

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Tuesday, January 22, 2008

Time: 7:00 PM

Work Sessions

6:30 p.m. Discussion on Wind Turbine

Regular Agenda

7:00 p.m. Invocation

Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Item 3 **Phil Donahue, Albemarle Hospital, update**

Item 4 **Public Hearing and Action** PB 07-68 East Coast Windpower Text Amendment: Request to amend the Currituck County Unified Development Ordinance to allow wind turbines as a permitted use.

Item 5 **Public Hearing and Action** PB 07-71 Bay Disposal Text Amendment: Request to amend the Currituck County Unified Development Ordinance to allow Recycling Transfer Facilities with a Special Use Permit in a Heavy Manufacturing (HM) zoning district.

Item 6 **Public Hearing and Action** PB 07-67 Albemarle & Associates Text Amendment: Request to amend the Currituck County Unified Development Ordinance to allow zoning permits to be issued on lots for which the only means of access is through public trust waters (island lots).

Item 7 **Award Bid for 150,000 Gallon Raw Water Reservoir**

Item 8 **Appointment of Alternate to Board of Adjustment**

Item 9 **Consent Agenda:**

1. Prison Kitchen Addition Change Orders #2 and #3
2. Approval of January 7, 2008 Minutes
3. Change Order for Jarvisburg School
4. Mainland Water System Updated Rate and Fee Schedule
5. Budget amendments
6. Reimbursement resolution for Mainland Water construction

Item 10 Commissioner's Report

Item 11 County Manager's Report

Item 12 **Closed Session:**

1. According to GS 143-318.11(3) to consult with attorney in order to preserve the attorney client privilege

Adjourn



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners
From: Planning Department
Date: January 4, 2008
Re: PB 07-68 Wind Energy

East Coast Windpower is requesting a text amendment to the UDO to allow wind turbines as a permitted use in all zoning districts. In response to this request, and with direction from the Planning Board, staff has developed a revised text amendment for consideration. Attached please find both text amendments, of which the revised staff version is labeled as "Option 1", and the East Coast Windpower version is labeled as "Option 2".

Upon receipt of the text amendment submitted by East Coast Windpower, staff felt the proposed ordinance language was too vague and open-ended. As a result, a staff member attended a wind energy workshop sponsored by the North Carolina Solar Center and began a comprehensive benchmarking effort comparing ordinances from other jurisdictions. There was also a great deal of discussion and input given at the November 13 Planning Board meeting. This research and subsequent guidance from industry professionals and general citizens resulted in the attached wind energy ordinance proposed by staff. In drafting this ordinance, it was the intent of staff to balance a progressive approach toward alternate forms of energy with sensible regulatory requirements.

An additional consideration for the Board of Commissioners is the determination for when a wind turbine is permitted with a Zoning Permit (by right) versus with a Special Use Permit. The original applicant, East Coast Windpower, has requested that small scale wind turbines be allowed in more zoning districts by right. Staff has yet to make this change, as it is more appropriate for a public Board to consider.

What follows are the minutes from both the November 13 and December 11 Planning Board meetings, a draft of the text amendment developed by staff and recommended by the Planning Board (Option 1), as well as a draft of the text amendment submitted by the applicant (Option 2).

Should you have any questions, please contact Ben Woody at 232-6029.

Planning Board Meeting – November 13, 2007

DISCUSSION

Maureen O'Shea presented a power point presentation on Wind Energy Basics.

Mr. Woody pointed out that the setbacks are measured from the center of the wind turbine base to the property line, right-of-way, or nearest point on the foundation of an occupied building. The setbacks are calculated by multiplying the required setback number by the wind turbine height.

Mr. Kovacs stated that wind turbines create Shadow Flicker and this would have to be taken into consideration where the turbine is located.

Mr. Woody stated that as part of the application process the applicant would be required to demonstrate what shadow path the wind turbine would take.

Ms. Robbins suggested a study showing the sun and shadows effects be measured for a year.

Mr. Keel asked what impact a wind turbine would have on birds.

Ms. O'Shea stated that studies show that birds do fly around the wind turbines, but occasionally do fly into them and die. The studies also show that more birds are killed by the utility and radio guidelines than wind turbines.

Mr. Kovacs asked how much benefit are wind turbines to energy.

Ms. O'Shea stated that the homeowner should check to see what size turbine would benefit them the best.

Mr. Kovacs asked if clean energy is having an effect in saving energy. The planning staff will investigate more.

Ms. Robbins asked the life span of a wind turbine.

Ms. O'Shea stated 25-30 years.

Dean Carraco, East Coast Windpower talked about the following:

- Ø Small system turbines be permitted by right in residential areas, but adhere to all proposed UDO's ordinances
- Ø Having property owners apply for a Special Use Permit (SUP) would be cumbersome
- Ø The minimum setbacks are restrictive
- Ø Wind speeds
- Ø Shadow Flicker Effect
- Ø Wildlife vs. wind turbines
- Ø Tourism

- Ø Different between small and large systems
- Ø Units are manufactured in AZ

The Planning Board discussed the setbacks, setbacks vs. wavier for homeowner, height, shadow flicker effect, common area in subdivisions, and the visual effect for wind turbines.

Ms. Turner asked if a wavier could be signed by a homeowner to have the wind turbine placed closer to their home vs. the setbacks suggested.

Mr. Woody stated that during their research, Kill Devil Hills does not have any setbacks for structures on homeowners own property.

Ron Cooper, Popular Branch stated that he was approached by East Coast and is interested in them, but the setbacks proposed by staff are not going to work. Mr. Cooper would like to put larger units on his farm land and he would still be able to farm his property. Mr. Cooper would like to see the wind turbines succeed in Currituck County.

Ted Vogel, Alternative Energy Officer for Blackwater Proprietary provided a power point presentation on Distributed Scale Wind Energy Systems. Blackwater is looking into putting a wind turbine to offset the energy used at their manufacturing building. Listed below are some comments on the proposed ordinance: (1) Be in front of public demand with sensible, appropriate legislation; (2) Height of 170 feet is within current heights available for systems less than 100 kw; (3) Planned installation of interconnected systems should be analyzed by the power company for appropriate application; and (4) Commercial scale systems greater 101 kw per turbine should be subject to additional review at the discretion of the County.

Herb Robbins, Corolla supports the proposed ordinance with staff suggested setbacks. Mr. Robbins was concerned with the drainage impacts; have a 1 acre minimum lot size; and migratory of bird route.

Scott Hannon, local nursery owner supports wind energy.

Paul Wendellglass Competitive Wind Ventures, Inc. sells wind turbines. In Currituck County there may be a market for large scale wind turbines. 250' height restriction is too low for utility scale; it needs to be 400-410'. Distinguish underground requirement between castling and transmission lines. He thanked the Planning Board for being proactive towards wind turbines.

Anne Waling, Acciona Energy NA talked about the following:

- Ø Increase height of wind turbine to 400' or remove height restrictions
- Ø Use setbacks to assure compatibility
- Ø Setback waiver
- Ø Computer modeling programs to indicate shadow flicker
- Ø Setbacks do not apply to off-site newly constructed buildings.

Eddie Younts is in support of wind turbines and likes tax breaks they provide.

Ray Griggs concerned with heights, setbacks, and how it will affect county wide home insurance rate increase.

Paul Quinlan, NC Sustainable Energy Association stated that the tax credit is 35% in North Carolina. The Planning Board should have a discussion on the setbacks, setback waiver, and heights of wind turbines. Mr. Quinlan thanked Mr. Woody and his staff for a great job.

Greg Wilson stated that the height of a small system is too restrictive and consider on an individual basis instead of putting one limit on everyone.

Phil Kratzer supports wind turbines and shadow flicker is not an issue.

Eric Wilson supports the wind energy ordinance.

ACTION

Mr. Kovacs motioned to table the Wind Energy text amendment until the next Planning Board meeting on December 11, 2007 so staff can obtain more information on maximum heights, setbacks, and homeowners insurance. Ms. Turner seconded the motion. Motion passed unanimously.

Planning Board Meeting – December 11, 2007

DISCUSSION

Ms. O'Shea provides an overview of the changes that were made to the Wind Energy UDO Amendment. Staff is asking for a recommendation from the board on Option 1, Item 1 that a SUP be required for wind energy facilities, small system for RA, RO2, and GB.

The board discussed Special Use Permits and heights.

Mr. Carraco stated he has a concern about the SUP requirement.

Mr. Vogel, Blackwater Proprietary stated that this is one of the most agreeable amendments. In the special use process if you have a lot less than 5 acres and you want to put in a large system would you have to put in for an exemption?

Mr. Woody stated you would have to put in for a variance.

Mr. Vogel suggested a change in the definition in a small system should be 100 kW instead of 25kW.

Mr. Good stated that the zoning permit vs. a SUP would be the way to go for small system wind turbine because a lot of businesses shy away because the process takes so long.

Mr. Mauney stated this is one of most agreeable amendment that he has seen.

Ms. Pierce asked how high are the power lines in portion to the wind turbines.
Mr. West asked what the cost of a residential unit installed.

Mr. Carraco stated approximately \$15,000.

ACTION

Mr. Keel motion to recommend approval of the Wind Energy UDO Amendment and making the question marks all SUP on Option 1 as presented. Mr. Winter seconded the motion. Motion passed unanimously.

**Wind Energy
PB 07-68
UDO AMENDMENT REQUEST
OPTION 1 – Currituck County**

An amendment to Chapter 2: Zoning Districts, Chapter 3: Special Requirements, and Chapter 17: Definitions to allow wind turbines as a permitted or special use.

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 Section 2.5 Permitted Uses Table is amended by adding the following underlined language:

Use	LUC	Zoning Districts											Special Requirements
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
<u>Wind Energy Facilities, Small System</u>	<u>III</u>	<u>Z</u>	<u>S</u>	<u>Z</u>	<u>Z</u>	<u>3.10.9</u>							
<u>Wind Energy Facilities, Large Scale</u>	<u>III</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>3.10.9</u>
<u>Wind Energy Facilities, Utility Scale</u>	<u>III</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>3.10.9</u>

Item 2: That Section 3.10 Other Uses is amended by adding the following underlined language:

Section 3.10 Other Uses

3.10.9 Wind Energy Facilities

- A. An anemometer(s) may be installed with the issuance of a zoning permit and must be setback from all property lines a distance equal to one linear foot for every foot of height. The zoning permit is valid for a period of one year and is renewable.
- B. Zoning Permit Application
 - 1. The application shall demonstrate that the proposed Wind Energy Facility will comply with this Ordinance and shall contain at a minimum the following:
 - a. A narrative describing the proposed Wind Energy Facility, including an overview of the project;
 - b. The approximate generating capacity of the Wind Energy Facility;

- c. The specific number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities;
 - d. Identification and location of the properties on which the proposed Wind Energy Facility will be located;
 - e. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and location of all structures and properties within the geographical boundaries of any applicable setback;
 - f. Evidence of compliance with applicable Federal Aviation Administration regulations;
 - g. Signed and approved copies of any negotiated power purchase agreement and the utility company's approved schematics;
 - h. An Environmental Impact Study (EIS) for Utility Scale Wind Energy Facilities, which shall include review and comments from applicable state and federal agencies, including, but not limited to, NC Department of Environment and Natural Resources, US Army Corps of Engineers, US Fish and Wildlife Service, and the NC Wildlife Resources Commission;
 - i. Other relevant studies, reports, certifications and approvals as may be reasonably requested by Currituck County to ensure compliance with this Ordinance;
 - j. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored; and,
 - k. Signature of the property owner(s) and the facility owner/operator of the Wind Energy Facility.
2. Throughout the permit process, the applicant shall promptly notify Currituck County of any changes to the information contained in the permit application.
3. Changes to the pending application that do not materially alter the initial site plan may be adopted administratively.

C. Setbacks

1. The following dimensional requirements shall apply to the installation of wind turbines and/or wind energy facilities:

<u>Wind Energy Facility Type</u>	<u>Minimum Lot Size</u>	<u>Minimum Setback Requirements ¹</u>					<u>Maximum Height from grade</u>
		<u>Occupied Buildings (Subject Property) ²</u>	<u>Occupied Buildings (Adjacent Property) ^{2 3}</u>	<u>Property Lines ²</u>	<u>Public/Private Right-of-Way ²</u>	<u>HWY 158, HWY 168, and NC 12 ²</u>	
<u>Small System</u>	<u>20,000 sq. ft.</u>	<u>0.0</u>	<u>1.5</u>	<u>1.0</u>	<u>1.5</u>	<u>2.5</u>	<u>120 ft.</u>
<u>Large System</u>	<u>5 Acres</u>	<u>1.0</u>	<u>2.0</u>	<u>1.0</u>	<u>1.5</u>	<u>2.5</u>	<u>250 ft.</u>
<u>Utility Scale</u>	<u>25 Acres</u>	<u>1.5</u>	<u>2.5</u>	<u>1.5</u>	<u>1.5</u>	<u>2.5</u>	<u>500 ft.</u>

1. Measured from the center of the wind turbine base to the property line, right-of-way, or nearest point on the foundation of an occupied building.
2. Calculated by multiplying the required setback number by the wind turbine height.
3. This setback proposes to reduce noise and shadow flicker impacts to any previously existing occupied buildings on adjacent properties.

2. As part of the Special Use Permit or Zoning Permit approval process, property owners may waive the setback requirements for Occupied Buildings on both the Subject Property and/or Adjacent Properties by signing a waiver that sets forth the applicable setback provisions and proposed changes. The written waiver shall notify applicable property owners of the setback required by this ordinance, describe how the proposed wind turbine and/or wind energy facility is not in compliance, and state that consent is granted for the wind turbine and/or wind energy facility to not be setback as required by this ordinance. Any such waiver shall be signed by all affected property owners and be recorded in the Currituck County Registrar of Deeds Office. The waiver shall describe the properties benefited and/or burdened, and advise all subsequent purchasers of any burdened property that waiver of setback shall run with the land and may forever burden the subject property.

D. Installation and Design

1. The installation and design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute.
2. All electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes.
3. Any on-site transmission or power lines shall, to the maximum extent possible, be placed underground.
4. The visual appearance of Wind Energy Facilities shall at a minimum:

- a. Maintain a galvanized finish and be a non-obtrusive color such as white, off-white or gray;
 - b. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and,
 - c. Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.
5. Wind Energy Facilities are subject to the noise ordinance provisions of the Currituck County Code of Ordinances.

E. Decommissioning or Abandonment

1. The Wind Energy Facility owner, and/or operator and/or property owner shall have 3 months to complete decommissioning of the Facility if no electricity is generated for a continuous period of 12 months.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

Item 3: That Section 17.1 Acronyms and Section 17.2 Definitions are amended by adding in alphabetical order the following underlined language:

Section 17.1 Acronyms

Below is a list of acronyms (other than zoning districts) and their meanings found throughout the Ordinance:

- kW: Kilowatt
- MW: Megawatt

Section 17.2 Definitions

Anemometer

Measures the wind speed and transmits wind speed data to the controller.

Wind Energy Facility

An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures & facilities.

Wind Energy Facility, Large System

A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 999 kW.

Wind Energy Facility, Small System

A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consisting of a single wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 25 kW.

Wind Energy Facility, Utility Scale

A wind energy conversion system consisting of more than one wind turbine(s), a tower(s), and associated control or conversion electronics, which has a rated capacity of more than 1 MW or greater.

Wind Farm

See “Wind Energy Facility, Utility Scale”.

Wind Power

Power is generated in the form of electricity by converting the rotation of turbine blades into electrical current by means of an electrical generator.

Wind Pump

A type of windmill used for pumping water from a well or draining land.

Wind Turbine

A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, and pad transformer.

Wind Turbine Height

The distance measured from grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Windmill

A machine designed to convert the energy of the wind into more useful forms using rotating blades to turn mechanical machinery to do physical work, such as crushing grain or pumping water.

Item 4: 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 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: ____AYES____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: ____AYES____NAYS_____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

**Wind Energy
PB 07-68
UDO AMENDMENT REQUEST
OPTION 2 – East Coast Windpower**

An amendment to Chapter 2: Zoning Districts and Chapter 3: Special Requirements to allow wind turbines as a permitted use in all zoning districts.

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 Section 2.5 Permitted Uses Table is amended by adding the following underlined language:

Use	LUC	Zoning Districts											Special Requirements
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
<u>Wind Energy Turbines</u>	<u>III</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>3.10.9</u>

Item 2: That Section 3.10 Other Uses is amended by adding the following underlined language:

Section 3.10 Other Uses

3.10.9 Wind Energy Turbines

The maximum height of any wind energy turbine shall not exceed 60 feet.

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 _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: ____AYES____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: ____AYES____NAYS_____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-6029
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners
From: Planning Department
Date: January 4, 2008
Re: PB 07-71 Bay Disposal (Recycling Transfer Facilities)

Bay Disposal is requesting a text amendment to the UDO to permit recycling centers or materials recovery facility as a special use permit within the light manufacturing (LM) zoning district. Although, the current UDO, table of permissible uses, does not address or define a recycling center or a materials recovery facility, the proposed use does not appear to have similar impacts as another use listed within the table which is the reason for the proposed amendment.

The proposed text amendment presented by Bay Disposal does not contain special requirements and would permit the use as a special use permit. However, after considering the impacts to neighboring property staff proposes a second option with special requirements such as setbacks, definitions, buffers and roadway improvements.

At the request of the Planning Board, staff has changed the name of the use to a recycling transfer facility and added definitions to address type of materials accepted at the facility. In addition, option two proposes recycling transfer facilities in the heavy manufacturing (HM) district with a special use permit.

What follows are the minutes from both the November 13 and December 11 Planning Board meetings, a draft of the text amendment submitted by the applicant (Option 1), as well as a draft of the text amendment developed by staff (Option 2).

Should you have any questions, do not hesitate to contact Donna Voliva at 232-6032.

Planning Board Meeting – November 13, 2007

DISCUSSION

Sean Boyle with Quible and Associates represented Bay Disposal and they don't have any objection to what is being suggested by the County of Currituck. Mr. Boyle stated that recyclables, cans, bottles will be brought from other facilities, sorted at this site, then transported to Virginia. The building will be three sided to enter and he did not know if there would be outside items.

David Webb stated that he met with Bay Disposal and this facility would be a transfer station. Some trucks would be stored outside.

Mr. Kovacs stated that a recycle center and a transfer station are two separate things. Clarification between the terms of recycle center and transfer station was needed.

Ray Griggs is an adjacent property owner and opposes the request to permit recycling centers within the light manufacturing zoning district. Mr. Griggs stated that there is a difference between recycle centers and transfer stations. He also thought the current language of the amendment would allow solid waste to be brought to a transfer facility.

The Planning Board discussed recycle centers vs. transfer stations.

Harry Hayden stated that any activity on this site with Bay Disposal raises concerns. He is concerned whether it will be a recycle center or a trash site.

Dave Holton asked if the text amendment is for heavy or light manufacturing. Staff recommendation is for heavy manufacturing.

ACTION

Mr. Kovacs motion to table the Bay Disposal text amendment until the Planning Board meeting on December 11, 2007 for clarification on language, hours of operation, recycle center vs. transfer station, what materials will be processed and with heavy manufacturing. Ms. Turner seconded this motion. Motion passed unanimously.

Planning Board Meeting – December 11, 2007

DISCUSSION

Mr. Woody provided an overview of the Bay Disposal UDO Text Amendment. Clarification between the terms of a recycle center and a transfer station were provided.

Mr. West asked if building materials would fall in this category.

Mr. Woody stated yes.

Mr. Norris, Bay Disposal stated that the site would be a transfer station. Recyclable items would be brought to the site, sorted and loaded in containers, then transferred to a location in Virginia for processing. No municipal solids would be at this site.

The board discussed the building to be enclosed and all operations to be done in an enclosed building.

Mr. Norris stated that they are mandated by state regulations. If a container was half full then they would cover it or bring it inside the building at the close of the day.

Mr. Holton stated he was representing several property owners in the southern part of Currituck County. Mr. Holton had been to the site located at East Indian River Road and shared pictures he had taken. Mr. Holton is not against recycle centers, but feels it should be heavy manufacturing and not light manufacturing.

Ms. Turner stated she is concerned with the traffic pattern, noise, odor, litter, rats and seagulls because Currituck is in an environmentally sensitive area.

ACTION

Ms. Turner motion to recommend approval of the Bay Disposal UDO Text Amendment under Option 2 as presented with the conditions that the facility be completely enclosed and no outdoor storage other than a container that is covered. Mr. West seconded the motion. Motion passed unanimously.

**BAY DISPOSAL
PB 07-71
UDO AMENDMENT REQUEST
OPTION 1 – Bay Disposal Proposed Language**

An amendment to Chapter 2, Permitted Uses Table, to allow recycling centers as a special use permit within the light manufacturing (LM) zoning district. (Currently Article 13, Section 1310 of the UDO)

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, Permitted Use Table, be amended by adding the following language:

Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	R R	G B	C	LB H	L M	HM		
<i>Industrial, Manufacturing, Warehousing, Wholesaling, & Solid Waste Uses</i>														
<u>Recycling Centers</u>	<u>IV</u>										<u>S</u>			

Item 2: This ordinance amendment shall be in effect from and after the _____ day of _____, 2007.

Board of Commissioners'
Chairman

Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: ____AYES ____NAYS ____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES_____NAYS_____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
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BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

**BAY DISPOSAL
PB 07-71
UDO AMENDMENT REQUEST
OPTION 2 – Currituck County Proposal**

An amendment to Chapter 2, Permitted Uses Table, and Chapter 3, Special Requirements, and Chapter 17, Definitions, to allow recycling transfer facilities as a special use permit within the heavy manufacturing (HM) zoning district. (Currently Article 13, Section 1310)

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, Permitted Use Table, be amended by adding the following language:

Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
<i>Industrial, Manufacturing, Warehousing, Wholesaling, & Solid Waste Uses</i>														
<u>Recycling Transfer Facilities</u>	<u>IV</u>												<u>S</u>	<u>3.8</u>

Item 2: That Chapter 3, Section 3.8 Special Requirements, be amended by adding the following language:

Section 3.8.- Industrial, Manufacturing, Warehousing, Wholesale, Distribution, & Solid Waste Uses

3.8.- Recycling Transfer Facilities

- A. The vehicular access road to the recycling transfer facility and all onsite vehicular areas shall be paved with asphalt or concrete.**
- B. The Board of Commissioners may impose hours of operation.**
- C. Facilities shall maintain the following setbacks:**
 - 1. Operations within an enclosed structure shall be setback a minimum of 100 feet from any property line or street right-of-way.**

- 2. Operations outside an enclosed structure shall be setback a minimum of 200 feet from any property line or street right-of-way.
- 3. Operations shall setback a minimum of 300 feet from any abutting property that is developed for residential purposes.

Item 3: That Chapter 17, Section 17.2 Definitions, be amended by adding the following language:

Recyclable Material

Residential and commercial material that is collected, presorted from garbage, and used as raw materials for products. Recyclable material shall include but is not limited to metal, glass, plastic, paper, wood and concrete that is intended for reuse. The term recyclable material does not include refuse, solid waste, junk, rubbish or hazardous materials.

Recycling Transfer Facility

A facility that receives only recyclable material from collection facilities and commercial vehicles. Recyclable material can be sorted and/or temporarily stored prior to delivery or shipment to others for processing and/or reuse.

Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2007.

Board of Commissioners' Chairman

Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: ___AYES___NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: ___AYES___NAYS_____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-6029
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners

From: Ben E. Woody, AICP
Planning Director

Date: December 27, 2007

Re: PB 07-67 Island Lots

Albemarle and Associates is requesting a text amendment to the UDO to allow a permit for construction to be issued on lots for which the only means of access is through public trust waters. In other words, this would allow construction to occur on a tract of land that does not abut a public or private street, and is only accessible by water.

Previously in June of 2005 a similar text amendment request was submitted for consideration. At that time, the Planning Board recommended approval. The amendment request was subsequently withdrawn and no action was taken by the Board of Commissioners.

Planning Staff did recommend denial of the previous request and pointed out that if approved, the amendment would apply countywide and create increased pressure for the provision of County services (there are 21 privately owned islands off the Currituck Mainland). The following reasons were specifically given for denial at that time:

- County services will not be available for lots only accessible through public trust waters. This includes Fire, EMS, Law Enforcement, Public School Transportation, etc.
- Non-availability of public utilities such as water, power, telephone, cable television, etc.
- There is no efficient means to provide solid waste disposal.

At the November 13 Planning Board meeting, Staff was directed to meet with other County departments regarding the provision of services. Subsequently, a meeting was held and attended by the applicant, Planning Staff, and representatives of the Sheriff's Office, Emergency Management, and Emergency Medical Services. Several concerns were raised at the meeting, during which it was decided to expand upon the existing draft while relying on the legal guidance of the County Attorney.

It was later determined by the County Attorney that the County is not legally liable if there is an inability to provide timely services. However, it was also recommended that the text amendment include a provision requiring a notification or waiver related to the possible inadequate provision of services. Along those lines, Staff would recommend the following language be included with the draft text amendment:

“Additionally, a notification shall be placed on the final plat and/or issued with any permit for construction indicating that county services are limited and may not be available in a timely manner.”

What follows are the minutes from both the November 13 and December 11 Planning Board meetings and a draft of the text amendment as submitted by the applicant.

Should you have any questions, do not hesitate to contact me at 232-6029.

Planning Board Meeting – November 13, 2007

DISCUSSION

John Delucia, Albermarle Associates is asking for a permit for construction to be issued on lots for which the only means of access is through public trust waters. Mr. Delucia understands that the job of the County is to look out for the public services of people who live in Currituck County, but he also thinks that there are property rights that need to be considered in a case like this. Mr. Delucia stated that it is the choice of the people to live there on the island and they understand that public services will not be available to them because they cannot be reached.

Mr. Woody stated that he is trying to set-up a meeting with the other public service officials to discuss this matter, but no date has been set.

Mr. Keel asks since you pay taxes and don't receive public services provided by the county, what are the liabilities of the county. Mr. Woody will check with the county attorney.

Mr. Woody stated that some people don't understand that these services are not readily available in the area which they are staying or living.

Eddie Younts lives in Powells Point NC and supports the text amendment.

ACTION

Mr. Kovacs motioned to table the Island Lots text amendment until the Planning Board meeting on December 11, 2007 so staff could meet with appropriate staff to discuss the issues and come up with a solution. Mr. Bell seconded the motion. Motion passed unanimously.

Planning Board Meeting – December 11, 2007

DISCUSSION

Mr. Woody stated that he had an initial meeting that was attended by the applicant, Planning Staff, representatives of the Sheriff's Office, Emergency Management Department, and Emergency Medical Services Department. Several concerns were raised at the meeting, after which it was decided to expand upon the existing draft while relying on the legal guidance of the County Attorney. The question is, "Does the county have any liability to provide services and are we legally responsible to provide services?" The County Attorney stated that the County does not have a legal liability to provide services, but he did suggest if a minor or major subdivision were to be developed, a statement be placed on the plat that the County is not required to provide these services. The County Attorney also suggested that when someone applies for building permits that we provide them with a statement that county services may be limited.

Mr. Delucia stated that out of the meeting he came away with yes the County will get there, but it may take some time to get there and there are some concerns about it. Mr. Delucia stated they are asking for a text amendment which would allow building on island lots.

Mr. West asked if a single family or a subdivision was going to be built on the island.

Mr. Delucia said a single family home.

Mr. West stated that the county should provide a formal statement that the county does not have a legal responsibility to provide county services as suggested by the County Attorney.

Mr. Woody stated that he, Mr. Delucia and the County Attorney will meet and come up with an agreeable waiver form.

John Snowden stated that by paying taxes and denying a homeowner to build on the island, the county would be taking the homeowner's property rights away under the constitution.

ACTION

Mr. West motion to recommend approval of the Island Lots UDO Text Amendment as presented. Mr. Etheridge seconded the motion. Motion passed unanimously.

**ALBEMARLE & ASSOCIATES ISLAND LOTS
PB 07-67
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts, Section 2.6.1 Street Access, to allow zoning permits to be issued on lots for which the only means of access is through public trust waters.

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 Section 2.6.1 Street Access is amended by adding the following underlined language:

2.6.1 Street Access

No building, structure, or use of land for other than agricultural purposes shall be established on a lot which does not abut a State maintained street or road or private street as permitted in these regulations, other than lots in the RO2 zoning district, except as provided below:

D. A permit for construction may be allowed on a lot that does not abut a State maintained street or road or private street provided the lot is on an island completely surrounded by water and its only means of access is through public trust waters.

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

Item 3: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES_____NAYS_____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



MEMORANDUM

To: Board of Commissioners

From: Eric T. Weatherly, P.E.
Currituck County Engineer

Ref: Bid Award Recommendation 150,000
Gallon Raw Water Reservoir

Date: January 9, 2008

Background

As part of the Mainland Water System improvements, bids were received for the new 150,000 gallon raw water reservoir located on Maple Road at the County Mainland Water Treatment Facility. Funds have been allocated for this work in the Mainland Water System budget.

Analysis

Attached for your review are the letters of recommendation of award and the bid tabulation from the engineers for the project. The recommendation is to award the project to Crom Corporation in the amount of \$512,000. We are requesting the approval of award contingent upon receipt of permit approval from North Carolina Department of Natural Resources Water Supply Section.

Conclusion

We concur with the recommendation of award for the proposed tank to Crom Corporation in the amount of \$512,000. With your approval of the award, the County Manager will execute the contracts for construction of this reservoir.



Infrastructure, environment, buildings

Mr. Eric T. Weatherly, P.E.
County Engineer, Currituck County
Post Office Box 39
Currituck, North Carolina 27929

Subject:
Recommendation of Award
Raw Water Ground Storage Tank at the Mainland Water Treatment Plant

Dear Mr. Weatherly:

On September 13, 2007, bids were received for the construction of the new 150,000 gallon raw water storage tank for the Mainland Water Treatment Plant. Due to an insufficient number of bids, the project was re-advertised and bids were again received on September 21, 2007. Two bids were received and opened. All bids are believed to be both responsive and competitive as set forth in the bid tabulation. A certified tabulation of these bids is attached.

The Low Bidder was Crom Corporation with a base bid amount of \$512,000.00 for constructing the 150,000-gallon raw water storage tank. We recommend that the County award the project to Crom Corporation in the amount of \$512,000.00 in accordance with the certified bid tab once funding is available. In the meantime, we recommend that the Crom Corporation be notified of the County's intent to award the project contingent upon funding approval. This will allow Crom Corporation to proceed with shop drawing preparation and to lock in material costs for the project.

On September 20, 2007, the North Carolina Division of Environmental Health, Public Water Supply Section issued comments on this project. We have addressed these comments and submitted a response on October 5, 2007. We have learned that our response has satisfied Public Water Supply Section so we expect that an Authorization to Construct to be issued soon.

Sincerely,
ARCADIS G&M of North Carolina, Inc.

David S. Briley, P.E.
Project Manager

Copies:
Pat Irwin, Currituck County
Leland Gibbs, Currituck County

Dan Williams, ARCADIS
Pat McDowell, McDowell & Associates

ARCADIS G&M of North Carolina,
Inc.
801 Corporate Center Drive
Suite 300
Raleigh,
North Carolina 27607-5073
Tel 919 854 1282
Fax 919 854 5448
www.arcadis-us.com

WATER RESOURCES

Date:
October 15, 2007

Contact:
David S. Briley

Extension:
142

E-mail:
david.briley@arcadis-us.com

Our ref:
NC706021.2000

Part of a bigger picture

Bid Tabulation

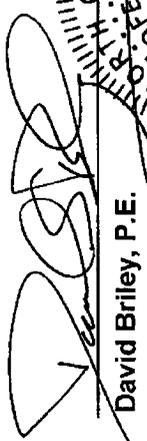
Mainland Water Treatment Plant Raw Water Ground Storage Tank Currituck County, North Carolina

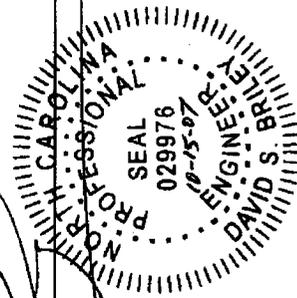
Bid Date: September 21, 2007, 2:00 p.m.

Item	Description	Crom Corporation	Precon Corporation
	North Carolina License Number	3254	25022
	Bid Bond	5%	5%
	Acknowledged Addenda 1, 2 & 3	Yes	Yes
1	Raw Water Ground Storage Tank	\$497,000.00	\$573,000.00
2	Testing Allowance	\$15,000.00	\$15,000.00
	Total Base Bid (Sum of Items 1-2)	\$512,000.00	\$588,000.00

This bid tabulation is hereby certified to be true and correct.

ARCADIS G&M of North Carolina, Inc.


 David Briley, P.E.
 Project Manager





APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 11/29/04

Name: Mike Painter

Address: 209 Eagle Creek Road

Moyock, NC 27958

Phone: 252 435 4871

Board(s) or Committee(s) on which you would like to serve:

✓ Please check

- | | |
|--|---|
| <input checked="" type="checkbox"/> ABC Board | <input checked="" type="checkbox"/> Library Board |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Airport Advisory Authority | <input checked="" type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input checked="" type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input checked="" type="checkbox"/> Workforce Development Board |

Qualifications and reasons you would like to serve:

As a somewhat new citizen (since 10/200) and my current employment with the Bank of Currituck, I am
interested in the future growth and development of Currituck County. I would be happy to serve the county
in any capacity to help preserve the qualities the make this county attractive and help promote the
future of our county.

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 7.15.04

Name: Elizabeth 'Liz' Turner

Address: 308 Reggio Owens Drive
Harbinger, NC 27941

Phone: (252) 491-2155 (Home) (252) 202-2156 (cell)

Board(s) or Committee(s) on which you would like to serve:

Please check

- ABC Board
- Agricultural Advisory Board
- Airport Advisory Authority
- Board of Adjustment
- Economic Development Board
- Game Commission
- Jury Commission
- Land Transfer Tax Appeals Board

- Library Board
- Nursing Home Advisory Committee
- Planning Board
- Senior Citizens Advisory Board
- Social Services Board
- Recreation Advisory Board
- Whalehead Preservation Trust
- Workforce Development Board

Qualifications and reasons you would like to serve:

Realtor, own construction business (Res.
general contractor), Currituck has been home
for over 10 yrs & I plan to stay for many
more years. My industry & my husband's
rely heavily on tourism of growth

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929

affordable housing
is a big concern
of mine especially
on the mainland.



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 3/15/05

Name: Mary L. FARMER

Address: 343 Tulls Creek Rd.
Mayock, NC 27958

Phone: 252-435-6403

Board(s) or Committee(s) on which you would like to serve:

✓ Please check

- ABC Board
- Agricultural Advisory Board
- Airport Advisory Authority
- Board of Adjustment
- Economic Development Board
- Game Commission
- Jury Commission
- Land Transfer Tax Appeals Board

- Library Board
- Nursing Home Advisory Committee
- Planning Board
- Senior Citizens Advisory Board
- Social Services Board
- Recreation Advisory Board
- Whalehead Preservation Trust
- Workforce Development Board

*or any others
not mentioned
here.*

Qualifications and reasons you would like to serve:

Reason? Because I'm proud to answer "Currituck
Co. NC" when asked where I'm from or where do I
live. We've lived here for approx 13 yrs. I am a
non-working woman now but because of my diverse job

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929

*background I feel I would be an
asset to most any board or committee.
Some experiences include*

1. Personnel Counselor - joined Credit Women Intl + handled credit + collections to include court appearances.
 2. Office clerk @ a university
 3. Cemetery - credit + collecting to include court.
 4. Mental Health + Sub. Abuse Agency.
 5. Catalogue Company
 6. GM-NC service
- Would like to discuss any all experiences + any boards/committees marked above*



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 3/21/06

Name: Lewis V. Babb, Sr.

Address: Po Box 324
Harbinger, North Carolina 27941

Phone: 491-8231 cell: 252-202-5703

Board(s) or Committee(s) on which you would like to serve:

✓ Please check

- | | |
|---|--|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Library Board |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input checked="" type="checkbox"/> Airport Advisory Authority | <input checked="" type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Board of Adjustment | <input checked="" type="checkbox"/> Senior Citizens Advisory Board |
| <input checked="" type="checkbox"/> Economic Development Board | <input checked="" type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input checked="" type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input checked="" type="checkbox"/> Land Transfer Tax Appeals Board | <input checked="" type="checkbox"/> Workforce Development Board |

Qualifications and reasons you would like to serve:

Previously served on Airport Advisory Board. Retired from US Dept. of Defense (35 yrs). Apprenticeship then Engineering Department. Served on several Boards and Councils as member and/or Chairmen. I believe that I can contribute m

Previously served on Airport Advisory Board. Retired from U.S. Dept. of Defense (35 yrs). Apprenticeship, then Engineering Department. Served on several Boards and Councils as member/Chair.

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 6/28/05

Name: Thomas A. Roddy

Address: 193 St. Andrews Road, Moyock, NC 27958

Phone: 757-619-8683

Board(s) or Committee(s) on which you would like to serve:

Please check

- | | |
|---|---|
| <input checked="" type="checkbox"/> ABC Board | <input type="checkbox"/> Library Board |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input checked="" type="checkbox"/> Airport Advisory Authority | <input checked="" type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input checked="" type="checkbox"/> Economic Development Board | <input checked="" type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input checked="" type="checkbox"/> Land Transfer Tax Appeals Board | <input checked="" type="checkbox"/> Workforce Development Board |

Qualifications and reasons you would like to serve:

Career Administrator and Naval Officer with over 25 years of progressive experience in the U.S. Navy in positions of

increasingly responsible executive leadership and management positions with

specific experience in organizational leadership, development, human resources,

problem analysis and resolution, strategic planning, workforce transformation and support.

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 12/06/06

Name: Jeffery Lige Shell

Address: 156 Coinjock Canal Road
Coinjock, NC 27923

Phone: (252) 453-9871 OR (252) 599-6684

Board(s) or Committee(s) on which you would like to serve:

Please check

- ABC Board
- Agricultural Advisory Board
- Airport Advisory Authority
- Board of Adjustment
- Economic Development Board
- Game Commission
- Jury Commission
- Land Transfer Tax Appeals Board

- Library Board
- Nursing Home Advisory Committee
- Planning Board
- Senior Citizens Advisory Board
- Social Services Board
- Recreation Advisory Board
- Whalehead Preservation Trust
- Workforce Development Board

Qualifications and reasons you would like to serve:

As a resident, parent & homeowner of Currituck
I feel it is my civic duty to serve the people of
Currituck and represent them in a way that

their voice can be heard.

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929

Sincerely,



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: Feb 15, 2007

Name: John H. Snowden III

Address: 180 Maple Rd PO Box 752
Maple, NC 27956 Maple, NC 27956

Phone: (252) 232-0200 (o) (252) 611-2448 (c)

Board(s) or Committee(s) on which you would like to serve:

✓ Please check

- | | |
|--|---|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Airport Advisory Authority | <input type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input checked="" type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input checked="" type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input checked="" type="checkbox"/> Workforce Development Board |
| <input checked="" type="checkbox"/> Library Board | <input checked="" type="checkbox"/> Albemarle Commission - At Large |

Qualifications and reasons you would like to serve:

I heard you have a shortage of qualified
people - I'm willing to spend my time to
make Currituck a better place -

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 27929



A.R.CHESSON
CONSTRUCTION CO., INC.

PO Box 46
Edenton, NC 27932
PH: (252) 482-5966
Fax: (252) 482-5996

Letter of Transmittal

To: CURRITUCK COUNTY
PO BOX 39
CURRITUCK, NC 27929

Transmittal #: 84
Date: 1/10/2008
Job: E77 CURRITUCK PRISON KITCHEN ADD.

Subject: CHANGE ORDERS

WE ARE SENDING YOU

<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Under separate cover via None the following items:
<input type="checkbox"/> Shop drawings	<input type="checkbox"/> Prints
<input type="checkbox"/> Copy of letter	<input checked="" type="checkbox"/> Change order
	<input type="checkbox"/> Plans
	<input type="checkbox"/> Specifications
	<input type="checkbox"/> Samples
	<input type="checkbox"/> Other

Document Type	Copies	Date	No.	Description
JC Change order	3	1/10/08	CO#2	CO#2 PHONE SYSTEM REPLACEMENT
JC Change Order	3	1/10/08	CO#3	CO#3 VARIOUS REVISIONS

THESE ARE TRANSMITTED as checked below:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit ___ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit ___ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return ___ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> Other | |
| <input type="checkbox"/> FOR BIDS DUE | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US | |

Remarks: DAN,
PLEASE SIGN AND DATE ALL THREE COPIES OF BOTH CHANGE ORDERS AND FORWARD A COPY OF THE FRONT SHEET TO THE ARCHITECT AND ALSO ONE TO A.R CHESSON FOR OUR FILES. THANKS.

Copy To:

From: EURE, LISA

Signature: *Lisa Eure*



A.R.CHESSON
CONSTRUCTION CO., INC.

PO Box 46
Edenton, NC 27932
PH: (252) 482-5966
Fax: (252) 482-5996

Letter of Transmittal

To: CURRITUCK COUNTY
PO BOX 39
CURRITUCK, NC 27929

Transmittal #: 84
Date: 1/10/2008
Job: E77 CURRITUCK PRISON KITCHEN ADD.

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Document Type	Copies	Date	No.	Description
JC Change order	3	1/10/08	CO#2	CO#2 PHONE SYSTEM REPLACEMENT
JC Change Order	3	1/10/08	CO#3	CO#3 VARIOUS REVISIONS

THESE ARE TRANSMITTED as checked below:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit ___ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit ___ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return ___ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> Other | |
| <input type="checkbox"/> FOR BIDS DUE | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US | |

Remarks: DAN,
PLEASE SIGN AND DATE ALL THREE COPIES OF BOTH CHANGE ORDERS AND FORWARD A COPY OF THE FRONT SHEET TO THE ARCHITECT AND ALSO ONE TO A.R CHESSON FOR OUR FILES. THANKS.

Copy To:

From: EURE, LISA

Signature: *Lisa Eure*

AIA® Document G701™ – 2001

Change Order

PROJECT (Name and address): Currituck Law Enforcement Center Kitchen Addition	CHANGE ORDER NUMBER: 002 DATE: October 25, 2007	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): A. R. Chesson Construction Co., Inc. 1774 Ocean Highway Edenton, North Carolina 27932	ARCHITECT'S PROJECT NUMBER: 04146.00 CONTRACT DATE: May 24, 2006 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

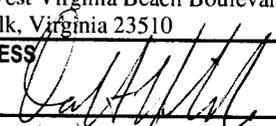
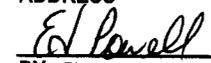
(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Deduct \$14,220.00 from the Contract Sum (See attached Summary Sheet).	(\$14,220.00)
The original Contract Sum was	\$ 1,468,764.00
The net change by previously authorized Change Orders	\$ 13,400.82
The Contract Sum prior to this Change Order was	\$ 1,482,164.82
The Contract Sum will be decreased by this Change Order in the amount of	\$ (14,220.00)
The new Contract Sum including this Change Order will be	\$ 1,467,944.82

The Contract Time will be unchanged by zero (-0-) days.
The date of Substantial Completion as of the date of this Change Order therefore is March 19, 2007.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Cederquist Rodriguez Ripley, PC	A. R. Chesson Construction Co., Inc.	Currituck County - Board of Commissioners
ARCHITECT (Firm name)	CONTRACTOR (Firm name)	OWNER (Firm name)
129 West Virginia Beach Boulevard Norfolk, Virginia 23510	1774 Ocean Highway Edenton, North Carolina 27932	P. O. Box 39 Currituck, North Carolina 27929
ADDRESS	ADDRESS	ADDRESS
		
BY (Signature)	BY (Signature)	BY (Signature)
Dan H. Hickok, Jr., Vice President	Ed Powell, Vice President	Dan Scanlon, City Manager
(Typed name)	(Typed name)	(Typed name)
10/30/07	1-10-08	
DATE	DATE	DATE



PAY TEL COMMUNICATIONS, INC.

FACSIMILE TRANSMITTAL SHEET

TO: David Castelow	FROM: Clif Moore, Operations Manager
COMPANY: Currituck County	DATE AND TIME: 3/27/2007 4:42 PM
FAX NUMBER: 252-453-2198	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER: 252-453-8204	IF ANY PROBLEMS WITH TRANSMISSION CALL: 800-729-0644 ext.224
RE: System Replacement Costs	DISTRIBUTE COPIES TO:

- URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY
 PLEASE RECYCLE

NOTES/COMMENTS:

David,
Here is the cost breakdown for the replacement of the Inmate Phone System that was disabled by the on-site construction.

Inmate Phone System		\$12,820.00
Trunk card	\$1200.00	
Station card	2700.00	
4000 Series ACP	7000.00	
Hard drives (3)	450.00	
SATA Card	150.00	
Pucks	1320.00	
Labor-PayTel Technicians		\$1400.00
1/27/07-install temporary phone system	\$200.00	
2/8/07-system construction/testing	800.00	
2/9/07-install new phone system	400.00	
TOTAL		\$14,220.00

Should you have any questions, do not hesitate to call.

Thanks

Clif Moore
Pay-Tel Communications
Inmate Operations Manager



AIA Document G701™ – 2001

Change Order

PROJECT (Name and address): Currituck Law Enforcement Center Kitchen Addition	CHANGE ORDER NUMBER: 003 DATE: October 26, 2007	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): A. R. Chesson Construction Co., Inc. 1774 Ocean Highway Edenton, North Carolina 27932	ARCHITECT'S PROJECT NUMBER: 04146.00 CONTRACT DATE: May 24, 2006 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

A. R. Chesson Construction Co., Inc. requested a thirty-eight (38) day time extension to reach Substantial Completion, without additional cost, due to the following items:

1. Delay in obtaining the Building Permit.
2. Delay due to required relocation of existing gas line.
3. Delay due to various revisions - enlargement of pass-through windows, switch-out of griddle with smaller griddle and fryer and conflicts encountered below grade from unknown previous demolition.

Add \$13,177.37 to the Contract Sum (See attached Summary Sheet).

\$13,177.37

The original Contract Sum was	\$	1,468,764.00
The net change by previously authorized Change Orders	\$	(819.18)
The Contract Sum prior to this Change Order was	\$	1,467,944.82
The Contract Sum will be increased by this Change Order in the amount of	\$	13,177.37
The new Contract Sum including this Change Order will be	\$	1,481,122.19

The Contract Time will be increased by thirty-eight (38) days.

The date of Substantial Completion as of the date of this Change Order therefore is April 26, 2007.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Cederquist Rodriguez Ripley, PC	A. R. Chesson Construction Co., Inc.	Currituck County - Board of Commissioners
ARCHITECT (Firm name)	CONTRACTOR (Firm name)	OWNER (Firm name)
129 West Virginia Beach Boulevard Norfolk, Virginia 23510	1774 Ocean Highway Edenton, North Carolina 27932	P. O. Box 39 Currituck, North Carolina 27929
ADDRESS	ADDRESS	ADDRESS
BY (Signature)	BY (Signature)	BY (Signature)
Dan H. Hickok, Jr., Vice President	Ed Powell, Vice President	Dan Scanlon, City Manager
(Typed name)	(Typed name)	(Typed name)
10/30/07	1-10-08	
DATE	DATE	DATE



A.R.CHESSON
CONSTRUCTION CO., INC.

Main Office
315 West Main Street.
PO Box 1147
Williamston, NC 27892
252-792-4486 Fax 252-792-9090

Branch Office
1774 Ocean Highway
PO Box 46
Edenton, NC 27932
252-482-5966 Fax 252-482-5996

Proposal for Change Order

TO: CEDERQUIST RODRIGUEZ RIPLEY, PC			
Job Name	Currituck Law Enforcement Kitchen Add.	Proposal #	7
Job Number	E77	Reference:	
		KITCHEN EQUIPMENT	
Subcontractor Reference:	CREST FOODSERVICE EQUIPMENT		

Description of Proposed Change:

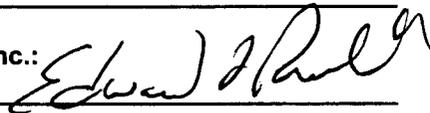
Description	Price	Tax Rate	Tax Amount	Net Amount
TRADE OUT ONE (1) 36" GAS GRIDDLE AND EQUIPMENT STAND FOR ONE (1) 24" GAS GRIDDLE AND EQUIPMENT STAND. ADD ONE (1) GAS FRYER. SEE ATTACHMENT FOR PRICE BREAKDOWN.				\$ 2,722.17
THIS DOES NOT INCLUDE ADDITIONAL PIPING OR HOOK-UP				

Subtotal Change with taxes	\$ 2,722.17
Bonds (9/10 of 1%)	\$ 24.50
Insurance (2%)	\$ 54.45
Subtotal	\$ 2,801.12
ARC OH/P (5%)	\$ 140.06
TOTAL PROPOSED CHANGE ORDER	\$ 2,941.18

Accepted by Architect/Owner Representative:

Date

A.R. Chesson Construction Company, Inc.:



7/31/2007



7/27/2007

LAWENF08

Change Order

To: AR Chesson Construction Co.
Ed Powell
105A Byron Court
Elizabeth City, VA 27909

Phone: (252) 338-9171
Fax: (252) 338-9172

From: Crest Food Service Equipment Co.
Rachel Cardell
605 B Jack Rabbit Road
P.O. Box 3367
Virginia Beach, VA 23451613
Phone: (757) 425-8883
Toll Free: (800) 551-0556
Fax: (757) 623-8903

Project: Law Enforcement Center

Item	Qty	Description	Sell Each	Sell Total
1	-1	ea GRIDDLE, COUNTER UNIT, GAS Garland/US Range Model No. RGTA-2436-1 Regal Griddle, 36" wide, counter unit, gas, 1" thick steel griddle plate, 36" wide x 22" deep grill area, thermostat controls, s/s front, landing ledge and sides, 4" legs w/adj. feet, 72,000 BTU (U S Range)	2,054.57	-2,054.57
	-1	ea Natural gas, specify elevation if over 2,000 ft		
		Extended Total for Item No. 1: -2,054.57		
2	-1	ea EQUIPMENT STAND, FOR COUNTERTOP COOKING Garland/US Range Model No. ST-26-36-23SS Equipment Stand, 36" wide, 26" deep, for RBA Char-broilers & RGTA Griddles, open base with bottom shelf, 23" high, s/s top, legs and undershelf (U S Range)	478.60	-478.60
		Extended Total for Item No. 2: -478.60		
3	1	ea RESTOCK FEE CREST FOODSERVICE EQUIPMENT COMPANY Model No. RESTOCK Restock fee for return of item 22 on contract	645.00	645.00
		Extended Total for Item No. 3: 645.00		
4	1	ea FREIGHT CHARGE CREST FOODSERVICE EQUIPMENT COMPANY Model No. FREIGHT Return freight charge for items returned	500.00	500.00
		Extended Total for Item No. 4: 500.00		
5	1	ea FRYER, GAS, COUNTER UNIT, FULL POT Saturn Equipment Model No. 500-FRC-15 Heavy Duty Fryer, Gas, countertop, 15lb. oil capacity, thermostatic controls w/temp range 200° - 400°F, s/s vessel, front, door, sides, flue riser & basket hanger, 1-1/4" drain valve, 40,000 BTU	594.61	594.61
	1	ea Natural gas		
		Extended Total for Item No. 5: 594.61		
6	1	ea GRIDDLE, COUNTER UNIT, GAS Garland/US Range Model No. G24-24GTHX G24 Series Griddle, Gas, 24"W, counter unit, 24" x 24" x 3/4" thick smooth steel griddle plate, Snap-Action thermostatic controls, king size grease bucket (1-3/4 gal. capacity), welded splash guard on rear & ends, s/s front, black sides, 60,000 BTU (Garland)	1,766.31	1,766.31

7/27/2007

LAWENF08

Law Enforcement Center

Item	Qty	Description	Sell Each	Sell Total
1	ea	Natural gas, specify elevation if over 2,000 ft		
Extended Total for Item No. 6: 1,766.31				
7	1	EQUIPMENT STAND, FOR COUNTERTOP COOKING Eagle Group Model No. T3048GS Packed: each Griddle Stand, open base with bottom shelf, 48" x 30", 24"H, s/s top, galv. legs and undershelf, 1-1/4" up-turn on back and both ends, Uni-Lok® system	317.17	317.17
Extended Total for Item No. 7: 317.17				
8	1	FREIGHT CHARGE CREST FOODSERVICE EQUIPMENT COMPANY Model No. FREIGHT FREIGHT CHARGE	650.00	650.00
Extended Total for Item No. 8: 650.00				
9	1	SET IN PLACE DELIVERY: CREST TO SCHEDULE DELIVERY CREST FOODSERVICE EQUIPMENT COMPANY Model No. DELIVERY-S.I.P. SET IN PLACE DELIVERY: CREST TO SCHEDULE DELIVERY, OFFLOAD, UNCRATE, INSPECT, SET IN PLACE & HAUL OFF PACKING MATERIAL. REMOVAL AND DISPOSAL OF EXISTING EQUIPMENT IS NOT INCLUDED.	775.00	775.00
Extended Total for Item No. 9: 775.00				
Total				2,714.92
Sales Tax (@5.000%)				7.25
Grand Total				2,722.17

Acceptance: _____ Date: _____

Printed Name: _____



A.R.CHESSON
CONSTRUCTION CO., INC.

Main Office
315 West Main Street.
PO Box 1147
Williamston, NC 27892
252-792-4486 Fax 252-792-9090

Branch Office
1774 Ocean Highway
PO Box 46
Edenton, NC 27932
252-482-5966 Fax 252-482-5996

Proposal for Change Order

TO: CEDERQUIST RODRIGUEZ RIPLEY, PC			
Job Name	Currituck Law Enforcement Kitchen Add.	Proposal #	8
Job Number	E77	Reference:	
		VARIOUS ITEMS	
Subcontractor Reference:	VARIOUS SUBS		

Description of Proposed Change:

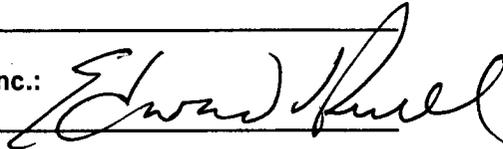
Description	Price	Tax Rate	Tax Amount	Net Amount
1. CUT BLOCK OPENING LARGER & INSTALL 4' DOOR IN LEIU OF 3' DOOR				
LABOR: \$440.00				
MATERIALS: \$990.00				\$ 1,430.00
2. INSTALL ADDITIONAL 3070 HM DOOR FRAME AND LEAF. ALSO PROVIDE & INSTALL ELECTRIC EXIT SIGN TO ACCOMMODATE DOOR				
ELECTRICAL: \$300.00				
MATERIAL: -0- USED DOOR FROM ITEM #1				
LABOR: \$200.00				\$ 500.00
3. PROVIDE & INSTALL 2 ADDITIONAL PIPE BOLLARDS AND PAINT				
MATERIAL: \$250.00				
LABOR: \$275.00				\$ 525.00
4. INSTALL PLASTIC STRIPS IN FENCE AROUND DUMPSTER				\$ 300.00
5. PROVIDE STAINLESS STEEL PARTITION BETWEEN SINKS AS REQUIRED BY HEALTH DEPT.				\$ 243.00
6. CUT HOLE AT PASS THRU LARGER. PROVIDE AND INSTALL 1 EA. PASS THRU DOOR SHUTTER. ALTER STAINLESS COUNTER TOP TO ACCOMMODATE SHUTTER.				
LABOR TO CUT OPENING AND REBLOCK: \$625.00				
MATERIAL & LABOR TO ALTER COUNTER: \$991.00				
MATERIAL & LABOR FOR SHUTTER DOOR \$1412.00				\$ 3,028.00

7. BACKFILL UNSUITABLE SOIL AS REQUIRED BY G.E.T. SOLUTIONS 2/7/07				\$ 3,405.00
8. PROVIDE 2 ADDITIONAL EXIT SIGNS AS REQUESTED AND REQUIRED BY BUILDING CODE OFFICIAL				\$ 43.00
<i>Subtotal Change with taxes</i>				\$ 9,474.00
<i>Bonds (9/10 of 1%)</i>				\$ 85.27
<i>Insurance (2%)</i>				\$ 189.48
<i>Subtotal</i>				\$ 9,748.75
<i>ARC OH/P (5%)</i>				\$ 487.44
TOTAL PROPOSED CHANGE ORDER				\$ 10,236.19

Accepted by Architect/Owner Representative:

Date

A.R. Chesson Construction Company, Inc.:



8/2/2007

Pantego

Overhead Doors LLC

964 Main Stem Road, Pantego, NC 27860
 Phone (252) 935-5300 Fax (252) 935-5350

Proposal

35915

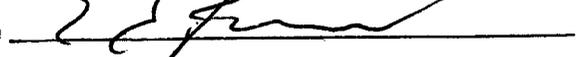
A R CHESSON CONSTRUCTION CO.
 P.O. BOX 1147
 WILLIAMSTON NC 27892
 (252) 792-4486

Account#	Ship Via	Salesperson	Terms	Proposal Date
CHE4486	3	T	NET 30	3/16/07
Quantity	Item	Description	Price	Amount
1		REQUESTED BY ED POWELL JOB NAME: LAW ENFORCEMENT CENTER KITCHEN ADDITION MATERIAL AND LABOR FOR THE FOLLOWING: 1- 32 1/2"W X 52 1/2"H - COUNTER SHUTTER - ANODIZED ALUMINUM INTERIOR MOUNTED TO A BLOCK WALL MANUAL PUSHUP OPERATION THUMBTURN LOCK OPERABLE ONE SIDE END COVERS TO MATCH THE HOOD NOTE: CYCLE COUNTER IS EXCLUDED FOR NON-ELECTRICALLY OPERATED SHUTTERS THIS QUOTE INCLUDES SALES TAX ALLOW 3-4 WEEKS LEAD TIME FOR MANUFACTURING AND DELIVERY	1412.32	1412.32 E
<i>Thank You</i>			TOTAL	1412.32

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

Date of Acceptance: _____

ABC Accounting

Signature 
 Signature 

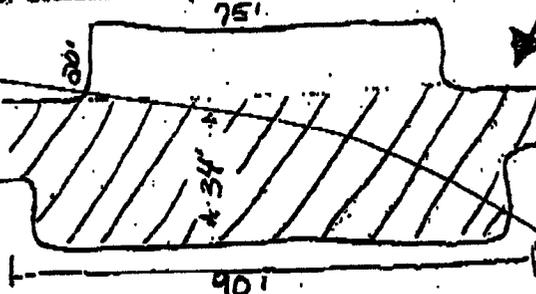


GFT Solutions, Inc.
 504 East Elizabeth Street, Suite 2
 Elizabeth City, NC 27909
 Phone (252) 335-9765 Fax (252) 335-9766

DAILY REPORT

Project Name: Maple Prison
 Client's Name: RAMM
 Contractor: A. Chesson
 Weather: Clear 38
 Time: AM PM

Technician: JT
 Job No.: 06-0057
 Date: 2-07-07
 W/O # _____

<p>A. Description of Work: - proofroll operation ATT: Ed Powell from: Glenn Lamb Missing change order for</p>	<p>B. Location Sketch (Grid Coordinates & Floor Level): </p>
--	--

C. Tests/Observations Performed: Maple Prison Job Best price I can

D. Problems/Non-Compliances/Failing Tests: Remember!

E. Remarks or Comments: A rep of GFT SOLUTIONS was onsite for the purpose of a proofroll operation for the proposed parking lot located on the north side of the addition, with the use of a loaded tandem dump truck.
 The proofroll operation revealed deflections ranging from 0 to 4-inches. More specifically, the 30' x 75' area located on the backing side of the parking lot revealed relatively stable soils, while the 34' x 90' (approx) revealed unstable soil conditions. Test pits were performed within the above identified undercut area and revealed thin-gray saturated unstable sandy clay soils mixed w/ trace brick fragments, concrete chunks, wax ect. to a depth of approx. 12-inches. Therefore it is recommended to undercut this area identified above approx. 12-inches to remove unstable material and backfill according to project plans and spec's. The estimated quantity for the above identified undercut area is approx. 114 cub/yds to be removed.
 131 fill Back in this Area

\$ 3192.50
 + 212.50

 Change order \$ 3,404.50

CURRITUCK COUNTY
NORTH CAROLINA
January 7, 2008

The Board of Commissioners met on January 7, 2008, at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Nelms, Commissioners Bowden, Gregory, Taylor and Etheridge.

Invocation

Pledge of Allegiance

Bob Henley, was present to give the invocation.

Approval of Agenda

Commissioner Gregory moved to approve the agenda.
Commissioner Taylor seconded the motion. Motion carried.

2. Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

3. Recognition of The Currituck Club on Being Designated a Firewise Community

4. An Ordinance Amending Chapter 9 of the Code of Ordinances to Define and Prohibit the Use of All Terrain Vehicles in a Manner that Constitutes a Nuisance

5. Public Hearing and Action on PB 07-77 Roy Sawyer Request to rezone 50.6 acres from Agricultural (A) to Residential (R). The property is located at 229 Foster Forbes Road, Tax Map 126, Parcel 68E, Poplar Branch Township.

6. Public Hearing and Action on PB 07-78 John Harris, Jr. Request to rezone 6.85 acres from Agricultural (A) to General Business (GB). The property is located at 339 Macedonia Church Road at the intersection with Caratoke Highway, Tax Map 93, Parcel 156E, Poplar Branch Township.

7. Public Hearing and Action on PB 00-44 Clover Bend Amended Sketch Plan for 33 Single Family Lots. Located on the northwest side of Guinea Road (SR 1214), approximately 200' north of the intersection with Guinea Mill Road (SR 1282), Moyock Township.

8. Public Hearing and Action on PB 07-82 Currituck Reserve PUD Variance Variance Request from sections 2.6 General Lot Provisions, 2.7 Dimensional Requirements, 9.1.8.1 Subdivision Streets, 2.8 Residential Accessory Structure Location and Setbacks to allow the creation of a Traditional Neighborhood Design in a Planned Unit Development. The 17 properties are located between Caratoke Highway and Tulls Creek Road, north of Guinea Road, Tax Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; Tax Map 14, Parcels 23 and 18C; Moyock Township.

9. Public Hearing and Action on PB 07-09 Currituck Reserve PUD Amended Sketch Plan/ Special Use Permit for 688 residential units and mixed use

commercial on 488 acres. The 17 properties are located between Caratoke Highway and Tulls Creek Road, north of Guinea Road, Tax Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; Tax Map 14, Parcels 23 and 18C; Moyock Township.

10. Appointment to Board of Adjustment

11. Appointments to Economic Development Board

12. Consent Agenda:

- a. Change Order for \$3,848.89 Jarvisburg Historic Colored School
- b. Change Order No. 1 for Jarvisburg Elementary School
- c. Approval of December 17, 2007, Minutes
- d. Approval of extension of water agreement with CWS

13. Commissioner's Report

14. County Manager's Report

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Chairman Nelms opened the public comment period.

Cathy Jones, Wedgewood Lakes, commented on the noise and lack of rules for ATVs.

Clifton Banks, Poyners Road, expressed his concerns with ATVs.

There being no further comments, Chairman Nelms closed the public comment period.

Recognition of The Currituck Club on Being Designated a Firewise Community

James Mims, Fire Marshall, recognized the Currituck Club for being designated a firewise community. Aaron Gay, Forest Service, was also present.

Chairman Nelms presented a plaque to Doug Windley of the Currituck Club.

An Ordinance Amending Chapter 9 of the Code of Ordinances to Define and Prohibit the Use of All Terrain Vehicles in a Manner that Constitutes a Nuisance

Commissioner Gregory moved to adopt the following amendment. Commissioner Taylor seconded the motion. Motion carried.

**AN ORDINANCE AMENDING CHAPTER 9 OF THE CURRITUCK COUNTY
CODE OF ORDINANCES TO DEFINE AND PROHIBIT THE USE OF ALL
TERRAIN VEHICLES IN A MANNER THAT CONTITUTES A NUISANCE**

BE IT ORDAINED, by the Board of Commissioners for the County of Currituck, North Carolina that the Code of Ordinances for Currituck County is amended as follows:

Section 1. Chapter 9 of the Code of Ordinance is amended by rewriting Section 9-71 to read as follows:

Sec. 9-71. Certain conditions declared nuisances.

The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the county limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (1) Growth of weeds and grass. The uncontrolled growth of noxious weeds or grass causing or threatening to cause a hazard detrimental to the public health or safety.
- (2) Accumulations of animal or vegetable matter. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (3) Accumulations of rubbish. Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (4) Obstruction of drainage ways. The placement of rubbish, trash, yard debris, grass clippings, leaves, limbs, branches, soil, or junk impeding the flow of water and/or causing or threatening to cause the obstruction of drainage ways.
- (5) Conditions violating health department rules. Any condition detrimental to the public health which violates the rules and regulations of the local health department.
- (6) Burned or partially burned buildings or structures . Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the county building official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(7) Storm or erosion damaged structures and resulting debris. The existence of any of the following conditions associated with storm-damaged or erosion-damaged structures or their resultant debris shall constitute a public nuisance:

- a. Damaged structure in danger of collapsing;
- b. Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury;
- c. Any structure, regardless of condition, or any debris from damaged structure which is located in whole or in part in a public trust area or public land.

(8) Structurally deteriorated, or storm damaged automobile service station canopies. Any automobile service station canopy with loose, unanchored, or missing cladding, or fascia panels prone to progressive collapse, or structurally unsound members damaged by storms, vehicles, or deterioration.

(9) Vicious animals. The keeping of a vicious animal as defined in section 3-62.

(10) The operation of an all terrain vehicle:

- a. in a reckless manner;
- b. in a manner that creates excessive noise;
- c. in a manner that spreads dust;
- d. on a track or course located on property used for residential purposes;
or
- e. by any person, not being on his own lands, who without the consent of the owner thereof, willfully commits any damage, injury or spoliation to or upon any tree, wood, underwood, timber, garden, crops, vegetables, plants, lands, springs, or any other matter or thing growing or being thereon.

For purposes of this section, "all terrain vehicle" shall mean a wheeled or tracked motorized vehicle designed and used primarily for off-road use with two three, four or six low-pressure tires and including, but not limited to, dirt or trail bikes.

(11) ~~(10)~~ Miscellaneous. Any other condition that is specified as a nuisance in this Code.

Section 4. Separability.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutional or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the remaining provisions would have been enacted by the board of commissioners without the incorporation into this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Public Hearing and Action on PB 07-77 Roy Sawyer Request to rezone 50.6 acres from Agricultural (A) to Residential (R). The property is located at 229 Foster Forbes Road, Tax Map 126, Parcel 68E, Poplar Branch Township.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: January 7, 2008
Zoning Map Amendment:
PB 07-77 Roy Sawyer**

TYPE OF REQUEST: Request to rezone 50.6 acres of an 89 acre property from Agricultural (A) to Residential (R)

LOCATION: The property is located at 229 Foster Forbes Road, Poplar Branch Township.

TAX ID: Tax Map 126, Parcel 68E
(0126000068E0000)

OWNER: Roy Sawyer, Jr.
229 Foster Forbes Road
Powell's Point, NC 27966

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Agricultural (A)	Residential (R)

ZONING HISTORY: The property was zoned A on the 1989 zoning atlas. This property is the residual parcel of the 4 lot Brinson's Creek Minor Subdivision recorded 12-27-2005.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Sand Mine	A
SOUTH	Residential and 1000' communication tower	A
EAST:	Currituck Sound	A
WEST:	Residential (Currituck Woods subdivision)	A

EXISTING LAND USE: Residential (Farm House)

PROPOSED LAND USE: Land is no longer rented for farming and owner seeks highest and best use.

**LAND USE PLAN
CLASSIFICATION:**

The property contains approximately 50.6 acres of Limited Services classification and 38.4 acres of Conservation Classification. This property is in the Point Harbor sub-area.

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. Base development density should be 1 unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in place or planned and the potential impact on the surrounding community.

The policy emphasis of the 2006 plan is to allow portions of the Point Harbor area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and the natural features that make the area so attractive. Housing in the Point Harbor area should continue to reflect a range of housing types and prices with emphasis on single-family site-built homes. The majority of the Point Harbor area is included in the Limited Service and Conservation classifications which support densities ranging from 1 unit per 3 acres to 1 unit per acre.

The following policies are also relevant to this request:

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.

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

A Residential zone that does not anticipating the development of the wetlands on site would comply with the Limited Service classification, but not the Conservation classification.

**PUBLIC SERVICES
AND UTILITIES:**

The Lower Currituck Fire Department provides fire protection for this area. Electric and telephone are currently available.

TRANSPORTATION:

The site has 930 feet of frontage on Foster Forbes Road.

WETLANDS: The 89 acre site contains approximately 39 acres of wetlands. None of the wetlands are part of the rezoning request.

SOILS: The Currituck County Soils map indicates the property contains approximately 35 acres of marginal and 54 acres of un-suitable soils for on-site septic systems.

STAFF RECOMMENDATION: Section 2406 of the Unified Development Ordinance provides the standards by which the Board shall evaluate proposed amendments to the Official Zoning Atlas. Specifically, the Ordinance provides that the "central issue before the board is whether the proposed amendment advances the public health, safety or welfare" of the county and further directs that "the Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large."

Because the request is in general compliance with the 2006 Land Use Plan, staff recommends **approval** of the request to rezone 50.6 acres of an 89 acre property from Agricultural (A) to Residential (R).

Chairman Nelms opened the public hearing.

Bill Ray, Powells Point, expressed safety concerns with ponds on property and other environmental issues.

There being no further comments, Chairman Nelms closed the public hearing.

Commissioner Gregory moved to approve and stated that it is consistent with the Land Use Plan. Commissioner Bowden seconded the motion. Motion carried with Commissioner Etheridge voting no.

Public Hearing and Action on PB 07-78 John Harris, Jr.
Request to rezone 6.85 acres from Agricultural (A) to General Business (GB). The property is located at 339 Macedonia Church Road at the intersection with Caratoke Highway, Tax Map 93, Parcel 156E, Poplar Branch Township

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: January 7, 2008
Zoning Map Amendment:
PB 07-78 John Harris, Jr.**

TYPE OF REQUEST: Request to rezone 6.85 acres from Agricultural (A) to General Business (GB).

LOCATION: The property is located at 339 Macedonia Church Road at the intersection with Caratoke Highway, Poplar Branch Township.

TAX ID: Tax Map 93, Parcel 156E
0093-000-156E-0000

OWNER: John W. Harris, Jr.
PO Box 14025
Norfolk, VA 23518

APPLICANT: Mel Hopkins
204 Walden Drive
Yorktown, VA 23692

ZONING:	<u>Current Zoning</u> Agricultural (A)	<u>Proposed Zoning</u> General Business (GB)
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ZONING HISTORY: The property was zoned Agricultural (A) on the 1989 zoning atlas.

SURROUNDING PROPERTY:

NORTH:	Agricultural	A and GB
SOUTH:	Residential	A
EAST:	Residential and Agricultural	GB
WEST:	Residential	GB and A

EXISTING LAND USE: Vacant/ Agricultural

PROPOSED LAND USE: Applicant would like more flexibility to develop based on market.

Uses Permitted by Right in a General Business District:

- Sales and rental of goods, merchandise and equipment
- Convenience Store
- Wholesale Sales
- Professional offices
- Physician or dentist office less than 10,000 sf
- Office/warehouse
- Movie theater
- Publicly owned outdoor recreational facility (athletic field, golf course, park, boat ramp)
- Restaurants
- Automobile service station
- Gas sales
- Automobile repair shop/body shop
- Car wash
- Motor vehicle and boat wholesale and service
- Automobile parking lots/garages
- Storage facilities, inside a fully enclosed building
- Veterinarian
- Pet grooming facility inside a fully enclosed structure
- Silvicultural operations
- Post office

ABC store
Dry cleaner
Laundromat
Utility facilities
Farm and craft market
Towers, less than 50 feet in height
Cemetery, family and church
Day Care
Commercial Greenhouse/Nursery
Agribusiness

TRANSPORTATION: The site has approximately 423 linear feet of frontage on Caratoke Highway and 585 feet of frontage on Macedonia Church Road.

FLOOD ZONE: This site has been designated an X Flood Zone by FEMA and is therefore out of the 100 year floodplain.

PUBLIC SERVICES AND UTILITIES: The Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric service, telephone and public water are available.

SOILS: The Currituck County Soils map indicates the property contains suitable soils for on-site septic systems in the area outside of the wetlands.

LAND USE PLAN CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Limited Service Area** within the **Aydlett, Waterlily and Churches Island** sub-area.

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. In general, neighborhood commercial uses are more appropriate than large scale commercial complexes.

The policy emphasis of this plan is for developable areas of Aydlett, Waterlily and Churches Island to remain as low-density residential areas at 1 unit per acre. While services that satisfy direct public health, safety and general welfare needs, such as fire protection, law enforcement, and emergency medical services are to be welcomed, **no commercial development should be permitted in these areas.**

The following policies are also relevant to this request:

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.

POLICY TR5: So as to preserve the traffic moving function of the County's primary roads, minimize traffic accidents and avoid land locking interior land parcels, Currituck County shall discourage RESIDENTIAL AND COMMERCIAL STRIP DEVELOPMENT along the county's primary roads. FLAG LOTS shall not be permitted along designated roads unless justified by unusual or unforeseeable parcel or topographic constraints.

POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168, shall receive priority attention for improved appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.

This request for a General Business zone does not comply with the 2006 Land Use Plan Limited Services classification; the Aydlett, Waterlily and Churches Island sub-area or the policies related to rezoning on the US 168/158 corridor.

**STAFF
RECOMMENDATION:**

Section 2406 of the Unified Development Ordinance provides the standards by which the Board shall evaluate proposed amendments to the Official Zoning Atlas. Specifically, the Ordinance provides that the "central issue before the board is whether the proposed amendment advances the public health, safety or welfare" of the county and further directs that "the Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large."

In addition, Section 2407 of the Ordinance states that "[a]reas zoned for non-residential purposes along the county's major arterials have been carefully selected, taking into account existing needs and uses. Additional areas along these major arterials shall not be rezoned to non-residential districts except upon an extraordinary showing of public need or demand.

Upon evaluating the application, staff concludes that the proposed rezoning does not satisfy the above-referenced criteria and for the reasons listed below staff recommends **denial**.

- 1) There appears to be ample land zoned General Business in this area of the county to meet the needs. This request does not appear to meet the test indicated in UDO Section 2407 that there is an extraordinary showing of public need or demand.
- 2) The proposed rezoning **does not** comply with the 2006 Land Use Plan designation of Limited Service due to the range of uses permitted by right in a General Business zone that would not qualify as neighborhood commercial uses.
- 3) This request also does not comply with Land Use Plan policies CD4, TR5 and CA1.
- 4) As recommended by the Land Use Plan, design criteria **has not** been established to ensure that commercial development protects and preserves the existing community

- in scale, architectural style, materials, landscaping, and site design
- 5) While there is an established General Business zoning pattern to the north, there are no higher intensity uses south of Macedonia Church Road in this area. In this regard, Macedonia Church Road is the logical division between nonresidential and residential zoning. Extending the nonresidential pattern southward would simply perpetuate the strip development of Caratoke Highway.
 - 6) The 1994 US Highway 158 & N.C. Highway 168 Corridor Plan supports nodal development of business areas and there is such an area to the south along Caratoke Highway, however this location was not identified by the plan for commercial development.

The 1994 Corridor Plan recommends: Rezoning of additional property to commercial along US 158 and NC 168 should only be allowed in rare circumstances where unusual conditions warrant such rezoning. Rezoning requests should be carefully scrutinized for their benefit to the community.

Chairman Nelms opened the public hearing.

Gus Saunders, Poplar Branch, opposed request.

There being no further comments, Chairman Nelms closed the public hearing.

Commissioner Gregory moved to deny because it does not comply with Land Use Plan. Commissioner Bowden seconded the motion. Motion carried.

Public Hearing and Action on PB 00-44 Clover Bend Amended Sketch Plan for 33 Single Family Lots. Located on the northwest side of Guinea Road (SR 1214), approximately 200' north of the intersection with Guinea Mill Road (SR 1282), Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning director, reviewed the request.

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: January 7, 2008
PB 00-44 CLOVER BEND**

ITEM: PB 00-44 CLOVER BEND, AMENDED SKETCH PLAN FOR 33 SINGLE FAMILY LOTS

LOCATION: On the northwest side of Guinea Road (SR 1214), approximately 200' north of the intersection with Guinea Mill Road (SR 1282), Moyock Township.

TAX ID: Tax Map 22, Parcel 71X

ZONING DISTRICT: Residential

OWNER: Old Brothers, LLC.
Attn: Kim Old
101 Commerce Drive
Moyock, NC 27958

ENGINEER: Mel Hopkins Engineering
204 Walden Dr.
Yorktown, VA 23692

PRESENT USE: Agricultural

NARRATIVE OF REQUEST:

- Old Brothers, LLC is requesting approval of a 33 lot amended sketch plan.
- A sketch plan for 16 residential lots (3 acre in size) was granted in December 2005.
- The property received a rezoning to Residential (R) on October 1, 2007, which allows the increase in density and smaller lots with a minimum size of 40,000 Square Feet.
- A soils report from Protocol Soil Services dated November 25, 2006 indicates that **engineered sand lined trench** septic systems will be required for this development.
- The amenities proposed are a soccer field in an open play area in the center of the development and a play ground on another smaller open space parcel.

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Agricultural and Residential	Zoned: A
SOUTH:	Agricultural and Residential	Zoned: A
EAST:	Agricultural and Residential	Zoned: A
WEST:	Agricultural and Residential	Zoned: A

SCHOOL DISTRICT: Moyock/ Shawboro

SIZE OF SITE: 53.33 acres

NUMBER OF LOTS: 33

DENSITY: 0.62 unit per acre

MINIMUM LOT SIZE: 40,000 SF

STREETS: The streets will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance.

WATER: This development is proposing to connect to county water.

FIRE: This development is located within the jurisdiction of the Moyock Volunteer Fire Department. The applicant is proposing to install fire hydrants.

WASTEWATER: Individual, on-site septic systems are proposed. A soils report indicates that **sand lined trenches** will be required.

SOILS: The Currituck County Soils Map indicates approximately 42.5 acres are unsuitable and 10.8 acres are marginal for conventional septic systems.

OPEN SPACE: The project is required to provide 30% (16 acres) Open Space. The plan indicates 16 acres of open space. Additionally, 1.87 acres of Reserve Utility Open Space are required.

DRAINAGE: The applicant is proposing roadside ditches and property line swales to drain into stormwater ponds on site.

TECHNICAL REVIEW STAFF:

On November 14, 2007, Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Approved with the following conditions: Follow Special nitrification drainage requirements per Protocol Sampling Services, Inc. A downstream drainage analysis will be required.
2. **Currituck Soil & Water Conservation** - Approved with the following conditions: Provide an adequate stormwater analysis of onsite and offsite (downstream) drainage during planning stages. Follow requirements of UDO Section 922.
3. **Currituck County Fire Services**–Approved with the following conditions: The Cul de sac must be 96' of pavement. Please provide as-built for same.
4. **Currituck County Water Department**- Approved with the following conditions and comments; Submit waterline plans and specifications for review. The developer will be responsible for all cost associated with the installation of the water system. No irrigation systems shall be connected to the County Water System.
5. **Currituck County Planning and Inspections, Inspections Division**-Approved as is.
6. **Albemarle Regional Health Services** – Site evaluations will be needed before Preliminary Plat.
7. **Currituck County GIS** - Approved as is. Submit a street name approval form.
8. **County Parks & Recreation Department** - No comments received.
9. **Currituck County Emergency Management** – No comments received.
10. **NC Department of Transportation:** Approved with the following conditions: Lots 1 and 18-no direct access onto Guinea Road, question the 45' ingress/egress easement along Guinea (2), show existing accesses across from site, reference to drainage channel-show cross line pipe along Guinea, need to see drainage plans. 3 foot pedestrian sidewalk (DOT minimum standard 5')
11. **N C Dominion Power** - No comments received.
12. **Sprint Telephone** – Approved with no comment.

SPECIAL USE PERMIT CRITERIA:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria are outlined as follows:

1. *Is the application complete?*

Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The plan generally complies with the provisions of the UDO.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

- (a) *Will not endanger the public health or safety.*

Public health and safety issues including stormwater management, wastewater disposal and access for emergency services have been adequately addressed within this proposal;

- (b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, residential and agricultural uses.

- (c) *Will be in harmony with the area in which it is located.*

The proposed residential subdivision should have no negative impact on adjoining property. The adjoining uses are low density, agricultural uses.

- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The 2006 Land Use Plan classifies the subject property as **Full Service** and within the Moyock sub-area. In the Full Service Area, base residential development density is contemplated to be 1-2 units per acre but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area. A greater diversity in housing types (i.e. semi-detached, attached, multi-family) would be considered appropriate in the Full Service areas.

In the Moyock sub-area, heightened development interest has brought with it pressure for more subdivisions, as well as the retail services that follow such development. It also brings with it concerns about heavier traffic, loss of open space, increased stormwater runoff and drainage issues, overburdened schools, a need for enhanced police, fire and rescue services, and demand for centralized water and sewer services.

POLICY WS6 of the Land Use Plan states: Currituck County endorses the proper use and maintenance of APPROVED SEPTIC SYSTEMS in suitable soils as an environmentally acceptable means of treating and dispersing waste from low-density development.

The surrounding area, while zoned Agricultural, is emerging in a suburban low-density residential development pattern, particularly as evidenced by the Eagle Creek, Launch Landing and Creekside Estates Subdivisions. The permitted density in the Residential zoning district of 1 unit/ acre is in keeping with the surrounding area and appears to **generally comply** with the policies of the Land Use Plan.

- (e) *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. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

The revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study was used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

Clover Bend Amended- 33 SFD (Capacity for 16 lots already Accounted)	Available Capacity	Demand (17 additional lots)	Capacity if Approved
Moyock/Central/Shawboro	68	4	64
Middle School	56	2	54
High School	68	2	66

Staff has determined adequate public facilities exist for this subdivision.

STAFF RECOMMENDATION:

Because it appears the application has satisfied the criteria for granting a Special Use Permit as outlined above, staff recommends **conditional approval** of the application contingent upon satisfaction of all TRC comments and subject to the following conditions:

Code and Technical Review Committee Requirements:

1. All applicable state and local permits to construct the infrastructure will be required at Preliminary Plat submission. (Section 922)
2. The applicant shall construct all required improvements including recreational area improvements, waterlines, fire hydrants, roads, drainage systems, and street trees; and have them inspected and certified prior to submission of the Final Plat.
3. No land disturbing activities shall be permitted on site prior to the issuance of the Preliminary Plat approval, including clearing vegetation, grading, filling the property or installing bulkheads. (Section 910)
4. As a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.
5. At the Preliminary Plat stage, the stormwater ponds need to be shown as being 10 feet for a property line. (Section 922(3)(k))
6. On the Preliminary Plat, show a calculation that the recreational open space meets or exceeds 50% of the requirements by deducting the stormwater ponds and any drainage features.
7. On the Preliminary Plat, show a vicinity map that is at a scale of 1"= 2000' or smaller.
8. On the Preliminary Plat, indicate the zoning of adjacent properties.
9. Indicate on the title block this site is in Moyock Township.

Chairman Nelms opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Taylor moved to approve with staff findings of fact. Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action on PB 07-82 Currituck Reserve PUD Variance Variance Request from sections 2.6 General Lot Provisions, 2.7 Dimensional Requirements, 9.1.8.1 Subdivision Streets, 2.8 Residential Accessory Structure Location and Setbacks to allow the creation of a Traditional Neighborhood Design in a Planned Unit Development. The 17 properties are located between Caratoke Highway and Tulls Creek Road, north of Guinea Road, Tax Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; Tax Map 14, Parcels 23 and 18C; Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS
DATE: January 7, 2008
PB 07-09 CURRITUCK RESERVE
Variance Request in a PUD**

ITEM: PB 07-09 Currituck Reserve: Variance Request

LOCATION: Located between Caratoke Highway and Tulls Creek Road, north of Guinea Road.

TAX ID: Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
Map 14, Parcels 23 and 18C

001400000230000	022F00000070000	022F00000140000
0014000018C0000	022F00000080000	022F00000150000
022F00000020000	022F00000090000	022F00000160000
022F00000030000	022F00000100000	
022F00000040000	022F00000110000	
022F00000050000	022F00000120000	
022F00000060000	022F00000130000	

ZONING DISTRICT: Planned Unit Development Overlay (PUD) and base zoning of Residential (R)
The PUD Overlay was created May 7, 2007

PRESENT USE: Agricultural and Low density residential (farm houses).

OWNERS:

Haywood and Cynthia Ward
714 Tulls Creek Road
Moyock, NC 27958

I.N. Wilson Estate
C/O I.N. Wilson
1502 Marsh Street
Norfolk, VA 23523

**ENGINEER/
PLANNER:**

Land Planning Solutions
5857 Harbour View Boulevard
Suffolk, VA 23436

ENGINEER:

MSA P.C.
5033 Rouse Drive
Virginia Beach, VA 23462

VARIANCE REQUIREMENTS:

Section 4.3.6 (PUD Variances) of the UDO indicates the Board of Commissioners has jurisdiction over PUD variances. A variance for a PUD may be granted by the Board of Commissioners if it finds the proposal:

- (a) will not endanger the public health or safety;
- (b) will not injure the value of adjoining or abutting property;
- (c) will be in harmony with the area in which it is located;
- (d) will be in conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board; and,
- (e) 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. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan.

In granting variance the Board of Commissioners may attach additional conditions or requirements that will, in its judgment, secure the objective of the standards or requirements so varied or modified.

PUD VARIANCES REQUIRED FOR A TRADITIONAL NEIGHBORHOOD DESIGN:

The Currituck UDO does not have design standards to accommodate a design such as Currituck Reserve. To allow the development to proceed with the proposed designs for the Patio Home Lots, a separate action will be required for Variances.

Variances are needed to allow the creation of 20' wide alleys, create double frontage lots (with alleys), reduce setbacks for Patio Home Lots, "Village Lots" and "Estate Lots" and to allow an increase in allowable lot coverage for lots that are 7,500 to 9,999 SF.

The sections requested to be varied are:

- 2.6 General Lot Provisions
- 2.7 Dimensional Requirements

9.1.8.1 Subdivision Streets

2.8 Residential Accessory Structure Location and Setbacks

The following is a summary of the dimensional standards requested for the different lots:

Patio Homes

Minimum Size: 4,000 S.F.

Min Lot Width: 45'

Max Lot coverage: 60%

Patio Home Setbacks

Front: 22'

Side: 5' (variance required)

Rear: 20'

Corner: 10' (variance required)

Village Homes

Minimum Size: 7,500 SF

Min Lot Width: 70'

Max Lot coverage: 55% (variance required)

Village Home Setbacks

Front: 10' (variance required)

Side: 5' (variance required)

Rear: 20' (variance required)

Corner: 10' (variance required)

Estate Home

Minimum Size: 10,000 SF

Min Lot Width: 80'

Max Lot coverage: 45% (variance required)

Village Home Setbacks

Front: 30'

Side: 10' (variance required)

Rear: 20'

Corner: 20'

Suggested Findings to approve a Variance:

1. *Will not endanger the public health or safety.*

Public health and safety issues including stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal.

2. *Will not injure the value of adjoining or abutting property.*

The proposed mixed use subdivision should have no negative impact on adjoining property. The adjoining uses are low density single family dwellings and agricultural uses.

3. *Will be in harmony with the area in which it is located.*

The density of the proposed subdivision is slightly higher than the adjacent residential developments. In general, however; the proposed project is in keeping with the suburbanizing character of the surrounding area.

4. *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

2006 Land Use Plan

The 2006 Land Use Plan classifies the subject property **Rural** and within the **Moyock** sub-area. In the Rural Classification, population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres. While the overall Rural Classification does not necessarily support an overlay for a Planned Unit Development, the Moyock sub area is described as the fastest growing part of the county, experiencing development pressure from the Tidewater area of Virginia.

For the Moyock area, residential development densities should be medium to high depending upon available services. In areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

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

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY CD2 states: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

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.

Because this is a mixed use development supported by policies HN3, CD2 and CD8 and the proposed density does appear to fit with the description of the Moyock sub-area, this project **complies** with the 2006 Land Use Plan.

5. *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. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

The school capacity for Currituck Reserve was approved in May 2007; however since all of the sites are now single family dwellings, the revised capacity calculations are shown below.

The revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study were used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

Currituck Reserve- 688 units	Available Capacity	Subdivision Demand	Remaining Capacity
Moyock Elementary School	349	172	64
Middle School	157	55	54
High School	249	96	66

Staff has determined adequate public facilities exist to serve this development.

Chairman Nelms opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Taylor moved to approve with findings of fact. Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action on PB 07-09 Currituck Reserve PUD
 Amended Sketch Plan/ Special Use Permit for 688 residential units and mixed use commercial on 488 acres. The 17 properties are located between Caratoke Highway and Tulls Creek Road, north of Guinea Road, Tax Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; Tax Map 14, Parcels 23 and 18C; Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS
 PB 07-09 CURRITUCK RESERVE
 MEETING DATE: January 7, 2008**

ITEM: PB 07-09 Currituck Reserve: Amended Sketch Plan/ Special Use Permit for a Planned Unit Development with 688 residential units and mixed use commercial

LOCATION: Located between Caratoke Highway and Tulls Creek Road, north of Guinea Road.

TAX ID: Map 22F, Parcels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16
 Map 14, Parcels 23 and 18C

00140000230000	022F0000070000	022F00000140000
0014000018C0000	022F0000080000	022F00000150000
022F00000020000	022F0000090000	022F00000160000
022F00000030000	022F00000100000	
022F00000040000	022F00000110000	
022F00000050000	022F00000120000	
022F00000060000	022F00000130000	

ZONING

DISTRICT: Planned Unit Development Overlay (PUD) and base zoning of Residential (R)
The PUD Overlay was created May 7, 2007

PRESENT USE: Agricultural and Low density residential (farm houses).

OWNERS:

Haywood and Cynthia Ward
714 Tulls Creek Road
Moyock, NC 27958

I.N. Wilson Estate
C/O I.N. Wilson
1502 Marsh Street
Norfolk, VA 23523

**ENGINEER/
PLANNER:**

Land Planning Solutions
5857 Harbour View Boulevard
Suffolk, VA 23436

ENGINEER:

MSA P.C.
5033 Rouse Drive
Virginia Beach, VA 23462

**LAND USE/ZONING OF SURROUNDING PROPERTY:
SURROUNDING PROPERTY:**

	Land Use	Zoning
NORTH:	Agricultural and Residential	A and R
SOUTH:	Agricultural and Residential	A and R
EAST:	Agricultural and Residential	A
WEST:	Agricultural, Residential, Commercial	A, GB and C

SCHOOL DISTRICT: Moyock

FIRE DISTRICT: Moyock V.F.D.

SIZE OF SITE: 471 acres

**LAND FOR COUNTY
DEDICATION:**

School Site:	49.3 AC
Site #2 (Library):	4 AC
Site #3 (at entrance):	2 AC

NUMBER OF UNITS:

688 Total Single Family Lots-
213 Estate Homes (10,000 - 20,000 SF lots)
230 Village Homes (9,999 - 7,500 SF lots)
245 Patio Homes (7,499 – 4,000 SF lots) -4 Bedroom Maximum

- COMMERCIAL AREA:** 19 AC or 4.5% is proposed
10% of the total lot area or 41.0 acres is allowed
- DENSITY:** 1.46 units per acre (3 units per acre permitted)
- MINIMUM LOT SIZE:** 7,500 SF or 3,000 SF for Patio Homes
- AVERAGE LOT SIZE:** 9,800 SF
- STREETS:** The streets will be built to NCDOT Design and Construction standards. The developer intends to offer the streets for public dedication. The site will be accessed by two connections with Tulls Creek Road. A parkway road will be the main road. The plan indicates two connections with parcels to the south of the development.
- WATER:** The development will be served by the Currituck County Water System. The development is expected to use 247,680 gallons per day.
- WASTEWATER:** Sewer will be collected, treated and disposed of by a central wastewater facility constructed for the development. The sewer system will also serve the school site.
- OPEN SPACE:** Planned unit developments are required to have 35% open space plus the difference in area for each lot that is less than 10,000 SF and not a Patio Home lot. The required open space for Currituck Reserve is 150 AC $((410.4 * .35) + (230 * 1,250))$. The submitted plan proposes 182.36 acres or 44% open space. The 410 acres was calculated by deducting the county dedications and the treatment plant site. There are 230 Village Home units that will average 8,750 SF.
- DRAINAGE:** The development will have a series of engineered drainage systems along the streets with stormwater ponds through out the development.
- FLOOD ZONES:** The 17 properties are in flood zones Shaded X and AE (5.4).

NARRATIVE OF REQUEST:

Currituck Reserve LLC is requesting amended sketch plan approval of a 688 unit planned unit development. This will be a mixed use development with a range of single family lot sizes and commercial uses. The project was originally approved on May 7, 2007 for a mix of housing types as follows:

- 168 Estate Homes (20,000 SF lots)
- 225 Single Family Detached (7,500 SF lots)
- 188 Single Family Attached Condominiums (Quadrplex)
- 48 Townhomes
- 59 Loft Condominiums above retail uses

The following are other major changes to the project from the plans approved in May:

Approved Land Area May 2007: 651.5 acres
 Land Area December 2007: 471 acres

Approved Density May 2007: 1.06 units per acre
 Density December 2007: 1.46 units per acre

Land Dedicated to Currituck County-

<p>May 2007- Total: <u>63.9 acres</u>:</p> <ol style="list-style-type: none"> 1. School Site of 49.7 acres 2. Soccer Field Site of 10.1 acres 3. Library Site of 4.1 acres 	<p>Proposed December 2007- Total: <u>55.3 acres</u>:</p> <ol style="list-style-type: none"> 1. School Site of 49.3 acres 2. Library Site of 4 acres 3. County Services site of 2 acres
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The Development Impact Statement submitted November 30, 2007 states:

The design is based on New Urbanism concepts that emphasize mixed use development with different incomes and lifestyles. To obtain this goal, Currituck Reserve uses compact communities with connecting blocks; a village center is located along the parkway connector and adjacent to the school and library site.

Pedestrian trails will connect all blocks, parks and open spaces. In some instances alleys will be located behind homes to access rear yard parking. This will be done in strategic locations where smaller lots and higher traffic volumes are present.

The Development Impact Statement proposes the follow improvements:

1. The master plan for Currituck Reserve is organized around a green infrastructure of parks and open spaces. Seven residential neighborhoods and a village center are surrounded by parks and lakes and connected to each other by pedestrian/ bike trails.
2. Prior to School Site Development, recreation fields shall be provided and coordinated with Currituck County Parks and Recreation
3. Each neighborhood is connected to each other by a system of biking, walking and jogging trails. The trails will be asphalt, typically 5-10 feet wide and maintained by the Homeowners Association.
4. There are fourteen neighborhood parks which will provide safe areas for small children to play near their homes.
5. Older children and adults will be able to jog and bike throughout the community, whether going to the Village Center, adjacent proposed high school or library site located within the community all will be easily accessible.
6. The development will be built in 3 phases over a six year period, beginning in 2008, with the first units available in 2009:
 - A. Phase A, 1-2 years from construction start - 1-257 home sites and renovation of existing historic home.
 - B. Phase B, 2-3 years from construction start - 58 (258-314) home sites.
 - C. Phase C, 4 years from construction start 95 (315-410) home sites. Anticipation of office/light retail to begin if market conditions allow (see Phase G).
 - D. Phase D, 5 years from construction start -88 (411-499) home sites.
 - E. Phase E, 6 years from construction start- 73 (500-573) home sites.
 - F. Phase F, 6-7 years from construction start -117 (574-688) home sites.
 - G. Phase G, 2-7 years from construction start; office/light retail.
7. The average home prices are anticipated to be:
 - a. Patio Homes (4,000 - 7,499 SF lots)= \$212,000 - \$349,000
 - b. Village Home (7,500 - 9,999 SF lots) = \$335,000-\$405,000

- c. Estate Homes (10,000 - 20,000 SF lots) = \$400,000 - \$500,000
- 8. The total residential value is projected to be \$211.3 million
- 9. The total commercial value is estimated at \$6.45 million

SPECIAL USE PERMIT CRITERIA:

Special use permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. The purpose of a planned unit development is to allow mixed residential and commercial development as a unit and where a more efficient use of the land and additional on-site amenities can be delivered.

In order to approve a Special use permit, certain criteria must be satisfied. The criteria are outlined as follows:

A. *Is the application complete?*

The application meets the submission requirements for sketch plan review.

B. *Does the proposal comply with the provisions in the UDO for sketch plan approval?*

The application complies with the requirements for sketch plan approval.

C. *Does the proposal comply with the general standards found in Section 1402(2) for a special use permit/sketch plan?*

1. *Will not endanger the public health or safety.*

Public health and safety issues including stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal.

2. *Will not injure the value of adjoining or abutting property.*

The proposed mixed use subdivision should have no negative impact on adjoining property. The adjoining uses are low density, dispersed, single family dwellings.

3. *Will be in harmony with the area in which it is located.*

The proposed subdivision will be in harmony with the surrounding area.

4. *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

2006 Land Use Plan

The 2006 Land Use Plan classifies the subject property **Rural** and within the **Moyock** sub-area. In the Rural Classification, population densities are generally very low and development density is anticipated at no more than 1 unit per 3 acres. While the overall Rural Classification does not necessarily support an overlay for a Planned Unit Development, the Moyock sub area is described as the fastest growing part of the county, experiencing development pressure from the Tidewater area of Virginia.

For the Moyock area, residential development densities should be medium to high depending upon available services. In areas where central sewer is proposed or existing, additional services are available and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones.

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

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY CD2 states: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

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.

Because this is a mixed use development supported by policies HN3, CD2 and CD8 and the proposed density does appear to fit with the description of the Moyock sub-area, this project **complies** with the 2006 Land Use Plan.

5. *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. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

The school capacity for Currituck Reserve was approved in May 2007; however since all of the sites are now single family dwellings, the revised capacity calculations are shown below.

The revised capacity formula and generation rates taken from the Tischler & Associates, Inc. study were used to calculate the capacity under the existing ordinance. The proposed development will yield the following calculations:

Currituck Reserve- 688 units	Available Capacity	Subdivision Demand	Remaining Capacity
Moyock Elementary School	349	172	64
Middle School	157	55	54
High School	249	96	66

Staff has determined adequate public facilities exist to serve this development.

Variations Required:

The Currituck UDO does not have design standards to accommodate a design such as Currituck Reserve. To allow the development to proceed with the proposed designs for the Patio Home Lots, a separate action will be required for Variations. Section 4.3.6 (PUD Variations) of the UDO indicates the Board of Commissioners has jurisdiction over PUD variations.

Variations are needed to allow the creation of 20' wide alleys, create double frontage lots (with alleys), reduce setbacks for Patio Home Lots, "Village Lots" and "Estate Lots" and to allow an increase in allowable lot coverage for lots that are 7,500 to 9,999 SF.

The sections requested to be varied are:

- 2.6 General Lot Provisions
- 2.7 Dimensional Requirements
- 9.1.8.1 Subdivision Streets
- 2.8 Residential Accessory Structure Location and Setbacks

The following is a summary of the dimensional standards requested for the different lots:

Patio Homes

Minimum Size: 4,000 S.F.
 Min Lot Width: 45'
 Max Lot coverage: 60%

Patio Home Setbacks

Front: 22'
 Side: 5' (variance required)
 Rear: 20'
 Corner: 10' (variance required)

Village Homes

Minimum Size: 7,500 SF
 Min Lot Width: 70'
 Max Lot coverage: 55% (variance required)

Village Home Setbacks

Front: 10' (variance required)
 Side: 5' (variance required)
 Rear: 20' (variance required)
 Corner: 10' (variance required)

Estate Home

Minimum Size: 10,000 SF
 Min Lot Width: 80'
 Max Lot coverage: 45% (variance required)

Village Home Setbacks

Front: 30'
 Side: 10' (variance required)
 Rear: 20'
 Corner: 20'

STAFF RECOMMENDATION:

Because it appears the application has satisfied the criteria for granting an Amended Sketch Plan/ Special Use Permit within a PUD staff recommends **approval** of the application in accordance with the Technical Review Agencies' comments and subject to the following conditions:

PLANNING DEPARTMENT**Code and Technical Review Committee Requirements:**

- a. A Traffic Impact and Traditional Neighborhood Development study with a traffic pattern for the school shall be approved by the Department of Transportation prior Preliminary Plat submission.
- b. The placement of utilities, lighting, signs, mailboxes, and/or trees shall not cause a hindrance to larger fire apparatus as the vehicle often extends over the curbing during turning.
- c. Provide an adequate stormwater analysis of onsite and offsite (downstream) drainage during planning stages. Follow requirements of UDO Section 9.6 (Drainage Plan Requirements) which indicates the post development stormwater run off shall not exceed the pre-development runoff. Stormwater devices and plans should be shown for the Private ROWs/ alleys at Preliminary Plan as well.
- d. Any development or filling of 404 wetlands will require a site specific plan approved by the US Army Corps of Engineers.
- e. The required improvements including streets, multi-modal paths, utilities, and recreational improvements shall be installed and accepted prior to submission for Final Plat approval for each phase.
- f. The applicant shall complete the development strictly in accordance with the plans submitted to, and approved by the Board of Commissioners.
- g. As a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.
- h. In keeping with Section 9.2.7 and 9.2.8 the applicant shall create a sewer district for the proposed development prior to final plat submission. In addition, the applicant shall provide the following information regarding the waste water treatment system at preliminary plan submission:
 - (1) A detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;
 - (2) State approval of the proposed system; and,
 - (3) The expected life of the facility and the establishment of a reserve fund to support the continued maintenance, upkeep, and replacement of the facility.
- i. The details of the sidewalk locations and crosswalks should be shown at Preliminary Plat.
- j. The lot numbers should be consecutive through out the entire PUD, and not broken down for each section. This will be critical for the Tax Department to assign parcel ID numbers for recorded properties.
- k. If accepted by the Board of Commissioners, all of the areas intended for dedication to the County (i.e. school site, or library site) shall be identified on the Final Plat as "Areas Dedicated to Currituck County for Public Use" rather than as the specific uses currently contemplated.
- l. In the area table, correct the allowed commercial area (10% of total tract) to reflect it on the basis of the total lot area. (4.3.2(c))

- m. A legend is need for all lines and symbols used.
- n. Existing streets need to be labeled within 50' of the site. None of the local streets off of Tulls Creek Road are labeled. (Appendix 9-A)
- o. On the Preliminary Plat, show the actual lot areas, ROWs and Open Space for each phase sheet and then summarize it on the Master Plan.
- p. The R/V and boat site should not be counted as open space.
- q. Indicate the linear feet of each road through out the PUD in a master table.

Phase Plan

- r. Please give a total for the residential units that will be developed or platted in each phase. (Section 10.6.6)

Utility Plans

- s. Any area that has a sewer line in it cannot be counted as open space. (Section 10.4.1)

Staff Recommendations:

- (1) Use a different line type to show where the asphalt trails will be on all sheets.
- (2) Use a different line symbol for the offsite property lines. The current line looks the same as the offsite ditch lines.
- (3) The developers shall transfer without restrictions the following property identified on the Sketch Plan to Currituck County to be used for any public purpose upon Final Plat approval of the Phases A:
 - 1. School Site: 49.3 AC
 - 2. Site #2 (Library): 4 AC
 - 3. Site #3 (at entrance): 2 AC
- (4) Upon a voluntary offer by the developer, a payment of \$3000.00 to be placed in a schools capital improvement fund for each residential dwelling unit shall be submitted to Currituck County prior to the issuance of building permit for the unit. This is a fee that was offered voluntarily by the developer and accepted by Currituck County.
- (5) The applicant shall submit a design palate for all structure types to be built. Compliance with the approved designs must be demonstrated at building permit application by submission of a certification that the Currituck Reserve Architectural Review Committee has approved the design.
 - (a) The design palates shall be submitted for Planning staff review and approval prior to submission of Preliminary Plat. A member of the Planning Department or designee shall serve on the Architectural Review Committee.
 - (b) With respect to the proposed single-family detached dwellings, staff suggests the following criteria:
 - (i) Variation in exterior architectural materials (siding, roofing);
 - (ii) Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
 - (iii) Variation in house styles/types; and
 - (iv) Inclusion of front porches, projecting bays, vestibules.
 - (c) Commercial Architecture
With respect to the nonresidential structures, staff suggests the following elements be considered:

- (i) Facades of new buildings shall incorporate, but not mimic, the sense of lightness or weight exhibited in the architecture of existing buildings on neighboring properties or the vernacular of the general area and shall incorporate similar proportions of solids (i.e. siding, blank walls, etc.) to voids (i.e. windows, door openings, etc.);
 - (ii) The principal building façade of proposed buildings shall be oriented toward the primary street frontage and in the same direction as the majority of existing buildings on the frontage street. Proposed buildings on corner or dual frontage properties shall reflect a public façade on both streets.
 - (iii) Facades shall be designed to reduce the massive scale and the one dimensional appearance of large retail buildings and to provide visual interest.
 - (iv) The street facing elevations shall incorporate functioning windows into the overall design concept. Functioning windows are defined as those windows which let light into the interior of the structure and are integrated and related to the interior layout of the space.
 - (v) In addition to functioning windows, the corridor elevations shall contain at least two of the following elements:
 - 1. A primary entrance door or doors (except for loading doors).
 - 2. A primary entrance feature, such as a porch, portico, awning, entrance walk, or other similar feature.
 - 3. Landscaping integrated into the building design concept.
 - 4. Architectural or urban design elements, which link adjacent structures together, such as plazas, walkways, colonnades, or similar features.
 - 5. Architectural relief, such as vertical and horizontal off-sets in exterior wall elevations, band courses, lintels and sill courses, cornices and the like to create shadow lines.
 - (vi) Large expanses of blank walls shall be avoided. The public facade shall incorporate windows and primary doorway entrances along the street frontage as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines, and overhangs.
 - (vii) The plan shall incorporate durable exterior surface materials complementary with the color, texture, size, and scale of exterior materials reflected on a historical Currituck County vernacular that shall be developed as part of a pattern book.
 - (viii) The general roof shape, ridge and eave heights, and material characteristics proposed shall be visually compatible with these same attributes expressed in existing buildings in the immediate vicinity or in keeping with the historical vernacular of Currituck County.
 - (ix) Building materials include brick, wood, fiber-cement siding, stone textured split face block, tinted and textured concrete masonry, or synthetic stucco. Metal building materials shall only be permitted on elevations not visible from the public right-of-way or used as accent materials.
 - (x) A landscape plan shall be submitted in conjunction with the preliminary plan showing the location, spacing, caliper dimension, and species of proposed landscaping materials.
- (d) Commercial Parking.
- (i) No parking lot shall be designed to be within the front building setback and shall instead be located behind the front building line. This allows front parking, but increases the space from the street property line.
 - (ii) Parking lots shall be arranged in such a manner so that not more than twenty (20) parking spaces in a row shall be permitted without a landscaped island. Parking lot landscape islands shall be a minimum of ten (10) feet wide.

- (iii) Five (5) percent of the interior area of a parking lot shall be reserved for landscape purposes. This provision shall include the landscaping of all required parking islands and medians. Shade trees shall be incorporated within the landscaped islands whenever and wherever practicable.
- (e) Commercial Area Landscaping
 - (i) Staff recommends a landscape plan be submitted in conjunction with the preliminary plan showing the location, spacing, caliper dimension, and species of proposed landscaping materials.
 - (ii) Shrubs shall be at least ten (10) gallons in size, and trees must be at least two (2) inches in caliper at planting.
 - (iii) Parking lot screening is required adjacent to public rights-of-way - Low profile screening shall be installed when parking spaces would result in vehicles facing onto the roadway in addition to the requirements of Chapter 5 Bufferyard and Shading Requirements. Screening may consist of a low wall, evergreen hedge with minimum height of two (2) feet at time of planting planted three (3) feet apart on center and a maximum height of three (3) feet at maturity, or earth berm. Should a low wall be used, such wall shall be accompanied by evergreen shrub plantings on the roadway side of the wall and spaced ten (10) feet apart on center.
- (f) Outdoor Display Areas.
 - (i) All outdoor display areas, including garden centers and any seasonal sales, shall be enclosed on all sides with high-quality fencing such as fencing resembling wrought iron, (chain link fencing is prohibited).
 - (ii) All outdoor display areas shall be designated on the site plan and must not extend into parking areas.
 - (iii) Mechanical or HVAC equipment shall not be installed at ground level along any portion of a building facing a state maintained street or road or internal street or way unless such location is necessitated by the nature and design of the building it serves. Roof top installation may be allowed provided that such equipment is concealed behind a parapet wall.
 - (iv) A solid fence or wall and native plants shall screen any ground level equipment. Block or brick enclosures, if used, may include decorative openings within the block or brick pattern.

TECHNICAL REVIEW STAFF: On November 14, 2007, Technical Review staff reviewed this application with the following comments:

1. **Currituck County Public Works** – Approved with the following condition: Show design of utilities at Preliminary Plat.
2. **Soil & Water Conservation** - Approved with the following conditions: Provide an adequate stormwater analysis of onsite and offsite (downstream) drainage during planning stages. Follow requirements of UDO Section 9.6 (Drainage Plan Requirements) which indicates the post development stormwater run off shall not exceed the pre-development runoff.
3. **Currituck County Fire Services**– Approved with the following comments:
 - a. Fire hydrants must be within 500' of every portion of road frontage with no more that 1000' between any two fire hydrants.
 - b. Any structure other than a one or two family dwelling requires a fire hydrant within 400' of all portions of the exterior of the structure. This is measured as hose comes off the back of fire apparatus.

- c. Any structure other than a one or two family dwelling requires access from fire apparatus within 150' of all portions of the exterior of the structure. This is measured from access that is at least 20' wide capable of withstanding 75,000lbs.
 - d. Cul-de-sacs must be 96' of pavement capable of withstanding 75,000 lbs.
 - e. Any structures other than a one or two family dwelling greater than 30' in height will require additional road width requirements for fire apparatus access by ladder trucks.
 - f. I caution the placement of utilities, lighting, signs, mailboxes, and/or trees in areas that may cause a hindrance to larger fire apparatus as I note a portion of the vehicle often extends over the curbing during turning.
4. **Albemarle Regional Health Services** – Approved with the following comments: A central wastewater system will be under the jurisdiction of the Division of Water Quality.
 5. **Currituck County GIS** – Approved as is- street names are under review.
 6. **County Parks & Recreation Department** – Approved with the following comments-continue to provide updates on park designs. A park matching program for recreational improvements is available.
 7. **Emergency Management** – No comments received.
 8. **Moyock VFD**– No comments received.
 9. **NC Department of Transportation**: Approved with following conditions-require a Traffic Impact and Traditional Neighborhood Development study with a traffic pattern for the school prior to Preliminary Plat approval.
 10. **US Army Corps of Engineers**: No comments received.
 11. **NC Department of Natural Resources, Division of Water Quality**, – No comments received.
 12. **NC Department of Natural Resources, Division of Land Resources** – No comments received.
 13. **Currituck County Superintendent of Schools**- No comments received.
 14. **N C Dominion Power** – No comments received.
 15. **Sprint Telephone** – Approved with no comments.
 16. **Mediacom Cable** - No comments received.

Chairman Nelms opened the public hearing.

Walt Grimes, opposes the request due to traffic concerns on Tulls Creek Road.

There being no further comments, Chairman Nelms closed the public hearing.

Commissioner Taylor moved to approve with staff findings of fact and the deletion of Item 4, \$3,000 impact fee. Commissioner Gregory seconded the motion. Motion carried.

Appointment to Board of Adjustment

Tabled to next meeting

Appointments to Economic Development Board

The Board voted by ballots which were then counted by Clerk.

Commissioner Gregory voted to appoint the following by majority vote. Chairman Nelms seconded the motion. Motion carried.

Fannie Newbern

Kevin Burwell

Bob Collins

Matt Converse

Tameron Kugler

H.D. Newbern

Brian Innes

Consent Agenda:

1. Change Order for \$3,848.89 Jarvisburg Historic Colored School
2. Change Order No. 1 for Jarvisburg Elementary School
3. Approval of December 17, 2007, Minutes
4. Approval of extension of water agreement with CWS

Commissioner Gregory moved to approve. Commissioner Etheridge seconded the motion. Motion carried.

Commissioner's Report

No comments

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.



MEMORANDUM

To: Board of Commissioners

From: Eric T. Weatherly, P.E.
Currituck County Engineer

Ref: Mainland Water System Updated Rate and Fee Schedule

Date: January 21, 2008

Background

When the new rate and fee schedule for the Mainland Water System was adopted in July 2007, it did not include impact fees for centers of worship or updates for deposits, charges for parts, and other fees.

Analysis

Staff is recommending that a \$3,000 impact fee be charged to centers of worship which includes labor, material, and equipment for a 1" service. Additional fees for centers of worship will only be charged for larger size meters, labor, materials and equipment above 1". Staff is also recommending updates for deposits, parts, and other fees to be raised to reflect current cost.

Conclusion

The new updated rate and fee schedule will reflect current cost and the impact for centers of worship will address that specific fee.

MAINLAND WATER
RATE AND FEE SCHEDULE
EFFECTIVE JANUARY 21, 2008

Water Charges	Before July 1, 2007		Residential Effective 9/1/2007 Billing		Commercial Effective 9/1/2007 Billing	
	Residential base: 0-2000 gallons	\$	16.00 month	\$	20.00 per month	\$
Commercial base: 0-2000 gallons	\$	20.00 month				
Additional usage: 2001-1000 gallons	\$	3.50 per 1000 gal.				
Additional usage: 5001-10000 gallons	\$	4.00 per 1000 gal.				
Additional usage: 10001-15000 gallons	\$	4.50 per 1000 gal.				
Additional usage: 15001-20000 gallons	\$	5.00 per 1000 gal.				
Additional usage: 20001 and up	\$	6.00 per 1000 gal.				
Additional usage: Up to 5000 gallons			\$	4.50 per 1000 gal.	\$	4.50 per 1000 gal.
Additional usage: Up to 10000 gallons			\$	5.50 per 1000 gal.	\$	5.50 per 1000 gal.
Additional usage: Up to 15000 gallons			\$	6.50 per 1000 gal.	\$	6.50 per 1000 gal.
Additional usage: Up to 20000 gallons			\$	7.50 per 1000 gal.	\$	6.50 per 1000 gal.
Additional usage: All over 20000 gallons			\$	8.50 per 1000 gal.	\$	6.50 per 1000 gal.
Local Government/Board of Education						same as commercial rates
Fire Service (sprinkler systems)	\$	3.50 per 1000 gal.				same as commercial rates
	\$	20.00 month				

Consumption over 2,000 gallons is billed retroactive to the first gallon.

Commercial master meter accounts charged at the above rates per unit served. Hotels and motels: Four rooms equal one commercial master meter billing unit.

Impact Fees

3/4 inch	\$ 5,000.00
1 inch	\$ 5,500.00
2 inch	\$ 6,000.00
3 inch	\$ 6,500.00
4 inch	\$ 7,000.00
6 inch	\$ 7,500.00
6 inch Fire Service	\$ 6,000.00
1 inch for Centers of Worship	\$ 3,000.00

In addition to the impact fee, all water service installation costs for parts, labor and equipment shall be paid by the owner/developer/purchaser for all installations except Centers of Worship where the impact fee includes labor, materials, and equipment. Additional fees for Centers of Worship will only be charged for larger size meters, labor, materials and equipment above 1 inch.

Contact the Mainland Water Department for total cost of water service installation at 252-232-2769.

Deposits	Old Rates	New Rates
Renter deposit	\$ 100.00	\$ 150.00
High-risk deposit (owner or renter)	\$ 150.00	\$ 200.00 *
Fire hydrant meter	\$ 500.00	\$ 1,000.00

*or three months' billing of previous usage, whichever is greater

Charges and Other Fees

Open/reopen/transfer account	\$ 15.00	\$ 25.00
Special request meter reading	\$ 15.00	\$ 25.00
Reread meter-our reading correct	\$ 15.00	\$ 25.00
Reread meter-our reading incorrect	N/C	N/C
Reconnection fee (after cutoff for nonpayment)	\$ 25.00	\$ 50.00 8 AM - 5 PM
Returned check fee	\$ 25.00	\$ 25.00
Meter tampering fee	\$ 50.00	\$ 75.00
Turn on/off fee, per occurrence, normal working hours	\$ 15.00	\$ 25.00
Turn on/off fee, per occurrence, after normal working hours	\$ 25.00	\$ 50.00
Meter testing fee, if meter accurate	\$ 25.00	\$ 50.00
Meter testing fee, if more than 2.5% inaccurate	N/C	N/C
Pipe pressure/leakage test	\$ 30.00	\$ 100.00
Pipe pressure/leakage retest	\$ 60.00	\$ 150.00
Fire hydrant meter setup fee	\$ 25.00	\$ 50.00
Meter accessibility charge	\$ 15.00	\$ 35.00
Bacteriological Tests	NA	\$ 50.00
Chloride Tests	NA	\$ 15.00

Parts, Labor and Equipment

Yoke	\$ 115.42	Actual Cost Plus 20%
Retro	\$ 75.00	Actual Cost Plus 20%
Meter	\$ 45.00	Actual Cost Plus 20%
Lock	\$ 5.00	Actual Cost Plus 20%
Meter Box	\$ 25.00	Actual Cost Plus 20%
Lid only	\$ 10.74	Actual Cost Plus 20%
Yoke valve with meter nut	\$ 33.00	Actual Cost Plus 20%
Check valve	\$ 25.00	Actual Cost Plus 20%
Union half with nut	\$ 15.00	Actual Cost Plus 20%
3" Riser	\$ 15.00	Actual Cost Plus 20%
6" Riser	\$ 20.00	Actual Cost Plus 20%
ERT for Radio Read Meter	\$ 35.00	Actual Cost Plus 20%
Road Bore per Foot	\$ \$10	
Labor per man per hour	\$ 35.00	

Ditch Witch per hour	\$ 25.00	\$	75.00
Backhoe per hour	\$ 40.00	\$	75.00

Due to frequent market fluctuation, parts charges are proposed to be calculated based on actual cost at time of use.

Adopted JANUARY 21, 2008

Barry Nelms, Chairman

Attest:

Gwen H. Keene, Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2008.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
55818-593004	12' Guinea Rd Waterline	\$ 1,760	
55390-495061	T F - Mainland Water Operations		\$ 1,760
61818-587055	T T - Mainland Water Construction	\$ 1,760	
61390-499900	Fund Balance Appropriated		\$ 1,760
		<u>\$ 3,520</u>	<u>\$ 3,520</u>

Explanation: Mainland Water (55818) - Transfer funds for Change order #1 to add 12" Gate Valve on Empire contract.

Net Budget Effect: Mainland Water Construction (55) - Increased by \$1,760.
Mainland Water Operating Fund (61) - Increased by \$1,760.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2008.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15446-526200	Promotional Efforts	\$ 10,350	
15446-532000	Supplies	\$ 27,600	
15446-545000	Contract Services	\$ 1,300	
15446-590000	Capital Outlay	\$ 138,000	
15446-590441	Technology > \$1,000	\$ 39,000	
15320-415000	Occupancy Tax		\$ 216,250
		<u>\$ 216,250</u>	<u>\$ 216,250</u>

Explanation: Occupancy Tax - Promotion (15446) - Increase appropriations for advertising and set-up of the Moyock Visitor's Center as follows:.

Promotional Efforts:	
Billboard rental	\$ 10,000
Outdoor brochure stand	\$ 350
	<u>\$ 10,350</u>
Supplies:	
Office furnishings	\$ 20,000
Benches/Outdoor trashcans	\$ 7,100
Initial set-up office supplies	\$ 500
	<u>\$ 27,600</u>
Contracted Services:	
Adjust handicapped ramp	\$ 300
Stormwater engineering	\$ 1,000
	<u>\$ 1,300</u>
Capital Outlay:	
Interior signage and art	\$ 8,000
Exterior signage	\$ 7,000
Addition of offices in lobby	\$ 23,000
Street Sign	\$ 67,013
Sign Pedestal/Installation	\$ 32,987
	<u>\$ 138,000</u>
Technology > \$1,000:	
Information kiosk	\$ 19,000
Technology for staff	\$ 20,000
	<u>\$ 39,000</u>
	<u>\$ 216,250</u>

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$216,250.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2008.

Debit

Credit

<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
66868-532000	Supplies	\$ 5,000	
66868-533200	Lab Tests		\$ 5,000
		<u>\$ 5,000</u>	<u>\$ 5,000</u>

Explanation: Southern Outer Banks Water System (66868) - To transfer budgeted funds for additional supplies associated with the automatic meter read system.

Net Budget Effect: Southern Outer Banks Water Fund (66) - No change.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2008.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10535-503500	Salaries - Temporary	\$ 10,000	
10535-545000	Contract Services	\$ 1,500	
10535-503500	Salaries - Regular		\$ 10,000
10535-553000	Dues & Subscriptions		\$ 1,500
		<u>\$ 11,500</u>	<u>\$ 11,500</u>

Explanation: Communications (10535) - To transfer budgeted funds for temporary personnel to cover vacancies and for assistance on Q & A for EMD and for to increases in NENA and APCO dues.

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

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 22nd day of January 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2008.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10660-532000	Supplies	\$ 1,200	
10660-514800	Fees Paid to Officials		\$ 1,200
		<u>\$ 1,200</u>	<u>\$ 1,200</u>

Explanation: Planning (10660) - To transfer budget funds for printing of reformatted Unified Development Ordinance.

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

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Clerk to the Board

BOARD OF COMMISSIONERS
OF CURRITUCK COUNTY

Excerpt of Minutes
of Meeting on
January 22, 2008

Present: Chairman _____ presiding, and

Commissioners: _____

Absent: _____

* * * * *

The following resolution was discussed and its title was read:

RESOLUTION OF OFFICIAL INTENT TO PURSUE
TAX EXEMPT FINANCING AND TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the Board of Commissioners of Currituck County, North Carolina (the “County”) intends to finance a portion of the cost of the acquisition, construction and installation of improvements to its water system on the mainland, including construction and equipping a reverse osmosis water processing plant and related infrastructure (the “Project”) during the next several years;

WHEREAS, the County may advance its own funds to pay expenditures related to the Project, may borrow funds on a short term taxable or tax exempt basis in order to pay such expenditures or may enter into contracts obligating third parties to make certain expenditures relating to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt obligations or taxable debt, or both;

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY, NORTH CAROLINA:

1. The County intends to utilize the proceeds of tax-exempt indebtedness, including but not limited to revenue bonds and installment finance agreements (collectively, the “Indebtedness”) or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$20,000,000.

2. The County intends that the proceeds of the Indebtedness be used to reimburse the County for Expenditures with respect to the Project made on or after the date that is no more than

60 days prior to the date of this resolution. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Indebtedness or other debt.

3. The County intends that the adoption of this resolution confirms its "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

4. This resolution shall take effect immediately upon its passage.

Commissioner _____ moved the passage of the foregoing resolution, Commissioner _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: _____

Nays: _____

Not Voting: _____

* * * * *

for regular meeting:

I, _____, Clerk to the Board of Commissioners for Currituck County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for said County at a regular meeting duly called and held January 22, 2008, as it relates in any way to the resolution hereinabove set forth and that said proceedings are recorded in Minute Book _____ of the minutes of said County. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for said County is on file in my office.

WITNESS my hand and the common seal of said County, this ____ day of January, 2008.

Clerk to the Board of Commissioners
Currituck County, North Carolina

(SEAL)

for special meeting:

I, _____, Clerk to the Board of Commissioners for Currituck County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for said County at a special meeting duly called and held on January 22, 2008, as it relates in any way to the resolution hereinabove set forth, and that said proceedings are recorded in Minute Book _____ of the minutes of said Board.

I DO HEREBY FURTHER CERTIFY that due notice of such meeting, stating its time and place and the subjects to be considered, was mailed or delivered as required by G.S. § 143-318.12(b)(2).

WITNESS my hand and the common seal of said County, this ____ day of January, 2008.

Clerk to the Board of Commissioners
Currituck County, North Carolina

(SEAL)