

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, September 15, 2008 Time: 7:00 PM

Work Sessions

6:00 Development Review Process

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 **Resolution for Shawboro Ruritan Club**
- Item 4 **Public Hearing and Action** PB 08-31 Currituck Eco Brewery, LLC: Amendment to the Unified Development Ordinance to allow temporary fabric structures for recreational and entertainment uses on properties for five years.
- Item 5 **Public Hearing and Action** PB 08-35 East Coast Windpower: Request to amend the Currituck County Unified Development Ordinance to allow a signed waiver to exempt small system wind turbines from property line setbacks.
- Item 6 **Public Hearing and Action** PB 08-51 Currituck County – Flood Ordinance Corrections: Request to amend the Currituck County Unified Development Ordinance to correct inconsistencies in the flood damage prevention sections in Chapter 6, Environmental Protection.
- Item 7 **Amend Section 10-134 Code of Ordinance** to allow dogs in County Parks for permitted events.
- Item 8 **Consent Agenda:**

1. Budget amendments
2. Approval of Transfer of Unspent FY 2007/2008 ROAP Allocation
3. Resolution Secondary Road Program
4. Change Order Jarvisburg Elementary School
5. Final Change Order for Cooperative Extension Building
6. Reappointment of William Midget and Marlee Dozier to the Workforce Development Board

Item 9 Commissioner's Report

Item 10 County Manager's Report

Adjourn

Special Meeting

Currituck County Tourism Development Authority

Call to Order

Consideration of Site Plan Moyock Welcome Center

Budget amendments for TDA

Adjourn

**RESOLUTION
OF RECOGNITION
SHAWBORO RURITAN CLUB**

WHEREAS, founded on May 21, 1928, in Holland, Virginia, Ruritan has grown throughout these United States of America and in doing so, has become “One of America’s Leading Community Service Organizations;” and

WHEREAS, on September 7, 2008, the Shawboro Ruritan Club celebrated sixty years in Currituck County; and

WHEREAS, the Shawboro Ruritan Club has promoted fellowship and goodwill among its members and the residents of Shawboro; and

WHEREAS, Ruritan Clubs unify the efforts of individuals, organizations and institutions in the community toward making it an ideal place in which to live; and

WHEREAS, Ruritans create greater understanding between rural and urban people on the problems of each, as well as on their mutual problems;

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners would like to recognize the Shawboro Ruritan Club for sixty years of community service and substantial contributions to the well-being of the citizens of Currituck County.

ADOPTED this the 15th day of September, 2008.

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

Gene A. Gregory
Vice-Chairman



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: Ben Woody, AICP
Planning Director

Date: September 5, 2008

Re: PB 08-31 Currituck Eco Brewery, LLC Text Amendment

Uli Bennewitz, Currituck Eco Brewery, LLC, is requesting a text amendment to the UDO to allow temporary tents for recreation uses. The Weeping Radish Brewery partnered with Rich Cubin who operated the ice skating events at the brewery last winter. In order to expand the duration of the activity, Mr. Bennewitz is proposing a text amendment that would allow temporary tents to be used for a maximum of five years.

The UDO does currently permit temporary tents; however, such tents may not be used for more than 30 days in any 12 month period.

Upon receiving a generalized text amendment request from the Weeping Radish Brewery (Option 1), staff prepared a more detailed amendment to address the relevant sections of the UDO (Option 2).

After the Planning Board reviewed and tabled the proposed text amendment on July 10, 2008, the applicant and staff modified the language to address the Planning Board's concerns. Visual relief of temporary tents located in front of a permanent principle structure is a concern, and staff recommended imposing additional landscaping for those situations.

Should the Board of Commissioners choose to allow temporary tents for recreation uses on property for more than 30 days in any 12 month period, staff

recommends the board consider permitting the use with a special use permit that will expire in five years, as shown in Option 2.

Attached are the Planning Board minutes from the July and August meetings and the proposed amended text.

Please contact me at 232-6029 if you have any questions.

PLANNING BOARD DISCUSSION, August 12, 2008

Mr. Bennewitz stated they have addressed all the issues and concerns and asked if the board had any questions.

Mr. Cubin stated that this will be an 8,400 sq. ft. structure that will look very nice.

Mr. West stated that a minimum setback of 20 feet from any street right-of-way is required and a minimum width of the screen or barrier shall be 10 feet. Mr. West asked what kind of barrier will be required.

Mr. Woody stated 10 feet wide, if you were to measure 10 feet back from the right-of-away this is where all the plantings and trees would be located.

Mr. West asked that clarification to clearly express the intent of the minimum width (i.e. fence or barrier is not 10 feet wide) be included in the text amendment.

Mr. Woody stated this will be incorporated in the text amendment.

The board discussed temporary tent sales that are associated with the commercial use established on the property. They talked about admission and retail sales.

Mr. Snowden commended the board for being so thorough for splitting the hairs as far as sales. What you have heard is a positive entertainment venue in Currituck County and what astonished him, the Economic Director is sitting here and he is not getting up in favor of the proposal. Mr. Snowden stated that Currituck County does not have any movie theater, bowling alley; we have nothing in Currituck County. We have someone who has moved their business to Currituck and all we are doing is setting up huddles and our friend back there is not even trying to get them down. Mr. Snowden stated we want manufacturing in Currituck County so why do we set up huddles for this. Mr. Snowden stated that unless someone puts a tremendous amount of money into one of these tents, you will not see these kinds of tents out there with people selling fireworks. If you really want to concentrate on people splitting hairs and maintaining the aesthetes in Currituck County by not having sewer treatment plants in Mr. Kovacs backyard, you should probably look at the sign ordinance. We have a lot of aesthetes problems with all these crappy signs up and down the road than you would have to worry with Mr. Bennewitz's tent. Split those hairs.

PLANNING BOARD ACTION August 12, 2008

Mr. West motioned to recommend **approval** of the amendment to the Unified Development Ordinance to allow temporary fabric structures for recreational and entertainment uses on properties for five years and any damage to the fabric structure will be repaired in a reasonable amount of time. Mr. Keel seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION July 8, 2008

Mr. West asked for clarification that temporary tent sales must be commonly associated with the commercial use.

Mr. Woody stated that this is the case if you had a temporary tent for two weeks and the product or merchandise you would be selling is accessory.

Mr. Keel asked what would prevent someone from putting up a tent and having entertainment games and selling merchandise. Mr. Keel stated he would like to see a Special Use Permit than change an ordinance which would open the door for everyone to have one.

Mr. Cubin stated that the concept was to bring activity to the area and do it affordable. Mr. Cubin stated that last year they introduced a new sport/activity to the area at a very affordable price and by having a temporary structure it allowed them to do it. They would like to build on what they had success from last year, build the programs, build the interest in the sport, and eventually have a permanent facility that could do indoor soccer and especially ice skating and ice sports.

Mr. Bennewitz stated the ice skating was something that benefited the youth of the county, but the cost to put up a temporary tent was not financially viable.

Mr. Keel asked Mr. Woody if they could get a variance from the Board of Adjustment to operate for a year or more or a Special Use Permit (SUP) from the Board of Commissioners.

Mr. Woody stated they could get a SUP, but the issue is the portable fabric structure they are requesting to use.

Mr. Bennewitz stated they hoped to build a more structurally sound facility that would be subject to all the current wind load requirements and building codes. It is not financially viable to put up a temporary tent for 90 days.

The Planning Board discussed the definition of a tent, size of the tent and changing the Unified Development Ordinance (UDO).

Mr. Cubin stated that one of these structures is already up at the horse farm, but what they are requesting is a much smaller scale.

Mr. Midgette asked if it could be located somewhere else on the property instead out front.

Mr. Cubin stated that putting it out front works well with the Weeping Radish set up.

Mr. Woody stated that the request is for a tent structure which has different types of building codes that apply to it and could be put closer to the road. Mr. Woody stated that the text amendment is addressing the time that they could be at a location and by doing a tent it allows you the flexibility of setbacks.

Mr. Keel was concerned that this would open the door to have tents up and down Highway 168.

Mr. Woody provided clarification on indoor recreation and entertainment.

The Planning Board discussed the time limit on Special Use Permits.

Mr. Woody stated that what is before the board was a text amendment to allow portable fabric structures (that is considered a tent) with special setbacks and limited duration in the county. They would have to come back and ask for a Special Use Permit.

Mr. Cubin stated that traditionally ice sports are very expensive and Mr. Bennewitz does have on his overall site plan a location for a permanent building, but they want to see if this will generate the revenue to support this concept. By approving this text amendment this will allow them to see over a period of three years if it will be financially viable.

Mr. Cubin asked the board could they request that a size requirement of 6,000 sq. ft. for a minimum size be included in the text amendment.

Mr. West question the limit of use based on the amount of time that the tent is up.

Mr. Woody stated this portable fabric structure will not have a permanent foundation and can be moved.

PLANNING BOARD ACTION July 8, 2008

Mr. Etheridge motioned to **table** this request so clarification on the definition of "tent", length of duration, and setbacks. Mr. Winter seconded the motion. Motion passed unanimously.

OPTION 1- Submitted by applicant

Alternative Text Amendment Draft

Portable Fabric Structures may be erected for periods longer than 30 days up to a maximum of 5 years if their primary use and intentions are to introduce and develop new sports, recreation, special events and entertainment initiatives that are not currently offered or supported through any private or public entities located in Currituck County.

These structures have to be a minimum of 6,000 sq ft in size and have to be adjacent to a permanent building of at least 14,000 sq.ft. open to the public and offering services to the public compatible with the intended use of the temporary structure. The lot coverage of this combined facility may not exceed 10% of the total property.

These types of structures are subject to all current wind load requirements and building codes. These types of structures do not however require a permanent foundation provided they meet all current state and local building codes and requirements.

Should the structure require removal at any time during its approved use, it shall be the sole financial responsibility of the owner(s) to comply with the removal request in a timely manner.

OPTION 2

Currituck Eco Brewery PB 08-31 UDO AMENDMENT REQUEST Temporary Tents

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:

3.10.6 Temporary Tents and Tent Sales

3.10.6.1 General

- A. Temporary tents shall only be utilized for temporary purposes and shall not be used as a permanent principal structure or permanent accessory structure.
- B. ~~No tent~~ **Temporary tents** shall be constructed of a ~~non~~-fire retardant materials. ~~Furthermore, each~~ **All tents** shall display a fire retardant certificate and be inspected by the fire marshal, building inspector, or his designee prior to occupancy.
- C. Temporary Tents shall be setback not less than ten feet from any property line. Tents shall not be located in any easement, **existing or future** right-of-way, vehicular access area, required vehicular parking space, sight-distance area, septic area or other similar area.
- D. **Temporary tents shall be adequately braced and anchored to prevent weather related collapse and shall not contain a permanent foundation.**
- E. **Temporary tents shall be maintained in good condition. Damaged tents shall be repaired, replaced or removed.**
- F. **When applicable, all tents shall meet North Carolina Fire Code and North Carolina Building Code.**
- G. The following **temporary tents** shall be exempt from the provisions of this **sub**section:

1. Temporary funeral tents at grave sites;
2. Temporary private event tents as an accessory activity to a residential dwelling;
3. Temporary recreational camp tents as an accessory activity to a residential dwelling or within an approved campground;
4. Temporary tents for church/non-profit related functions;
5. Tents erected in conjunction with a special event which has been granted a special use permit by the Board of Commissioners.

3.10.6.2 Temporary Tents For Recreation Uses

A. This subsection shall apply to temporary tents utilized for indoor recreation uses as allowed in the Permitted Uses Table.

B. Temporary tents must be placed on property that contains a permanent principle structure with a minimum enclosed area of 10,000 square feet.

C. A special use permit will be required for such tents erected on a property for a period of time that exceeds 30 days. The special use permit issued for the temporary structure shall expire in five years and may not be renewed.

D. All such tents shall maintain a minimum setback of 20 feet from any street right-of-way and meet all other accessory structure setbacks for the property.

E. The maximum building coverage including principle structures, accessory structures, and the temporary tent shall not exceed 10 percent of the property. The tent shall not exceed the total square footage of the existing principle structure.

F. Tents located within 50 feet of a public street shall provide a semi-opaque landscape buffer between the right-of-way and the tent. The screen or barrier shall meet the following minimum requirements:

<u>Minimum Plant Materials</u>			
<u>Minimum Width</u>	<u>Plant Material Required Per 100 Linear Feet of Street Frontage</u>	<u>Minimum Planting Height or Caliper</u>	<u>Maximum Spacing</u>
<u>10 Feet</u>	<u>3 Large Shade Trees 30 Evergreen Shrubs</u>	<u>Large Shade Trees: 2 Inch Caliper Evergreen Shrubs: 24 Inch Height</u>	<u>Trees: 50 Feet Shrubs: 6 Feet</u>

3.10.6.13 Use Temporary Tent Sales

A. ~~This section shall apply only to those temporary sales that are conducted on property with an established commercial use. Such Temporary **tent** sales must be commonly associated with the commercial use established on the property and shall be considered as an accessory to the principal use. This section shall not apply to any vacant or undeveloped property.~~ Any temporary tent sale not commonly associated with the established commercial use **on the same lot** shall not be permitted under this section.

3.10.6.2 Dimensional and Location Requirements

- B. No temporary tent sales shall be used for a period of time which exceeds 30 days in any 12 month period.
- C. There shall not be more than two tents erected for purposes of a temporary sale on any parcel. In no case shall the tent(s) exceed 1,000 square feet of total area or the maximum permitted by the lot coverage requirement.

3.10.6.3 Additional Requirements

D. A building and zoning permit shall be required for each separate occurrence. The zoning permit shall specifically limit the number of days the sale will occur and the tent(s) will be erected. The tent(s) shall be removed from the property at such time the zoning permit becomes invalid. For purposes of this section, an occurrence shall be defined as any singular incidence **single incident** of erecting a tent.

Item 2:

Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
<i>Recreation & Entertainment</i>														
Outdoor Recreational Facilities (private)	III	S	S	S	S	S	S	S	S	S	S	S	S	3.7.2
<u>Indoor Recreational Facilities (temporary)</u>	<u>III</u>							<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>3.10.6</u>

Item 3:

This ordinance amendment shall be in effect from and after the ___ day of _____, 2008.

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
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252-232-6029
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MEMORANDUM

To: Board of Commissioners

From: Ben E. Woody, AICP
Planning Director

Date: September 5, 2008

Re: PB 08-35 Wind Turbine Setback Waiver

East Coast Windpower is requesting a text amendment to the Unified Development Ordinance (UDO) to allow a signed waiver to exempt small system wind turbines from property line setbacks. Currently the UDO requires a small system wind turbine (residential scale) to be setback from property lines a linear distance of one foot for every one foot of turbine height. The intent of this requirement is to establish a fall zone that prevents wind turbines from collapsing on adjacent properties.

The amendment request would allow the owner of the property on which the wind turbine is placed and the adjacent property owner to record a waiver that provides relief from the required setbacks. In other words, the wind turbine would not be subject to a fall zone requirement with written consent from the neighboring property owner. The written waiver would then be recorded in the Currituck County Registrar of Deeds office to ensure future property owners are fully aware of any such encumbrance.

In order to lessen the impact of this amendment, the applicant has requested the waiver requirement for property line setbacks only apply to wind turbines with a tower height of 60 feet or less.

The Planning Board recommendation for **denial** and the minutes from August 12, 2008 are attached. Should you have any questions, do not hesitate to contact me at 232-6029.

PLANNING BOARD DISCUSSION

Mr. Carico stated that he has been to several sites and they have run into situations where they are having to deal with septic systems are in place you are eliminating an area to put the wind turbines in. The way the ordinances are now they are basely in the center of the properties which is not working. The amendment that he is asking for the NC Solar Center has already put this language in their model ordinances which they are using across the state. Mr. Carico stated he has to work around the fall zone. Mr. Carico stated that these units are not going to fall because of the foundation involved in the units.

Mr. West asked what are they designed to withstand.

Mr. Carico stated 140 mph wind.

Mr. West asked what the price range of a 60 foot unit.

Mr. Carico stated between \$22,000 - \$25,000.

Mr. West asked if your neighbors unit falls on his house, who will be responsible for insurance coverage if the wavier has been signed.

Mr. Carico stated that Mr. West's insurance would be responsible to damages to his home.

Mr. Midgette asked if you signed a wavier and you sold your house, would the wavier still be in effect with the person buying your home.

Mr. Carico stated yes.

Mr. Hines stated he is a consultant for telecommunication industry. Mr. Hines stated he has been in the construction of these units for last 36 years. These units are structurally sound and made to collapse to stay within a radius. These units are a great alternative source for energy.

Mr. Kovacs stated that wind turbine units do not have guide wires like communication towers have.

Mr. Keel asked Mr. Woody if any research on setbacks.

Mr. Woody stated that most places they researched had a one to one setback.

Mr. West stated what kind of precedent the board would be setting because of the setbacks for houses.

Mr. Carico stated he is not asking to exceed the existing property lines, but he is asking for the availability to move these units around on the property.

Mr. Garber stated that thinks these are strong units and thinks it is a great idea to have them.

ACTION

Mr. Keel motioned to recommend **denial** of the request to amend the Currituck County Unified Development Ordinance to allow a signed waiver to exempt small system wind turbines from property line setbacks. Ms. Robbins seconded the motion. Motion carried unanimously.

**East Coast Windpower
PB 08-35
UDO AMENDMENT REQUEST
Wind Turbine Height Waiver**

An amendment to Chapter 3: Special Requirements, Section 3.10.9 Wind Energy Facilities, to allow a signed waiver to exempt small system wind turbines from property line setbacks.

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 3.10.9(C)(2) is amended by adding the following underlined language and deleting the strikethrough language:

3.10.9 Wind Energy Facilities

C Setbacks

2. As part of the Special Use Permit or Zoning Permit approval process, setback provisions may be waived if the following conditions are met: ~~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.~~
 - a. Property owners may waive the occupied building setback requirements on both the subject property and/or adjacent properties, and the property line setback requirements for Small System wind turbines with a tower height of 60 feet or less, by executing a signed waiver that sets forth the applicable setback provisions and proposed changes.
 - b. 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.

c. 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.

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: _____

Ben Woody

From: dean carrico [drc2020@gmail.com]
Sent: Monday, September 08, 2008 8:56 AM
To: Ben Woody
Subject: letter from engineer on monopole towers

Dean:

In response to your question regarding the probability of collapse of monopole towers, specifically monopole towers that support wind turbines, I would like to provide the following data:

- 1) Our company, Tower Engineering Professionals, has been designing and engineering towers and structures that support antennas, wind turbines, and other appurtenances that can produce substantial wind forces since 1998. Since that time, we have yet to see a properly engineered tower fall due to a major wind or ice event.
- 2) Towers are designed and analyzed to survive rather than collapse during an extreme wind and ice loading scenario.
- 3) Wind turbine towers are designed and analyzed under the latest codes and standards as recognized by the North Carolina Building Code and the International Building Code.
- 4) Towers on the coast of NC are designed in strict accordance to withstand wind gusts up to 130-mph and 50-mph with a simultaneously loading ice loading of 1/2-inch or more.
- 5) The safety factors of steel design also adds to the reassurance that the failure of a tower during a major wind event is very unlikely. Safety factors usually exceed the ratio of 2 or more on typical monopole designs. This translates to the fact that towers are much stronger than the rated wind speed designed.
- 6) Tower foundations are typically designed with higher factors of safety than the tower itself. This provides the assurance that if a tower were to fail, that the weak point would be above ground on the tower itself.
- 7) In the unlikelihood of a tower failure, a tower will fail under a ductile condition. Simply put, the tower steel will distort and yield given an advance warning of a tower collapse versus a sudden failure and collapse.
- 8) Towers are also engineered with a weak point to provide a "known" fall radius. This provides the owner of the tower and surrounding inhabitants the reassurance that if a tower were to fall, that it will not exceed the designed fall radius. Most towers are designed with a fall radius of 0-feet to half the height.

I can provide more documentation on a typical tower design and the safety factors that are built into the engineering of a tower if needed. Also, a formal sealed letter is available if needed. Please feel free to call with any questions. Thanks,

Michael L. Gardner, P.E.
Tower Engineering Professionals



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: September 5, 2008

Re: PB 08-51 Currituck County Text Amendment- Flood Ordinance Corrections

The enclosed text amendment submitted by the Currituck County Planning Department is intended to correct inconsistencies in the flood damage prevention sections in Chapter 6, Environmental Protection, of the UDO. In December of 2007, the Board of Commissioners (BOC) adopted a reformatted and reorganized version of the UDO. This was done in an effort to make the document more user-friendly. During the rewrite and adoption process, it was not the intention of the BOC to make significant policy changes to any zoning or subdivision ordinances.

Subsequently staff has identified inconsistencies between the recently adopted UDO and its predecessor. Most of these discrepancies have been documented during application of the UDO and compiled over the course of the previous year.

This amendment will be considered by the Planning Board as part of a package of UDO correction amendments at their September 9, 2008 meeting. The minutes of the Planning Board meeting will be available prior to the Commissioner's meeting on September 15, 2008.

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

Currituck County
PB 08-49
UDO AMENDMENT REQUEST

An amendment to Chapter 6: Environmental Protection.

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

Item 1: That Chapter 6: Environmental Protection, Section 6.3 Floodplain Administration is amended by adding the following underlined language and sequentially renumbering subsections:

6.3.5 Certification Requirements

A. Elevation Certificates

1. An Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator or their designee shall review the certification of the elevation of the reference level, in relation to mean sea level. Elevation certification shall be prepared by, or under the direct supervision of, a registered land surveyor or professional engineer and certified by same. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator or their designee shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

2. A Final As-Built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator or their designee a certification of final as-built construction of the elevation of the reference level and all attendant utilities. Elevation certification shall be prepared by, or under the direct supervision of, a registered land surveyor or professional engineer and certified by same. The floodplain administrator or their designee shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to

make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- B. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- C. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required.
- D. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- E. Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified above:
1. Recreational Vehicles meeting requirements of Section 6.4.2;
 2. Temporary Structures meeting requirements of Section 6.4.2; and
 3. Accessory Structures less than 150 square feet meeting requirements of Section 6.4.2.
- F. A completed V-Zone Certification form with back up design plans and specifications is required prior to issuance of a Floodplain Development permit within coastal high hazard areas. It shall be the duty of the permit applicant to submit to the floodplain administrator said certification data to ensure the design standards of this ordinance are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are

in accordance with accepted standards of practice for meeting the provisions of this ordinance. This certification is not a substitute for an Elevation Certificate.

6.3.56 Corrective Procedures

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: _____

**AN ORDINANCE OF THE
CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING ARTICLE III, SECTION 10-134 OF THE CURRITUCK COUNTY CODE
OF ORDINANCES**

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

WHEREAS, pursuant to N.C.Gen. Stat. Sect. 153A-169 a county may by ordinance adopt regulations concerning the use of county property.

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

PART 1. Section 10-134. Dogs, of the Code of Ordinances for Currituck County is amended to read as follows:

(a) Except as permitted herein, Dogs are not permitted in county parks except service dogs for the disabled.

(b) Dogs may be permitted in county parks for a particular purpose sponsored by a group, association or organization that has obtained a permit under Section 10-148 of this Code and with the following conditions:

- (1) Dogs must have current vaccinations and licenses. Proof of vaccinations and licensure is required upon request of the group, association or organization permitted to use a county park for a particular purpose, law enforcement officer or animal control officer.
- (2) Dogs under four (4) months of age or female dogs in heat are not permitted.
- (3) Dogs must be under the control of an adult at all times, must wear a collar with any required tags and must be on a leash.
- (4) Each dog owner or adult in control of a dog shall remove and dispose of their dog's fecal matter in containers provided for such disposal.
- (5) Aggressive dogs are not permitted and any dog displaying aggression shall be immediately removed from the county park.
- (6) No dog shall be left unattended.

(7) Dog owners or adults in control of a dog shall provide potable drinking water for their dog.

PART 2. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, or 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 invalid phrase, clause, sentence, or paragraph 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.

PART 3. All ordinances in conflict with this ordinance are hereby repealed.

PART 4. This ordinance is effective upon its adoption.

ADOPTED this ____ day of September, 2008.

Barry C. Nelms, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board

(COUNTY SEAL)



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of September 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50550-592006	Hangar/Taxiway 36237.8.6.2	\$ 123,600	
50550-592008	Hangar/Taxiway 36237.8.7.1		\$ 123,600
		<u>\$ 123,600</u>	<u>\$ 123,600</u>

Explanation: Airport Construction (50550) - To combine the 2008 Vision 100 grant funding with existing 2007 Vision 100 funding per request of NCDOT-DOA. The scope of the project will not change.

Net Budget Effect: County Governmental Construction (50) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of September 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
50550-592009	Rehab Taxiway A 36244.10.3.1	\$	350,000		
50330-448000	State Aide to Airports			\$	315,000
50390-495015	T F - Occupancy Tax			\$	35,000
			<u>\$ 350,000</u>		<u>\$ 350,000</u>

Explanation: Airport Construction (50550) - To record 2008 appropriation to increase funding to rehab taxiway A from \$260,000 to \$610,000. The additional funding will be 90% grant funded and 10% from the Tourism related portion of Occupancy Tax.

Net Budget Effect: County Governmental Construction (50) - Increased by \$350,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



CURRITUCK COUNTY BOARD OF COMMISSIONERS AGENDA ITEM #

Meeting Date

ITEM TO BE CONSIDERED

SUBJECT

FY 2007/2008 ROAP Allocation

REQUESTED ACTION

Permission for Inter County Public Transit Authority to transfer the unspent portions of Currituck County's Work First funding allocation, in the amount of \$1,647.95; Supplemental Work First funding allocation, in the amount of \$2,976.00; and Supplemental RGP funding allocation, in the amount of \$1,531.90, to Pasquotank County.

Submitted By

Department

Date

Attachments: Yes No

REVIEW PROCESS

	<u>Approved</u>		<u>Attachment</u>
Finance Director	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
County Attorney	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
County Manager	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>

REVIEW COMMENTS

All eligible clients were served that met the Work First and EDTAP criteria in Currituck County.

RESOLUTION
SECONDARY ROAD CONSTRUCTION

Project listing for Currituck County
Fiscal Year 2008-2009

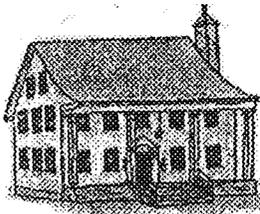
NOW, THEREFORE BE IT RESOLVED, that during their regular Board meeting held on September 15, 2008 upon motion by Commissioner _____ and seconded by Commissioner _____ and unanimously voted upon, the Currituck County Board of Commissioners hereby support the Proposed Secondary Road Improvement Program for fiscal year 2008 as presented by the North Carolina Department of Transportation (estimated allocation of \$316,166.13).

ADOPTED this the 15th day of September, 2008.

ATTEST:

Barry C. Nelms
Chairman

Gwen H. Keene, CMC
Clerk to the Board



The Knapp Teacherage

C. Michael Warren
Superintendent

PHONE: 252-232- 2223
FAX: 252-232-3655
COURIER#: 10-69-03

Currituck County Schools

MEMO

TO: Sandra Hill
FROM: Kelly McClellan
DATE: August 29, 2008 (V)
SUBJECT: Change order for Jarvisburg Elementary

Sandra,

Attached you will find the following change order for Jarvisburg Elementary.

- Change order # 4 to RPC Contracting, Inc.

If anyone has any questions, or needs clarification on the change order, please contact Bruce McDonald at 232-2223 ext. 253.

Thanks,
Kelly

CHANGE ORDER

CONSTRUCTION MANAGEMENT EDITION

PROJECT: New Jarvisburg Elementary School Jarvisburg, North Carolina	CHANGE ORDER NUMBER: 4
	INITIATION DATE: August 1, 2008
	ARCHITECT'S PROJECT NO: 06-611
TO: RPC Contracting , Inc. PO Box 333 Kitty Hawk, North Carolina 27949	CM'S PROJECT NO. 6069
	CONTRACT FOR: Sitework
	CONTRACT DATE: January 17, 2007

You are directed to make the following changes in this Contract:

- | | | |
|--|--------|-------------------|
| 1. Actual date of Substantial Completion and Commencement of Warranty is July 12, 2008 | Add | \$0.00 |
| 2. Add 3 Bollards at valve pit adjacent to the sewage lift station | Add | \$1,035.00 |
| 3. Provide concrete stoop at rear mechanical room door | Add | \$748.00 |
| 4. Credit for remaining Contract Allowance Balance | Deduct | <u>(\$890.00)</u> |

Total This Change ADD \$893.00

Not valid until signed by the Owner, the Architect and the Construction Manager.

Signature of the Contractor indicates agreement herewith, including any adjustment in the Contract Sum or the Contract Time.

The original Contract Sum was	\$1,217,940.00
Net change by previously authorized Change Orders	\$66,644.00
The Contract Sum prior to this Change Order was	\$1,284,584.00
The Contract Sum will be increased by this Change Order	\$893.00
The new Contract Sum including this Change Order will be	\$1,285,477.00
The Contract Time will be changed by 88 calendar days	
The Date of Substantial Completion as of the date of this Change Order therefore is July 12, 2008	

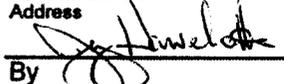
Recommended:

M. B. Kahn Construction Company, Inc.
Construction Manager
PO Box 1179, Columbia, S. C. 29202

Address _____
By  8/15/08 Date

Agreed To:

RPC Contracting Inc.
Contractor
PO Box 333, Kitty hawk, N. C. 27949

Address _____
By  8/15/08 Date

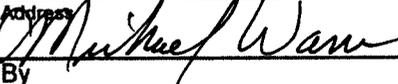
Approved:

Walter, Robbs, Callahan & Pierce Architects PA
Architect
PO Box 202, Winston-Salem N. C. 27120-20275

Address _____
By  8-15-08 Date

Authorized:

Currituck County Board of Education
Owner
2958 Carotoke Highway, Currituck N. C. 27929

Address _____
By  8-28-08 Date



MEMORANDUM

To: Board of Commissioners

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

Ref: Final Adjusting Change Order
NC Cooperative Extension Services Center Building

Date: September 5, 2008

Background

The new Cooperative Extension Building was designed by Cederquist Rodriguez Ripley, PC and constructed by A.R. Chesson Construction. The attached Change Order will officially close out this project.

Analysis

Attached are three copies of Change Order Number 003 – Final, reducing the present contract sum by \$25,945.80.

The original construction bid amount for this project was \$6,666,723.00. The project went well and had few changes. There have been two previous change orders that increased the contract amount \$50,930.20. This change order reduces the project costs by \$25,945.80. The final cost of the project is \$6,691,707.40 which is \$24,984.40 over the original amount.

Conclusion

We recommended execution of Change Order Number 003 – Final for the new Cooperative Extension building project. With execution of the change order, we will pay the final Payment Request to A.R. Chesson and close out the project.



AIA Document G701™ – 2001

Change Order

PROJECT (Name and address): North Carolina Cooperative Extension Services Center Currituck, North Carolina	CHANGE ORDER NUMBER: 003 - Final DATE: August 14 2008	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: 01107.00 CONTRACT DATE: June 14, 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 \$25,945.80 to the Contract Sum (See attached Summary Sheet)	(\$ 25,945.80)
The original Contract Sum was	\$ 6,666,723.00
The net change by previously authorized Change Orders	\$ 50,930.20
The Contract Sum prior to this Change Order was	\$ 6,717,653.20
The Contract Sum will be decreased by this Change Order in the amount of	\$ (25,945.80)
The new Contract Sum including this Change Order will be	\$ 6,691,707.40

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 November 28, 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)

DATE

DATE

DATE

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NORTHEASTERN REGION WORKFORCE DEVELOPMENT

Sound Workforce Solutions

Serving Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington Counties

CARTER C. DOZIER, DIRECTOR

September 4, 2008

Mr. Daniel F. Scanlon II
Currituck County Manager
Post Office Box 39
Currituck, NC 27929-0039

RE: ***Re-Appointment of William S. Midget to the Workforce Development Board***

Dear Mr. Scanlon:

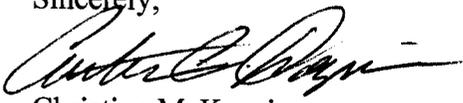
The purpose of this correspondence is to inform you that Mr. Midget's term on the Northeastern Workforce Development Board (WDB) will expire on September 7, 2008. Mr. Midget currently serves on the Membership and Public Relations/Outreach (PRO) Committees and has been *faithful* in his attendance to meetings. His knowledge, commitment and contributions to the Board are invaluable; we are therefore, respectfully requesting the Currituck County Board of Commissioners re-appointment of Mr. Midget as a public-sector member to the WDB.

Please forward copies of the appointment to:

Carter C. Dozier, Director Workforce Development
Albemarle Commission
PO Box 646
Hertford, NC 27944

Thank you for your time and consideration with this matter; should you have any questions, please call Mr. Dozier at (252) 426-5753 ext. 229.

Sincerely,


Christine McKenzie
Membership Committee Chair
Northeastern Workforce Development Board

CM:qh

512 SOUTH CHURCH STREET
POST OFFICE BOX 646
HISTFORD, NC 27944



PHONE 252.426.5753
FAX 252.426.8482
WEBSITE: www.nwdb.org

A RELAY NUMBERS FOR THE HEARING IMPAIRED: DIAL 711 OR 1-800-735-8262 (VOICE)
N EQUAL OPPORTUNITY EMPLOYER / PROGRAM



NORTHEASTERN REGION WORKFORCE DEVELOPMENT

Sound Workforce Solutions

Serving Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington Counties

CARTER C. DOZIER, DIRECTOR

September 4, 2008

Mr. Daniel F. Scanlon II
Currituck County Manager
Post Office Box 39
Currituck, NC 27929-0039

RE: *Re-Appointment of Marlee Dozier to the Workforce Development Board*

Dear Mr.:

The purpose of this correspondence is to inform you that Ms. Dozier's term on the Northeastern Workforce Development Board (WDB) will expire September 7, 2008. Ms. Dozier currently serves on the Membership Committee and has been *faithful* in her attendance to meetings. Her knowledge, commitment and contributions to the Board are invaluable; we are therefore, respectfully requesting the Currituck County Board of Commissioners re-appointment of Ms. Dozier as a private-sector member to the WDB.

Please forward copies of the appointment to:

Carter C. Dozier, Director Workforce Development
Albemarle Commission
PO Box 646
Hertford, NC 27944

Thank you for your time and consideration with this matter; should you have any questions, please call Mr. Dozier at (252) 426-5753 ext. 229.

Sincerely,

Christine McKenzie
Membership Committee Chair
Northeastern Workforce Development Board

CM:qh

512 SOUTH CHURCH STREET
POST OFFICE BOX 646
HERTFORD, NC 27944



PHONE 252.426.5753
FAX 252.426.8482
WEBSITE: www.nwdb.org

A RELAY NUMBERS FOR THE HEARING IMPAIRED: DIAL 711 OR 1-800-735-8262 (VOICE)
N EQUAL OPPORTUNITY EMPLOYER / PROGRAM



Number TDA2009004

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th day of September 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
15447-454002	Historic Preservation	\$	141,345		
15390-499900	Fund Balance Appropriated	.		\$	141,345
			<u>\$ 141,345</u>		<u>\$ 141,345</u>

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - To carry-forward funds appropriated in prior years for the Historic Jarvisburg Colored School as follows:

Architect services	\$	5,828
Engineering services	\$	3,517
Sitework	\$	72,000
Restrooms	\$	60,000
	<u>\$</u>	<u>141,345</u>

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$141,345.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 15th day of September 2008, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
15447-587050	Transfer to Operating Fund	\$	35,000		
15380-481000	Investment Earnings	.		\$	35,000
		<u>\$</u>	<u>35,000</u>	<u>\$</u>	<u>35,000</u>

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - To appropriate funds for Rehabilitation of Taxiway A and the Concrete apron at the airport located in Maple, NC. This is the cash match for NCDOT-DOA grant 36244.10.3.1.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$35,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board