify plans have been implemented in the field; RESPONSIBLE AGENCY: Currituck County Planning Department, County Engineer, and Soil Conservation Service

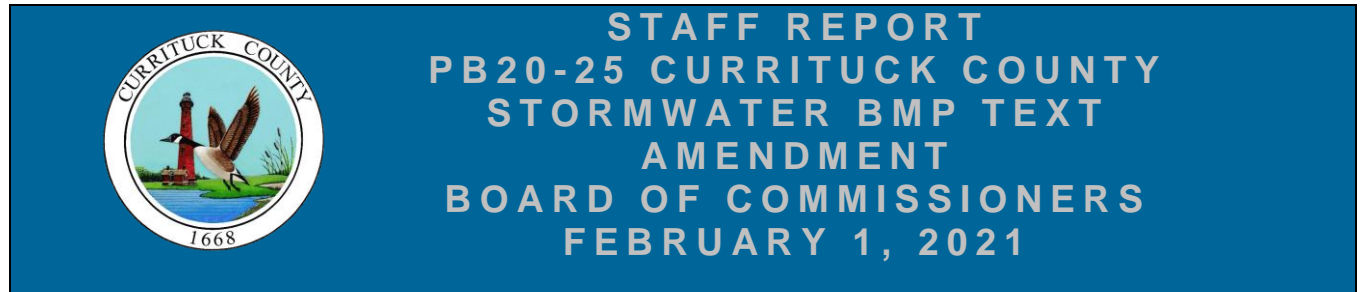
Planning Board Recommendation

The Planning Board made the following recommendation for denial on January 12, 2021:

Mr. Bass moved to recommend denial of PB 20-25 because the request is not consistent with the Land Use Plan given the expert testimony that we heard tonight we do not feel that it will solve the problem that has been addressed.

And the request is not reasonable and in the public interest because according to the expert testimony we have heard tonight it will not solve the issue.

Chairman Ballance seconded the motion and the motion carried with a unanimous recommendation of denial 4-0.



Amendment to the Unified Development Ordinance Chapter 7: Environmental Protection.

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 7: Environmental Protection be amended by adding the following underlined language and deleting the struck-through language:

7.3STORMWATER MANAGEMENT

7.3.4. Stormwater Management Standards

B. Stormwater Detention Requirements

- (2) Major Subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from a 12 inch the 24-hour storm event ~~with a 10-year recurrence interval~~ down to the pre- development discharge rate from the 24-hour storm event with a 2-year recurrence level based on pre-development conditions from a wooded site.

Item 2: Statement of Consistency and Reasonableness:

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

- It will maintain consistency with the Currituck County Land Use Plan's Vision Statement.
- It provides enhancements to our Stormwater services.
- It recognizes the Currituck County Planning and Engineering Departments, with the Soil Conservation services as the responsible agency to implement and require Stormwater plans.

The request is reasonable and in the public interest because:

- It continues the County's position in the Land Use Plan for addressing stormwater
- For new major subdivisions, it will help minimize stormwater damage to private and public property.

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 _____, 2021.

Planning and Community Development Director, Laurie LoCicero, reviewed the background that caused the County to initiate the text amendment based on direction received from the Board at their 2020 Retreat. Ms. LoCicero presented a summary of development impacts noted in a study performed by Timmons Group based in implementation of the stormwater regulations proposed. Feedback from stakeholder meetings were reviewed. Text amendment language, consistency statements and policies supporting approval were presented. Planning Board recommended denial of the text amendment based on testimony heard at the Planning Board meeting.

Commissioners discussed the proposed text amendment and were conflicted with the significant increase of stormwater pond requirements. Commissioners agreed on a need for a comprehensive stormwater plan for the County as opposed to increasing the size of stormwater ponds.

Chairman Payment opened the Public Comment period.

Andy Deal, Engineer and Point Harbor resident, discussed the potential impacts and increased flood risks that could occur with larger stormwater ponds. He discussed the stormwater infrastructure in the County, particularly ditching, and suggests modeling can provide a full picture to address stormwater issues.

David Klebitz, Engineer with Bissell Professional Group, reiterated his position stated at earlier meetings that the county needs to study and come up with a comprehensive plan to address the entire watershed.

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

Following discussion, Commissioner Beaumont moved to withdraw the County's Text amendment application PB 20-25. Commissioner McCord seconded the motion to withdraw. The motion carried, 7-0.

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

D. Public Hearing and Consideration of Lease of County Property Held for Economic Development Purposes to Truck Accessory Center, Moyock, North Carolina

County Attorney, Ike McRee, reviewed earlier Board action on the adoption of a Resolution to set aside property for Economic Development purposes and reviewed the lease negotiated with Truck Accessory Center for use of the property as a storage area for recreational vehicles. Terms of the lease were reviewed. Staff recommends approval of the lease.

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

Commissioner J. Owen Etheridge moved for approval. Commissioner Jarvis seconded the motion. The motion carried, 7-0.

NORTH CAROLINA

LEASE AGREEMENT

CURRITUCK COUNTY

THIS LEASE AGREEMENT, made and entered into by and between, CURRITUCK COUNTY, a body corporate and politic existing under the laws of the State of North Carolina, (the "Lessor"), and THE TRUCK ACCESSORY CENTER, INC., a North Carolina corporation, (the "Lessee").

WITNESSETH:

That subject to the terms and conditions set out in this Lease Agreement, Lessor lets and leases to the Lessee, and the Lessee accepts as tenant of Lessor, space for

storing recreational vehicles as inventory for Lessee's business which space is a portion of a 4.32 acres tract or parcel of land owned by Lessor which is shown on a plat or map recorded in Plat Book K, Page 106, Currituck County Registry, and located at 106 Caratoke Highway, Moyock Township, Currituck County, North Carolina and more particularly described as follows, (the "Premises"):

Beginning at an existing iron rebar situated in the southwest corner of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry, the northeast corner of Lot 55, Phase 2. North Point Subdivision more particularly shown at Plat Cabinet D, Slide 76 of the Currituck County Registry and northwest corner of Frank C. Bernard, Jr. and wife, Phyllis A. Bernard property more particularly described at Deed Book 283, Page 179 of the Currituck County Registry; thence from the point of beginning along the western boundary line of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry North 32 degrees 59 minutes 55 seconds West 167.00 feet to a point, cornering; thence North 57 degrees 00 minutes 05 seconds East 274.85 feet to a set rebar in the southeastern boundary line of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry, cornering; thence South 32 degrees 59 minutes 55 seconds East 167.00 feet to a set rebar; thence South 57 degrees 00 minutes 05 seconds West 274.85 feet to the point and place of beginning.

The terms and conditions of this Lease are as follows:

- 1) The term of this Lease shall be for an initial period of two years beginning on January 1, 2021 and ending on December 31, 2022. Thereafter, the term of the Lease Agreement shall be automatically extended for seven (7) additional two (2) year terms unless Lessee provides written notice to Lessor that Lessee does not intend to renew this Lease Agreement at least thirty (30) days prior to the expiration of the then current term.
- 2) As rental for the Premises, Lessee shall pay to Lessor, at the address noted below, and without notice or demand therefore, the sum of EIGHTEEN THOUSAND AND NO/ONE HUNDRED DOLLARS (\$18,000.00) annually, payable on or before December 31 of each year.
- 3) Lessee shall use and occupy the Premises for the purpose of storing recreational vehicles as inventory for Lessee's business and in connection with Lessee's business, shall comply with all laws, ordinances, orders or regulations of any lawful authority having jurisdiction over the Premises and the use of the Premises.
- 4) It is understood and agreed that Lessee shall be responsible for any improvement to the Premises and for the upkeep, repair, and maintenance of the Premises and any improvements during the term of this Lease Agreement or any extension of this Lease Agreement. Notwithstanding the foregoing, the Lessor shall be responsible for the upkeep, repair and maintenance of the pond area located on the Premises. At the

expiration of the term of this Lease, or the prior termination of said Lease as provided in this Lease Agreement, Lessee shall be responsible for removing any improvements from the Premises and restoring the Premises to substantially the same condition as existed on the date of this Lease Agreement, normal wear and tear excepted.

5) During the term of this Lease. Lessee shall maintain comprehensive general liability insurance on an occurrence basis with maximum limits of liability in the amount of Three Hundred Thousand Dollars (\$300,000.00) for property damage, bodily injury, personal injury or death to anyone person. Lessee shall also maintain excess liability coverage with a per occurrence limit of One Million Dollars (\$1,000,000.00) and Lessee shall keep its property on the Premises insured against loss or damage by fire or other casualties.

6) Lessee shall neither use nor occupy the Premises or any part of the Premises for any unlawful or ultrahazardous business purpose nor operate or conduct its business in a manner constituting a nuisance of any kind.

7) Lessee shall pay prior to delinquency all taxes and assessments of every kind and nature which may be imposed or assessed upon or with respect to the structure and equipment placed on the premises by Lessee.

8) If the premises are wholly or partially destroyed by fire or other casualty, the rent amount shall abate in proportion to the loss of use of the Premises, and Lessee shall, at its own expense, promptly restore the Premises to substantially the same condition as existed before damage or destruction. Thereafter, the full rent amount shall resume.

9) If the whole of the Premises, or any portion of the Premises as will make the Premises unsuitable for use contemplated under this Lease Agreement, shall be taken under the power of eminent domain (including any conveyance in lieu thereof), then the term of this Lease Agreement shall cease as of the date possession is taken by the condemnor, and the rent amount shall be accounted for as between Lessor and Lessee as of that date.

10) All applications in connection with necessary utility services on the Premises shall be made in the name of Lessee only and Lessee shall be solely liable for utility charges as they become due, including those for electricity, gas, water, sewer, and telephone services.

11) Lessee shall be in exclusive control and possession of the Premises, and Lessor shall not be liable for any injury or damages to any property or to any person on or about the Premises nor for any injury or damage to any property of Lessee. Lessee shall defend, indemnify and hold harmless the Lessor from and against any claims, damages, or expenses (including reasonable attorney's fees), whether due to damage to the premises, claims for injuries to persons or property, or administrative or criminal action by governmental authority, where such claims, damages, or expenses result from the negligence, misconduct or breach of any provision of this Lease Agreement by Lessee, its agents, employees or invitees.

12) If Lessee pays the rent and performs and observes all the other covenants and conditions to be performed and observed by it under this Lease Agreement, Lessee shall during the term of the Lease Agreement have the peaceable and quiet enjoyment of the Premises without interference from Lessor or any person lawfully claiming through Lessor.

13) All notices provided for in this Lease Agreement shall be in writing and shall be deemed to have been given when sent by registered or certified mail addressed to Lessor at:

Currituck County
Attn: County Manager
153 Courthouse Road, Suite 204
Currituck, NC 27929

and to Lessee at:

The Truck Accessory Center
Attn: Frank C. Bernard, President
126 Caratoke Highway
Moyock, North Carolina 27958

14) This Lease Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina.

15) This Lease Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

16) Notwithstanding any other provision in this Lease Agreement, either party may terminate this Lease Agreement upon the terminating party providing written notice of termination to the nonterminating party thirty (30) days prior the termination date.

17) This Lease Agreement contains the complete agreement of the parties regarding the terms and conditions of the lease of the Premises, and there are no oral or written conditions, terms, warranties, understandings or other agreements which have not been incorporated in this Lease Agreement. This Lease Agreement may be modified only by written instrument duly executed by both parties or their respective successors in interest.

18) If any provision of this Lease shall be declared invalid or unenforceable, the remainder of the Lease shall continue in full force and effect.

[THIS PORTION INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

CURRITUCK COUNTY

Communication: Minutes for February 1, 2021 (Approval Of Minutes-February 1, 2021)

By: _____
 Michael H. Payment, Chairman
 Board of Commissioners

ATTEST:

 Clerk to the Board of Commissioners

(COUNTY SEAL)

THE TRUCK ACCESSORY CENTER, INC.

By: _____
 Frank C. Bernard, President

ATTEST:

 Secretary

(CORPORATE SEAL)

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

OLD BUSINESS

- A. PB 84-11: Corolla Light PUD, Phase 11-Outer Banks Ventures submitted an amended sketch plan/use permit application to allocate 8 residential units to Phase 11, located at 1099 Ocean Trail, Corolla.**

APPLICATION SUMMARY

Property Owner: Richard C. Willis Outer Banks Ventures, LLC PO Box 549 Corolla, NC 27927	Applicant: Richard C. Willis Outer Banks Ventures, LLC PO Box 549 Corolla, NC 27927
Case Number: PB 84-11	Application Type: Amended Sketch Plan/Use Permit
Parcel Identification Number: 115B-000-P2AU-0000	Existing Use: Planned Unit Development (PUD)
2006 Land Use Plan Classification: Full Service	Parcel Size (Acres): 0.92 (Subject Parcel) 267.05 (Overall PUD)
Request: Amend Sketch Plan/Use Permit	Zoning: SFO with PUD Overlay

Communication: Minutes for February 1, 2021 (Approval Of Minutes-February 1, 2021)

APPLICATION SUMMARY

Number of Units: 8 units (Subject Parcel – Phase 11) 603 units (Overall PUD)	Project Density: 8.69 units per acre (Subject Parcel – Phase 11) 2.51 units per acre (Overall PUD)
Required Open Space: 93.47 acres (35%) (Overall PUD) .32 acres (35%) (Subject Parcel – Phase 11)	Provided Open Space: 128.51 acres (48.12%) (Overall PUD) .44 acres (48%) (Subject Parcel – Phase 11)

SURROUNDING PARCELS

	Land Use	Zoning
North	Shad Street & Corolla Light Single-Family Residential	SFO with PUD Overlay
South	Beacon Villas – 16 duplexes (Multi-Family Subdivision)	SFO with PUD Overlay
East	Single-Family Dwellings (Whalehead Subdivision)	SFO with PUD Overlay
West	NC12 & Corolla Light Single-Family Residential	SFO with PUD Overlay

Narrative

The subject property (Phase 11) is part of the Corolla Light Planned Unit Development (PUD) and is subject to the Amended Sketch Plan. The property is designated commercial, and the applicant is requesting amended sketch plan/use permit approval for eight dwelling units on the property.

The applicant is proposing a mixed-use development. Two upper-story dwelling units are proposed in the existing building with commercial use on the ground level. Two 3-story multi-family buildings with three dwelling units in each building are proposed.

The site is located at the corner of Ocean Trail and Shad Street. There are multiple utility uses on-site including a water tower, telecommunications tower, several accessory/equipment buildings, propane tanks and generators. Easements for access to the utilities are held by the county, AT&T, Verizon, and Charter.

In the original Corolla Light PUD sketch plan, Phase 11 was approved for utility purposes including a water treatment plant and the property was designated as utility open space.

In 2008, the Board approved an amendment to the sketch plan that included the following:

- Phases 10, 11, 13 and 14 were rezoned from utility open space to General Business.
- Phase 11 was approved for commercial use only.
- 100 residential dwelling units were approved for Phases 10, 13 and 14.

In 2017 the county removed the water treatment equipment from the existing building on Phase 11. There are still elements of the water infrastructure on the property, but the building and has reverted to the owner. The building may be used for commercial purposes subject to the review standards of the UDO.

There is an existing issue with building occupancy. According to the applicant, the existing building is being used for residential occupancy. The property is not currently zoned for residential use and there is no density assigned to the property. This request will allow the applicant to conform to the county's ordinance by properly permitting residential use of the existing building.

A preliminary site plan as well as preliminary architectural renderings were provided to illustrate the proposed uses and project layout. The site plan includes areas designated for open space as well as active recreation open space. Included in the proposal are a swimming pool, playground area, dog park area, seasonal garden area, decorative fountain, and cornhole/game area. The open space proposed meets the requirement for the site; however, the location of some proposed amenities appear to have compatibility issues within the site. For example: the walkway for access to the pool from the proposed multi-family buildings will be between the existing Verizon equipment building and the water tower.

Community Meeting

A community meeting was held on November 23, 2020. The applicant and his engineer were present along with Planning Staff. Employees of Corolla Light Resort as well as neighboring property owners were in attendance. The attendees asked questions regarding the proposal. A community meeting summary is included in the agenda packet as well as a response to the meeting summary that was received from several attendees of the meeting on January 12, 2021.

INFRASTRUCTURE

Water	SOUTHERN OUTER BANKS WATER SYSTEM (SOBWS)
Sewer	CAROLINA WATER SERVICE (PRIVATE)

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

The Technical Review Committee recommends **denial** of the use permit because the request is not consistent with goals and policies of the Land Use Plan and there are compatibility issues within the site and with surrounding land uses including the requested site-specific density.

USE PERMIT REVIEW STANDARDS

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

The use will not endanger the public health or safety.

Preliminary Applicant Findings:

Transportation, potable water, wastewater and stormwater management will be addressed in accordance with the following:

1. Transportation: The existing entrance configuration on Shad Street will be utilized with no direct connection to NC12 other than a pedestrian connection to the existing walkway. A driveway permit and encroachment agreement have been approved by NCDOT. Appropriate access has been made for emergency services vehicles.
2. Potable Water: Water will be supplied by Currituck County via existing water mains located on NC 12 and Shad Street. Fire protection will be provided in accordance with the NC Fire Code and applicable ISO standards.

3. Wastewater: Capacity for the development has been allocated by Carolina Water Service in the existing Monterey Shores Wastewater Treatment Facility which is regulated by NCDEQ and the NC Utilities Commission.
4. Stormwater Management: Stormwater will be collected and infiltrated via the existing basin on Shad Street, which will be able to accommodate the small additional impervious coverage proposed for the site.

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

Preliminary Applicant Findings:

1. Adjacent properties are a combination of single family and multi-family development; community compatibility standards will be adhered to in the architectural design and materials that are proposed for the new construction. Landscaping and buffering are also being provided in accordance with the UDO standards and will add to existing vegetative screening that is provided by the significant growth of Live Oaks on the site. The proposed density is lower than that of the adjacent Phase 12 development.

Staff commentary:

Differences between this site and the property to the south, Phase 12, are existing utility uses that impact this parcel and proposed commercial use (restaurant). Phase 12 was developed as 16 duplexes.

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

Please reference the application Attachment "A" in the agenda packet for the applicant findings.

Preliminary Staff Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. The Full Service designation allows for a greater diversity of housing types. The policy emphasis for the Corolla subarea is to allow for predominantly medium density residential development (2 to 3 units per acre) with minimal commercial development arranged in clusters. An overall density of no more than 3 units per acre should apply to PUDs, the prevailing development form in the Corolla area.

The request does not appear to be in direct conflict with the 2006 Land Use Plan with respect to the proposed mixed-use development and overall density of a PUD nor is it in direct conflict with the Transitional Provisions of the UDO with respect to dimensional and overall density standards for PUDs. However, there are compatibility issues within the site and with surrounding land uses. The site is smaller than an acre and this request proposes commercial, multi-family and utility uses.

The project was not designed or planned from the outset as future mixed-use development. This is evident by the placement of buildings on the property that do not appear to be a compatible mixture of residential, non-residential, and utility uses. The existing utility uses on site make it difficult to design an aesthetic project that is compatible with high density residential use. The 1982 zoning ordinance that was in effect when the Corolla Light PUD was established stated that a PUD is expected to promote a more efficient use of the land, a higher level of amenities and more creative design than would otherwise be possible. The current ordinance contains similar language regarding planned developments.

It may be reasonable to include residential dwelling units on the Phase 11 property; however, the density proposed appears to overwhelm the site thus making it difficult to design and place a higher level of amenities on the parcel.

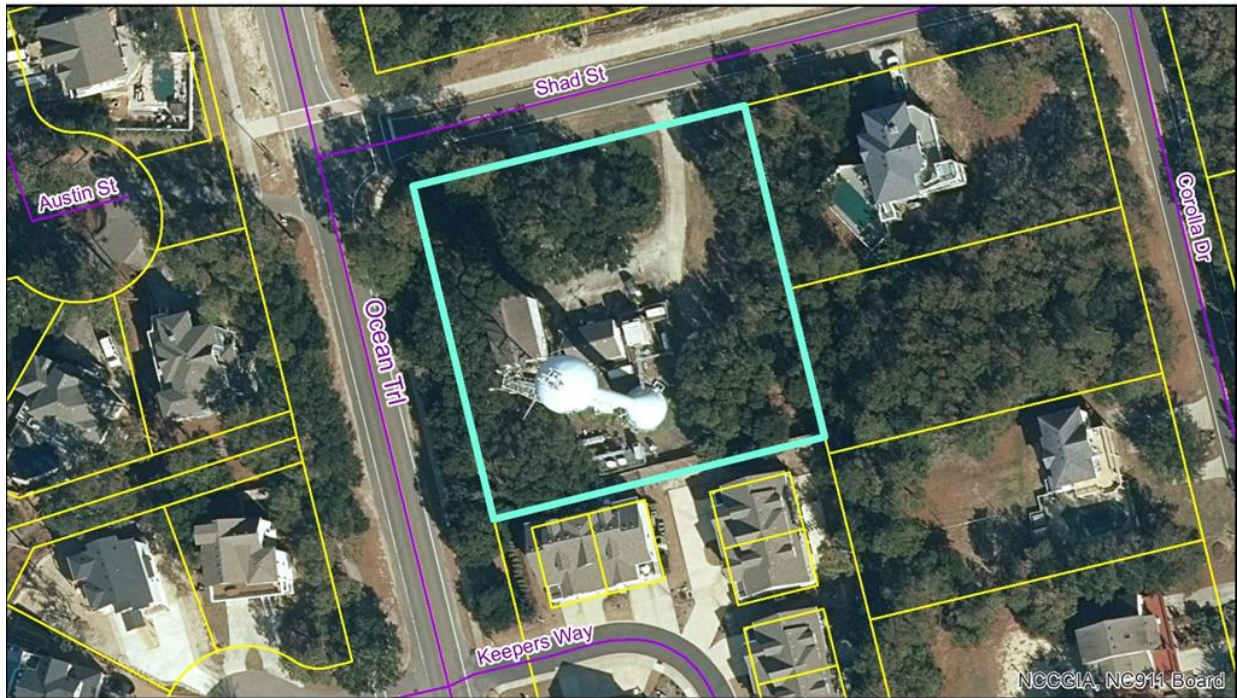
The request is not consistent with the following goals and policies of the Land Use Plan

1. Land Use and Development Goal #10
To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.
2. Land Use Compatibility - CAMA Management Goal
Ensure that development and use of resources or preservation of land minimizes direct and secondary environmental impacts; avoids risks to public health, safety and welfare; and is consistent with the capability of the land based on considerations of interactions of natural and manmade features.
3. POLICY CD8: MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.
4. 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.
5. POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
 2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.
6. POLICY HN9: Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers and insecticides (e.g. certain farm operations, mining activities, etc.).

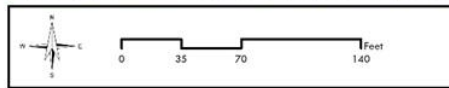
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

1. The proposed use will not exceed the county's ability to provide adequate public facilities. Utility services are proposed for the site, wastewater and water capacity are available.



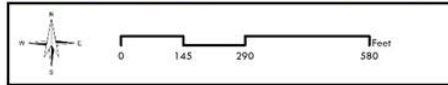
PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
2020 Aerial Photography



Currituck County
Planning and Community
Development



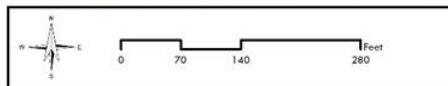
PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
2020 Aerial Photography



Currituck County
Planning and Community
Development

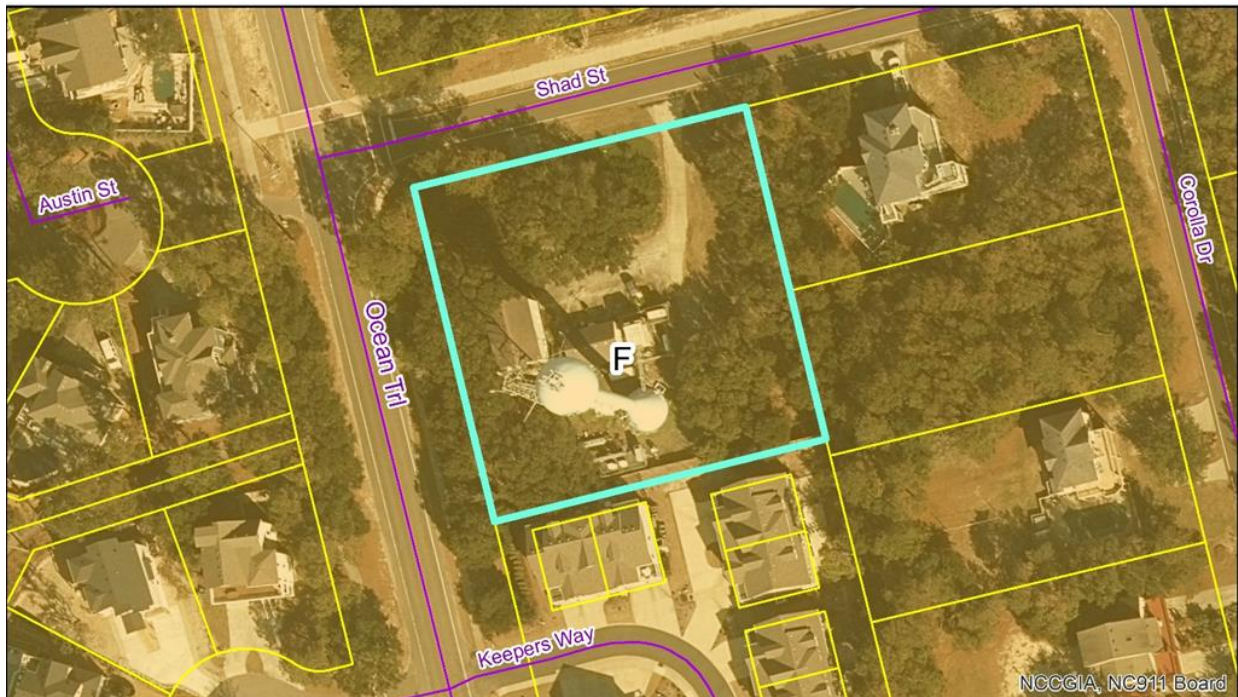


PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
Official Zoning Map

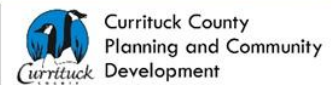
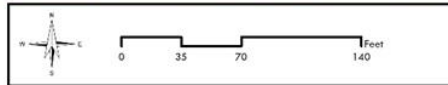


Currituck County
Planning and Community
Development

Communication: Minutes for February 1, 2021 (Approval Of Minutes-February 1, 2021)



PB 84-11 Corolla Light PUD (Phase 11)
Amended Sketch Plan/Use Permit
Land Use Plan Classification



Chairman Payment introduced the item which had been continued from the January 19, 2021 meeting. The Public Hearing was closed and Commissioner White asked Mark Bissell, Engineer for the Applicant, to provide any comment related to proposed conditions being considered for development of the parcel. He suggested an alternative plan for fencing so that it be installed along the walkway as opposed to around the base of the water tower. Mr. Bissell said the conditions were reasonable. Site plan requirements were discussed.

Commissioner White moved to approve PB 84-11: Corolla Light Amended Sketch Plan and Use permit. The applicant has demonstrated the proposed use meets permit review standards of the Unified Development Ordinance (UDO).

The following conditions of approval shall apply:

- An approved Major Site Plan is required prior to construction of dwelling units.
- The site shall be developed in substantial conformance to the preliminary site plan and architectural renderings presented to the Board of Commissioners and included in the agenda packet at the January 19, 2021 hearing.
- The existing residential occupancy issue shall be resolved within one year of issuance of this permit.
- Non-Residential Design Standards and Community Compatibility Standards apply.
- A minimum 8-foot high fence using materials that are the same as, or of equal quality to, the materials used for the building façade shall be installed around the cellular tower and a handrail shall be installed along the walkway to prevent some manner of resistance to getting access to the water tower.
- Open space activity areas must be completed prior to or in conjunction with final

approval of any residential spaces, to include the pool and cornhole areas called out on the sketch plan.

- All building will be built in the same manner and design as submitted in the sketches provided in the Board packet, all materials to be in harmony and matching the design standards for Corolla Light Architectural review standards to include exterior color choices, with the exception of the garden area, which will be allowed to go in the final phase of construction.

The use will not endanger the public health or safety. The applicant has proven through direct testimony and years of living on the property that people can reside on the property and the use of fencing to ensure the safety of visitors and residents alike is done at any facility of this type. The applicant has further demonstrated the uses on the property to be passive and on an as needed basis for maintenance only. Adequate public facilities are available to this site. The existing entrance on Shad Street will be used with no direct connection to North Carolina Highway 12. Sufficient water and wastewater are available and waterflow will meet applicable ISO standards. Stormwater will be collected and infiltrated via the existing basin on Shad Street.

The use will not injure the value of adjoining or abutting lands and will be in harmony. The applicant has demonstrated through expert testimony the use is in harmony and will not injure values of neighboring properties. The presence of large trees and understory trees and shrubs will be used to provide adequate screening and any heritage trees removed will be replanted as per the UDO requirements. The use of walkways and the addition of adequate parking spaces will alleviate any parking issues and the removal of the unused building and addition of a loading zone will provide adequate access for maintenance concerns and loading/unloading of goods and services. To the north and within the Corolla Light PUD commercial and residential mixed use exist within the Corolla Light Town Center. To the south higher density duplex-style single-family units exist. To the east two residential lots exist, one being developed and the other vacant.

- The use will be in conformity with the Land Use Plan (LUP) and other officially adopted plans. The 2006 LUP classifies the site as full service. The proposed use is consistent with the policies of the plan including Policy OB3.
- Policy HN5 encourages affordable housing needs. The proposed units will help to fill a much-needed housing type in Corolla.
- Policy ES1: New development shall be permitted to locate in areas with suitable soils and where adequate infrastructure is available.
- Policy HN1: Appropriate densities. The proposed site is below the maximum density for the site.

The use will not exceed the county's ability to provide adequate public facilities. Utilities services are proposed for this site. Adequate wastewater and potable water are available.

Commissioner Beaumont seconded the motion. The motion carried on a 6-1 member vote, with Commissioner Mary Etheridge opposed.

RESULT:	MOTION PASSED-ITEM APPROVED [6 TO 1]
MOVER:	Bob White, Commissioner
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	Michael H. Payment, Commissioner, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner
NAYS:	Mary "Kitty" Etheridge, Commissioner

NEW BUSINESS

A) Board Appointments

Commissioner White read the names of nominees for reappointment to advisory boards and moved for approval of all members. Commissioner McCord seconded the motion. The motion carried, 7-0.

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

1. Consideration of Reappointment to the Area Agency on Aging Regional Advisory Council-Joanne DiBello

Joanne DiBello was approved for reappointment to the Area Agency on Aging Regional Advisory Council.

2. Animal Services & Control Advisory Board

Brenda Parrish, Donna Corbo, and Michael Shannon were reappointed to serve their second, two-year terms on the Animal Services and Control Advisory Board. Terms will expire May 30, 2022.

3. Historic Preservation Commission

Barbara Snowden and Mary Simmons were reappointed to the Historic Preservation Commission to four-year terms expiring January 17, 2025.

B) Consent Agenda

Commissioner Jarvis moved for approval of the Consent Agenda. Commissioner Beaumont seconded the motion. The motion carried, 7-0.

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

1. Budget Amendments

		Debit	Credit
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
63838-521000	Rent	\$ 11,550	
63340-462000	Tipping Fees		11,550
		\$ 11,550	\$ 11,550
Explanation: Solid Waste (63838) - Increase appropriations for lease payments on the Gibbs Woods convenience site.			
Net Budget Effect: Solid Waste Fund (63) - Increased by \$11,550.			
		Debit	Credit
Account Number	Account Description	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10512-503500	Temporary Services	\$ 8,000	
10512-502000	Salaries - Regular		8,000
		\$ 8,000	\$ 8,000
Explanation: Animal Services and Control (10512) - Transfer budgeted funds to hire temporary staff to assist the animal services staff during long term FMLA. Temporary staff would work up to 19 hours per week until full-time staff can return to work.			
Net Budget Effect: Operating Fund (10) - No change.			

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
14460-545000	Contract Services	\$ 125,000	
14390-499900	Appropriated Fund Balance		125,000
		<u>\$ 125,000</u>	<u>\$ 125,000</u>
Explanation:	Carova Beach Road District (14460) - Increase appropriations to award contract to Wild Horse Construction Corporation for repairs to roads within the Carova Beach Road Service District.		
Net Budget Effect:	Carova Beach Road Service District Fund (14) - Increased by \$125,000.		

2. **Approval of Memorandum of Understanding Between North Carolina Department of Information Technology State Chief Information Officer and Currituck County to Establish Information Technology Relationship for Technology Improvement and Reduction of Cyber Risks**

3. **Vehicle Surplus Resolution-Nissan Titan, Inspections**

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	Department
8818	2015 NISSAN TITAN	1N6AA0CJ8FN506206	INSPECTIONS
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the			
ADOPTED, this 1st day of February, 2021.			
Michael H. Payment, Chairman			
Currituck County Board of Commissioners			
Leeann Walton			
Clerk to the Board		(Seal)	

4. Surplus Resolution-CCRC Maintenance Equipment

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 Tag	Description	Serial Number
7105	Batwing Bush Hog 2515	12-00676
7148	4x4 Cub Cadet (Needs starter & trans)	1/127640013
7196	Pyranha Spray Master Fly System	N/A
N/A	Sweeper Street Sweeper	439053

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

ADOPTED, this 1st day of February, 2021.

Michael H. Payment
County of Currituck, Board of Commissioners

Leeann Walton
Clerk to the Board (Seal)

5) Approval Of Minutes for Jan. 19, 2021 and Special Meeting, Jan. 27, 2021

1. Minutes for January 19, 2021
2. Minutes for Jan. 27, 2021 Special Meeting

ADJOURN

Motion to Adjourn Meeting

Communication: Minutes for February 1, 2021 (Approval Of Minutes-February 1, 2021)

The Board had no further business and Commissioner White moved to adjourn. The motion was seconded by Commissioner McCord. The motion carried and the regular meeting of the Board of Commissioners adjourned at 9:00 PM.

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