

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, April 20, 2009

Time: 7:00 PM

Work Sessions

1:00 - 5:00 p.m. FY 09- 10 County Budget

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 **CCHS D.R.E.A.M. Team Request Regarding Maple Park**

Item 4 **Consideration and Discussion:** Recommendations of the Wild Horse Tour Advisory Group.

Item 5 **Consideration and Action** PB 04-45 Laurel Woods Section C: Request for an extension of a preliminary plat approval for 9 single family lots located on Wildflower Lane off Aydlett Road, Tax Map 92, Parcel 63F, Poplar Branch Township.

Item 6 **Public Hearing and Action** PB 09-04 Pittman/Williamson: Request to amend the Currituck County Land Use Plan to designate approximately 57.58 acres of the Future Land Use map from Limited Service Area to Full Service Area and to amend Water Quality Policy (WQ5) to promote low impact development techniques. The property is located on Fisher Landing Road, Jarvisburg, Tax Map 96, Parcel 29C, Poplar Branch Township.

Item 7 **Public Hearing and Action** PB 08-61 High Cotton: Request for a Special Use Permit for 252 multi-family dwellings. The property is located at 1187 Caratoke Highway, Tax Map 22, Parcel 88, Moyock Township.

Item 8 **Public Hearing and Action** PB 08-49 Currituck County Board of Commissioners: Request to amend the Currituck County Unified Development Ordinance, Chapter 2: Zoning Districts, Section 2.3.4, to require a community meeting for conditional zoning requests.

Item 9 **Public Hearing and Action** PB 09-10 Currituck County Board of Commissioners: Request to amend the Currituck County Unified Development Ordinance, Chapter 2: Zoning Districts, to reduce the minimum lot size in the RO1 zoning district from 40,000 to 20,000 square feet.

Item 10 **Public Hearing and Action** PB 08-60 Albemarle & Associates: Request to amend the Currituck County Unified Development Ordinance to establish an Offshore Island Limited Access Residential (OI) zoning district. This district would allow for the development of lots for which the only means of access is through public trust waters.

Item 11 **Appointments to Library Board**

Item 12 **Consent Agenda:**

1. Budget Amendments
2. Crowder Construction Co CO#4
3. Charge Tax Collector the Levy on Motor Vehicles for January Renewals
4. Resolution supporting an alternative method of recognition for veterans status to Merchant Marine Seamen of WWII
5. Petition to DOT, Lower Currituck Fire Dept for stop light and lower speed limit
6. Approval of April 6, 2009, Minutes

Item 13 Commissioner's Report

Item 14 County Manager's Report

Item 15 **Closed Session:**

1. According to 143-318 (5) land acquisition, Donald Stone, Spot Road, to be used for any public purpose

Adjourn

CURRITUCK COUNTY HIGH SCHOOL
4203 Caratoke Highway
Barco, NC 27917
252-453-0014

March 27, 2009

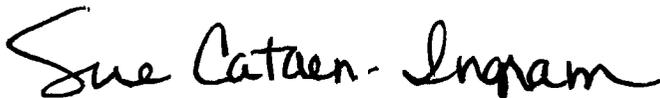
Dear Currituck County Commissioners,

The D.R.E.A.M. Team from Currituck County High School would like to request to be put on the agenda to be heard on Monday, April 20, 2009 at 7:00 p.m.

We recently were awarded a \$500 grant to improve our community and to educate the community about the dangers of tobacco use. We would like to adopt Maple Park. We want to pick up all the cigarette butts in the park, plant some flowers and have a mural painted by our volunteers. The mural will be targeted at the dangers of tobacco use. We will be glad to have the mural approved by the county commissioners first.

We thank you in advance for this opportunity. Please feel free to contact our advisor, Mrs. Sue Cataen-Ingram, at Currituck County High School at 453-0014.

Sincerely,



D.R.E.A.M. Team
Sue Cataen-Ingram, MSW



Currituck County

Department of Planning
Post Office Box 73
Currituck, North Carolina 27927
252.453.8555
(Fax) 252.453.8300

WILD HORSE TOUR MEETING MARCH 12, 2009

ATTENDEES

Jay Bender, Jeff O'Brien, Scott Trabue, Billy Clayton, Banks Meredith, Bob White, Jerry Gillet, Alice Gillet, Kimberly Hoey, Connie Johnson, Rob Longo, Bob Wright, Jason Banks, Jason Litteral, Karen McCalpin, Lynne Wilson, Ben Woody

The Wild Horse Advisory Group generally agreed that a voluntary approach is most appropriate for the upcoming tourist season. Each of the operators in attendance agreed to follow the below recommendations. The group felt that voluntary compliance with the recommendations will help determine the true impact of wild horse tours on the off-road area. Periodic meetings of the advisory group will continue during the course of the season to discuss and monitor the agreed upon course of action.

RECOMMENDATIONS

- TOUR COMPANIES WILL LABEL EACH SIDE OF EVERY COMPANY VEHICLE WITH DOOR DECALS THAT CLEARLY DISPLAY THE COMPANY NAME. THE DECAL SHALL BE OF A SIZE THAT IS CLEARLY LEGIBLE (MINIMUM OF 4 INCHES IN HEIGHT). THIS WILL BE COMPLETED BY MAY 15, 2009.
- THE WILD HORSE FUND WILL ORGANIZE AN EDUCATIONAL PROGRAM FOR THE TOUR COMPANY OWNERS AND STAFF. THE TRAINING WILL INCLUDE MEMBERS OF THE SHERIFF'S OFFICE AND PLANNING DEPARTMENT. UPON COMPLETION OF THE EDUCATIONAL PROGRAM, EACH TOUR COMPANY WILL BE SANCTIONED BY THE WILD HORSE FUND.
- PROVIDE PROMOTIONAL INCENTIVES FROM THE WILD HORSE FUND AND/OR COUNTY TOURISM BOARD FOR TOUR COMPANIES PARTICIPATING IN VEHICLE LABELING AND THE EDUCATIONAL PROGRAM.
- ENCOURAGE REALTY AND PROPERTY MANAGEMENT COMPANIES TO PROVIDE INFORMATION REGARDING WILD HORSE TOURS. THIS INCLUDES WEB LINKS TO RULES AND REGULATIONS, STREAMING AUDIO MESSAGES, AND PROMOTION OF SANCTIONED TOUR OPERATORS.
- CURRITUCK COUNTY WILL ESTABLISH A RADIO TRANSMITTER TO BROADCAST BEACH DRIVING REGULATIONS AND WILD HORSE INFORMATION.

- WRITTEN CORRESPONDENCE SHALL BE SENT TO DARE COUNTY OBX CHRYSLER, ENTERPRISE RENTAL CAR, AND MIDGETTE AUTO INFORMING THEM OF THE WILD HORSE ADVISORY GROUPS RECOMMENDATIONS. THIS INCLUDES COUNTY RULES AND REGULATIONS FOR THE OFF-ROAD AREA.
- SIGNAGE SHOULD BE ERECTED IN THE OFF-ROAD AREA THAT IDENTIFIES UNCONTROLLED INTERSECTIONS. SIGNAGE MAY ALSO BE USED TO ADVISE TOURISTS NOT TO APPROACH WILD HORSES.
- ESTABLISH VOLUNTEER "COURTESY PATROL" TO WATCH TOUR GROUPS AND HELP WITH TRAFFIC SITUATIONS. LOCAL RESIDENTS NEED TO DOCUMENT VIOLATIONS AND REPORT TO THE WILD HORSE FUND, WHICH WILL COLLECT AND QUANTIFY DATA.
- WILD HORSE SANCTUARY PATROL OFFICERS AND TOUR GUIDES WILL CARRY UNIFORM LOG BOOKS TO DOCUMENT SPECIFIC DATA REGARDING OBSERVED VIOLATIONS. THIS INFORMATION WILL BE TURNED OVER TO THE WILD HORSE FUND ON A MONTHLY BASIS.
- THE RECOMMENDATIONS MADE BY THIS ADVISORY GROUP SHALL BE CARRIED FORWARD IN ANY SPECIAL USE PERMITS THAT MAY BE GRANTED.
- THE BOARD OF COMMISSIONERS MAY CONSIDER ESTABLISHING A MORATORIUM ON NEW WILD HORSE TOUR COMPANIES UNTIL SUCH TIME AS REASONABLE REGULATIONS CAN BE STUDIED AND ADOPTED.

The advisory group agreed to present these recommendations to the Board of Commissioners at a work session. Staff will coordinate the dates and report back to the advisory group. It was agreed the next meeting of the advisory group will occur at the end of May.



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 Staff
Date: March 23, 2009
Re: Laurel Woods, Section C, Preliminary Plat Extension

On March 13, 2007, the Planning Board voted to approve the preliminary plat for Laurel Woods, Section C. This is a nine lot subdivision located on Wildflower Lane, off Aydlett Road. The preliminary plat approval is due to expire on March 13, 2009. On March 6, 2009 the applicant, Charles Angus, submitted the attached letter (Attachment 1) requesting a two year preliminary plat extension of the subdivision.

According to Section 11.10.2 of the UDO:

11.10.2 Special Use and Conditional Use Permits

- B. The permit issuing authority may extend one time for a period up to two years the date when a permit would otherwise expire, if it concludes that:
1. The permit has not yet expired, *(Applicant submitted extension request prior to plat expiration)*
 2. The permit recipient has proceeded with due diligence and in good faith; and, *(Applicant states in March 6, 2009 letter that clearing and construction has been started. Waterline installation was approved on September 23, 2008)*
 3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit. *(There have been no substantial changes in the application)*

Attached please find the minutes from the March 13, 2007 Planning Board meeting approving the original preliminary plat.

Attachment 1

copy: BOC
BAJ



C.G. Angus Construction Co.
EXCAVATION, LAND CLEARING & DEMOLITION
P.O. BOX 113, NARROW SHORE FARM, AYDLETT, NC 27916
(252) 453-2330

March 6, 2009

Currituck County Board of Commissioners
PO Box 39
Currituck, NC 27928

Re: Laurel Woods Subdivision, Section C

Dear Commissioners,

I am writing to request an extension of the plat approval for Laurel Woods Subdivision. Due to an accident in the fall of 2007 and current economic times, I have not been able to complete the construction of all the improvements.

The preliminary plat approval was granted on March 13, 2007. Clearing and construction has been started. The waterline was installed during the summer of 2008 and was approved on September 23, 2008 (Serial Number 06-00976).

Consideration for the extension will be greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Charles G. Angus".

Charles G. Angus

Attachment 2

PLANNING BOARD DISCUSSION – March 13, 2007

Mr. Delucia said that the applicant is amenable to the conditions.

Mr. West asked why there are conditional approvals.

Ms. Keifer said that in many cases conditions are advisory. In some cases there are minor deficiencies that need to be addressed but don't warrant keeping someone off of the agenda. Conditionally approving projects is a standard practice.

Mr. Delucia said that some are conditions that have to be met during construction.

Mr. Keel motioned to approve the request as presented. Mr. West seconded the motion. Motion passed unanimously.



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 Woody, AICP
Planning Director

Cc: Charlan Owens, AICP
DCM Elizabeth City District Planner

Date: February 26, 2009

Re: PB 09-04 Pittman/Williamson Land Use Plan Amendment

Eddie Valdivieso is requesting an amendment to the Currituck County Land Use Plan to designate approximately 57.58 acres of the Future Land Use map from Limited Service area to Full Service area. Staff is also recommending a change to Water Quality Policy (WQ5) to properly promote low impact development techniques.

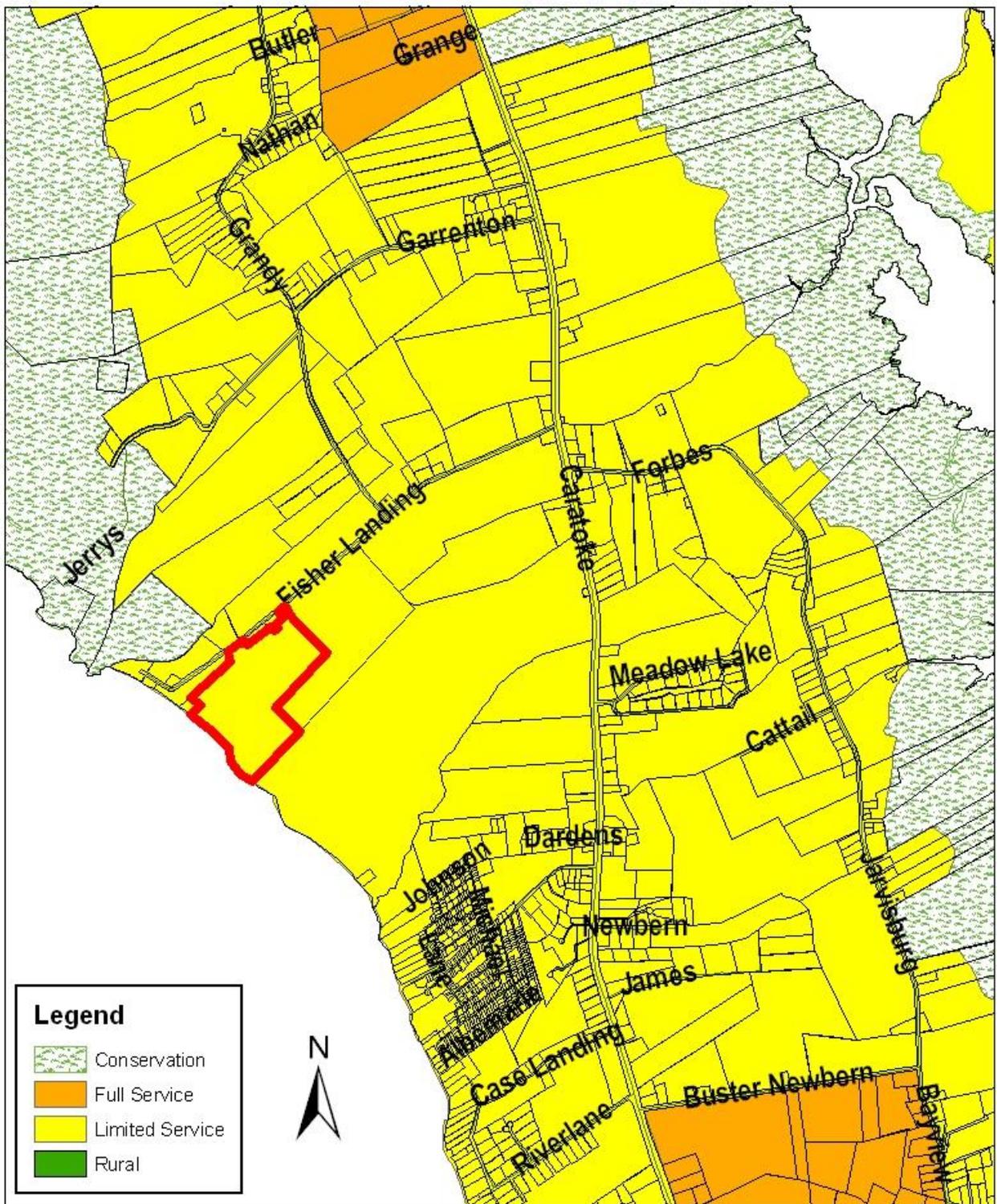
As required by the Coastal Area Management Act (CAMA), the Board of Commissioners must approve a local resolution of adoption which includes findings that demonstrate this amendment is consistent with the policy objectives of the Plan. Additionally, the County must demonstrate the amendment will not adversely affect the provision of services and infrastructure. Once the appropriate findings and local resolution of adoption are approved, the amendment will then be considered by the Coastal Resources Commission (CRC) for formal certification.

Enclosed please find the following information:

- map of the proposed amendment area (*page 2*)
- case analysis for Full Service area request and addendum for Policy WQ5 (*pages 3 - 9*)
- meeting minutes of the Planning Board (*pages 10 - 11*)
- local resolution of adoption and findings of plan consistency (*page 12*)
- Land Use Plan amendments (*pages 13 - 14*)
- supplementary information submitted by the applicant (*new pages 1 - 33*)

This request is tentatively scheduled to be considered by the CRC at their quarterly April meeting.

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



**PB 09-04 Pittman/Williamson
Land Use Plan Amendment**



CASE ANALYSIS: BOARD OF COMMISSIONERS
April 20, 2009
Land Use Plan Amendment
PB 09-04 Pittman/Williamson

TYPE OF REQUEST: To amend the Currituck County Land Use Plan to designate approximately 57.58 acres of the Future Land Use map from Limited Service Area to Full Service Area.

LOCATION: Located on Fisher Landing Road, Jarvisburg,

TAX ID: Tax Map 96, Parcel 29C, Poplar Branch Township

OWNER: Jennifer W. Pittman
Susan F. & Thomas C. Williamson, Jr.
5105 Glen Forest Drive
Raleigh, NC 27612

AGENT/APPLICANT: Quible & Associates, PC
PO Drawer 870
Kitty Hawk, NC 27948

CURRENT LAND USE CLASSIFICATION: Limited Service Area

PROPOSED LAND USE CLASSIFICATION: Full Service Area

CURRENT ZONING: Agricultural (A)

SURROUNDING PROPERTY:

	Land Use	LUP Classification
NORTH:	Undeveloped, Sparse Residential	Conservation
SOUTH:	Undeveloped, Residential	Limited Service
EAST:	Undeveloped	Limited Service
WEST:	North River	NA

LAND USE PLAN ANALYSIS:

Existing Map Classification- Limited Service

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. While low-density development may continue to locate in these areas, it is recognized that soil limitations, flood prone areas, and a lack of infrastructure and services may prevent these areas from ever reaching an urban level of development.

Despite the overall low density of these areas, efforts should be made to encourage clusters of residential uses to preserve open space and to provide for a sense of a "community". 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. In the same instances where slightly higher density is considered appropriate a moderate mix of housing types such as semi-detached would also be considered reasonable.

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. However, business designed to serve the tourist industry such as small gift shops or agri-tourism related uses should not be prohibited provided the character and intensity of the use is in keeping with the character of the surrounding area.

Proposed Map Classification- Full Service

Areas designated as Full Service are those parts of the county that are preferred for community centers. A broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Infrastructure investments may include, for example, community level or centralized water, parks, schools, fire and rescue facilities.

With respect to residential development, base development density is contemplated to be 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.

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. Nonresidential uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory.

Jarvisburg Sub-Area – The policy emphasis of the Jarvisburg Sub- Area is to allow the area to accommodate quality residential development at low densities while preserving the rural landscape between developments. Similar to the Grandy area, but at a lower overall density, new residential development should be encouraged to locate in compact, village like clusters, preferably near existing, non-agricultural activities and services.

SUPPORTIVE POLICIES

POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County.

POLICY PA5: PUBLIC AND PRIVATE MARINAS offering access to area waters should be encouraged when developed in accordance with the CAMA specific use standards for marinas (i.e. docks for more than 10 vessels). Marinas shall not be approved, however, that are incompatible with nearby land uses or whose designs fail to meet the environmental quality and development standards of the County's Unified Development Ordinance.

POLICY PA6: MARINAS IN UPLAND LOCATIONS generally shall be preferred over marinas in open water, thereby better preserving the visual appearance of the shoreline as well as avoiding the "consumption" of available public trust surface waters.

POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

UNSUPPORTIVE POLICIES

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern.

POLICY TR11: ACCESS TO HIGHER INTENSITY DEVELOPMENT shall generally not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood.

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

POLICY ML1: Currituck County recognizes the particular interest of residents and property owners in the Mainland Area in PRESERVING FARMLAND AND OPEN SPACE. The County shall exercise diligence in applying policies, plans and actions that will encourage compact growth and the preservation of farmland and open space in the Mainland Area.

CAMA LAND SUITABILITY:

According to the land suitability analysis included in the Land Use Plan, the site is primarily classified as low (approximately 18.1 acres) and least (approximately 15.33 acres) suitable for development. There are limited amounts of the site classified as medium (approximately 10.8 acres) and high (approximately 13.5 acres) suitability.

The land suitability analysis is a process for identifying land that is most suitable for development. It ranks land from least to most suitable for development based on characteristics such as soil septic suitability, proximity to water lines, presence of wetlands, etc.

**PUBLIC SERVICES
AND UTILITIES:**

The site is located within the Jarvisburg Elementary School District. The Lower Currituck Volunteer Fire Department provides fire protection for this area. Public water is not available to this site. The nearest water line stubs off of Grandy Road approximately 2,000 feet eastward on Fisher Landing Road.

TRANSPORTATION:

The site is accessible by vehicle from Fisher Landing Road and by boat from the North River.

FLOOD ZONE:

Approximately 38 acres of the site are located in a Flood Zone AE (7) and approximately 2 acres are located in a Shaded "X" Flood Zone.

WETLANDS:

Approximately 19.31 acres of wetlands are located on the site.

SOILS:

The Currituck County Soils map indicates the property contains primarily suitable soils (approximately 25 acres). The rest of the site is mostly comprised of non-suitable soils (approximately 20.4 acres). There are limited amounts of marginal (9 acres) soils.

**STAFF
ANALYSIS:**

The staff has the following comments and concerns regarding the proposed Land Use Plan Amendment:

The Land Use Policies contained in the Land Use Plan are to be viewed as official policy positions of Currituck County government once adopted. As such, the policies should remain substantially unchanged over time. Frequent changes to the policies would undermine their effectiveness in achieving intended planning and management objectives. The policies are designed to maintain a consistent and predictable direction for County government decisions over a period of several years. They further provide a basis for future decisions regarding growth and development, capital improvements, provision of County services, environmental protection, intergovernmental planning and cooperation, and other related matters.

- The subject property is currently located in an area designated as Limited Service by the Future Land Use Map. There are Full Service areas both to the north and south. However, these areas are more than a mile in either direction. Amending this property to allow for the Full Service designation could encourage a "leapfrogging" style of development instead of encouraging development in targeted growth areas.

- Additional area designated as Full Service could allow for expansion of commercial/retail areas. This could result in additional neighborhood serving commercial areas and a net-gain for Currituck County in tax generation and job creation.

If the Board of Commissioners is inclined to recommend approval of this request, staff suggests the following be considered:

- Future development proposals for the subject property must maintain public access, public boat launching, and parking facilities to the North River (Policies PA1, PA2, PA5, ML3).
- Any future marina proposal shall participate and become a Certified Clean Marina in the North Carolina Clean Marina program (Policy PA7).
- In an effort to preserve water quality and natural habitat, priority should be given to the retention and preservation of wetland areas. It is recommended that no development, land disturbing, or logging activities occur in areas designated as wetlands. (Policies ES2, WQ 5, WQ 6, ML1)
- Future development proposals for the subject property must demonstrate that water quality is not adversely impacted. The use of Low Impact Development (LID) techniques and wetland preservation should be given high priority. In addition when developing near the shoreline, precedence should be given to “soft” stabilization approaches including but not limited to preservation of existing vegetation, creation of natural, living shorelines for areas needing stabilization, and establishment of vegetative buffers (Policies ES4, WQ3, WQ6, and Jarvisburg Sub-Area description).

STAFF ADDENDUM

The Planning Staff is also recommending an amendment to Policy WQ5 of the adopted Land Use Plan. During the course of implementing the Plan, staff has determined this policy is being interpreted in a manner that may be ineffective in achieving its intended goals. The policy currently reads as follows:

POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. COASTAL AND NON-COASTAL WETLANDS shall not be considered part of a lot's acreage for the purpose of determining minimum lot size or development density. Open space developments shall be encouraged to REDUCE IMPERVIOUS SURFACE AREAS associated with new development and redevelopment.

The intent of the policy is to protect the natural features of a site and promote water quality. This policy also proposes a net density for development projects, which is inconsistent with current county regulations that allow the limited inclusion of 404 and 401 wetlands in density determinations. It is important to note that the corresponding section of the LUP Action Plan and Implementation Schedule does not recommend the implementation of a net density calculation...rather it provides the county amend the UDO to allow incentives for development buffers and incorporate low impact development concepts.

Considering the intent of Policy WQ5, staff does not feel a density calculation is an effective means of promoting water quality. Based on current trends in stormwater management and environmental planning, staff feels an emphasis on conservation of natural areas, integration of low impact development techniques, and buffers from wetlands are more appropriate strategies. With that in mind, staff recommends the following changes to Policy WQ5:

POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. If COASTAL AND NON-COASTAL WETLANDS shall not be are considered part of a lot's acreage for the purpose of determining minimum lot size or development density, Low Impact Development techniques or appropriate buffers shall be integrated into the development. Open space developments shall be encouraged to REDUCE IMPERVIOUS SURFACE AREAS associated with new development and redevelopment.

PLANNING BOARD DISCUSSION

Mr. Bell asked if this adjoined the Webber Tract.

Ms. White stated yes.

Mr. Clark asked what part of the conservation area are wetlands.

Mr. Woody provided a map showing the conservation area and wetlands.

Mr. Kovacs asked if this is similar to spot zoning when you change a designation in the middle of another designation.

Mr. Valdivieso stated that this would not be spot zoning because it is not a zoning issue. Mr. Valdivieso provided an overview of the site. Mr. Valdivieso stated that this is an appealing site for a potential upland marina because it complies with the county policies and LUP. They can get to the North River without impacting wetlands. They recognize that there may be some permitting issues that may prohibit a public upland marina from going on this site.

Mr. Kovacs asked if you don't get the permitting for the marina, would you still continue with the development of the project.

Mr. Valdivieso stated that the marina is the jewel of this project, if this is not available; they would still like to focus on a waterfront community.

The planning board discussed full service vs. limited service area, retail feasibility, traffic, free public access to the marina, connectivity to the marina, and Land Use Plan Policy WQ5.

Mr. Woody stated they would like to make a revision to Policy WQ5 even if this amendment does not go through. The recommendation would be, if wetlands are used to determine density then a developer must integrate low impact development techniques or appropriate buffers.

Mr. Valdivieso stated one of the recommendations states that in an effort to preserve water quality priority should be given to the retention and preservation of wetland areas. He understands the intention of this recommendation, but if in the future they want to put a boardwalk for public access through wetlands they don't want it to be a problem.

Mr. Woody stated that when an applicant has to get a CAMA major permit, CAMA requires the permit to be consistent with the LUP. CAMA takes policies like WQ5 quite literally.

Mr. Clark asked if this were to be approved by the Planning Board and the Board of Commissioners, could the applicant come back with a different idea.

Mr. Woody stated that if it were to be approved you still would need to go through a rezoning process. Mr. Woody stated that if the LUP amendment is approved by the BOC, the county would become the applicant and this would be the county's request before the Coastal Resources Commission.

Mr. Valdivieso stated if this is approved by CAMA they will bring it back as a conditional zoning district request which conditions can be applied.

Mr. Kovacs explained the development and public input of the 2006 Land Use Plan which is updated every five years.

ACTION

Mr. Clark motioned to recommend approval to amend the Currituck County Land Use Plan to designate approximately 57.58 acres of the Future Land Use map from Limited Services Area to Full Service Area as presented and with the amendment to LUP Policy WQ5. Ms. Robbins seconded the motion. Ayes: Mr. Clark, Mr. Etheridge, and Ms. Robbins. Ayes: Mr. Bell, Mr. West, Mr. Midgette, Mr. Kovacs, and Ms. Wilson. Motion failed.

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AUTHORIZING AN AMENDMENT TO THE CAMA LAND USE PLAN**

WHEREAS, the County desires to amend its 2006 CAMA Land Use Plan, specifically the Future Land Use Map, to designate approximately 57.58 acres as “Full Service Area” from “Limited Service Area”; and

WHEREAS, the County also desires to amend its 2006 CAMA Land Use Plan to amend Water Quality Policy (WQ5) to promote low impact development techniques; and

WHEREAS, on February 10, 2009, the Planning Board recommended denial of the draft amendment to the CAMA Land Use Plan; however, the Board of Commissioners finds the amendment to be consistent with the objectives of the Plan; and

WHEREAS, the County conducted a duly advertised public hearing on the draft amendment to the CAMA Land Use Plan at the Regular Meeting of the Board of Commissioners on Monday, March 16, 2009; and

WHEREAS, the amendment to the Land Use Plan has been evaluated for its consistency with other existing policies and no internal inconsistencies exist; and

WHEREAS, the amendment is consistent with the currently approved North Carolina Coastal Management Program and the rules of the Coastal Resources Commission; and

WHEREAS, the amendment is consistent with the six management topics outlined in the County’s Land Use Plan; and

WHEREAS, the amendment does not violate any state or federal laws,

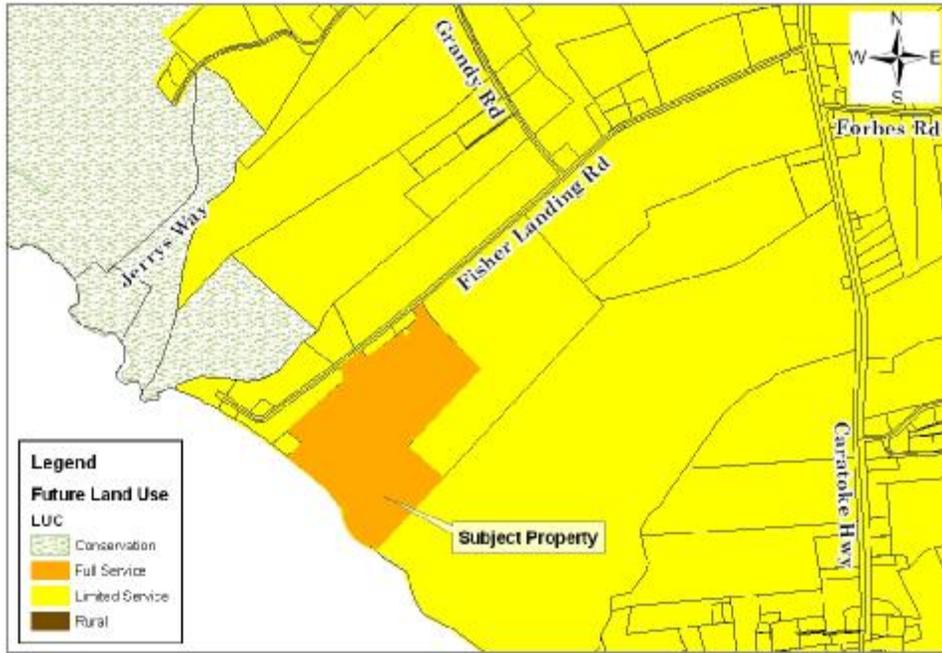
NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of Currituck County, North Carolina, has adopted the draft CAMA Land Use Plan amendment; and

BE IT FURTHER RESOLVED that the County Manger of Currituck County is hereby authorized to submit the adopted CAMA Land Use Plan amendment to the State for certification as described above.

Adopted this 16 day of March 2009.

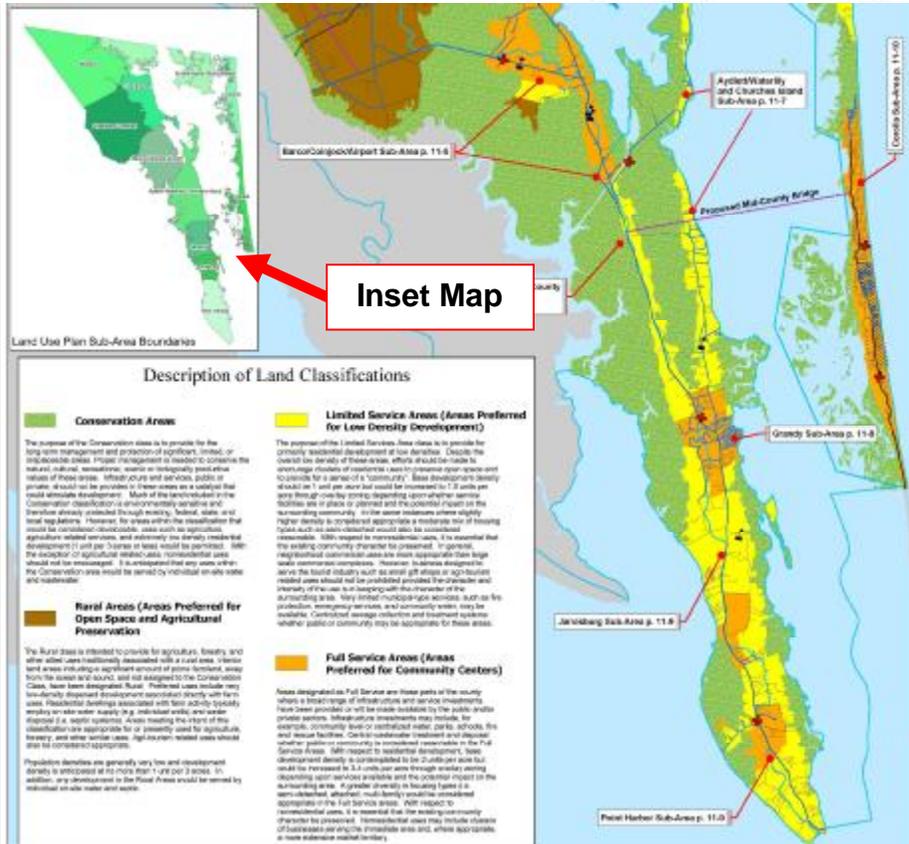
Proposed Map Amendments

Appendix I. Maps, Map 11.1 Future Land Use Map is amended by adding establishing a Full Service area and an inset depicting sub-area boundaries as shown below:



PB 09-04 Pittman/Williamson Land Use Plan Amendment

0 750 1,500 3,000 Feet
 Currituck County Planning Department



Proposed Text Amendment

Section 11: Land Classification System, Table 11.1 is amended by adding the following underlined language and deleting the strikethrough language:

Table 11.1 Comparison of Land Allocated to Future Land Use and Projected Land Needs, 2025

Land Use Class	Total Acres Allocated to Each Land Class (a)	% of Each Land Class in Development (b)	Total Acreage Available for Development as Projected (a) x (b)	Total Acreage Projected for Development
Full Service Areas	17,653 <u>17,711</u>	80%	14,122 <u>14,169</u>	
Limited Service Areas	26,626 <u>26,568</u>	65%	17,306 <u>17,269</u>	
Rural Areas	40,218	10%	4,021	
Conservation Areas	81,223	2%	1,624	
Totals	165,720	--	37,073 <u>37,083</u>	37,183

Proposed Policy Amendment

Section 9: Land Use and Development Policies, Water Quality Policy (WQ5) is amended by adding the following underlined language and deleting the strikethrough language:

POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant existing vegetation, shall be encouraged. If COASTAL AND NON-COASTAL WETLANDS shall not be are considered part of a lot's acreage for the purpose of determining minimum lot size or development density, Low Impact Development techniques or appropriate buffers shall be integrated into the development. Open space developments shall be encouraged to REDUCE IMPERVIOUS SURFACE AREAS associated with new development and redevelopment

69-04

Quible

Quible & Associates, P.C.
ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-261-3300
Fax: 252-261-1260

PRINCIPALS
Sean C. Boyle, P.E.
Joseph S. Lassiter, C.E.P.
Eduardo J. Valdivieso, P.E.

ASSOCIATES
Joseph J. Anlauf, P.E.
Katherine C. Marchello, P.L.S.

December 22, 2008

Mr. Ben Woody, Director
Department of Planning and Inspections
County of Currituck
Post Office Box 70
Currituck, NC 27929

Re: Land Use Plan Amendment
Pittman / Williamson Tract
Parcel 0096000029C0000
Fisher Landing Road, Jarvisburg, NC

Dear Mr. Woody,

Enclosed find a completed application for an amendment to the Currituck County Land Use Plan involving the referenced Pittman/Williamson Tract located on Fisher Landing Road in Jarvisburg, NC.

The total tract area is approximately 57.58 acres.

The Land Use Plan amendment is to reconfigure the Pittman/Williamson Tract designation of 57.58 acres on the Future Land Use Plan Map from "Limited Services Areas" to "Full Services Areas".

The request is intended to support a proposed upland basin marina development with public access to the North River, associated residential homes and ancillary commercial facilities (restaurant, ships store, tackle shop, etc.).

In addition to the application, enclosed find:

1. A full scale copy of the subject Future Land Use Map amendment general site survey.
2. Review fee check for \$150.00 made payable to Currituck County.

Please review and contact with any questions or comments. This submission is intended for placement on the February 10, 2009 Currituck County Planning Board agenda.

Sincerely,
QUIBLE & ASSOCIATES, P.C.


Eduardo J. Valdivieso, PE
Vice President

cc: Susan F. Williamson
Michael R. Herman, InfraTrust Asset Pool, LLLP

APPLICATION
WILLIAMSON TRACT LAND USE PLAN AMENDMENT
Jarvisburg Sub-Area

QUIBLE & ASSOCIATES, P.C
P.O. Drawer 870
Kitty Hawk, NC
252-261-3300
December 22, 2008

OFFICIAL USE ONLY:

Petition Number: _____
Date Filed: _____
Receive By: _____
Amount Paid: _____

**CURRITUCK COUNTY
DEPARTMENT OF PLANNING**
Post Office Box 70
Currituck, NC 27929
Web Site: www.co.currituck.nc.us

Instructions for Filing a Land Use Plan Amendment

1. Schedule a pre-application meeting with the Planning Director or designee.
2. Submit a completed application for an amendment to the Land Use Plan (LUP).
3. If it is a request to amend the Future Land Use Classification Map, submit a general site survey showing the following:
 - a. Lot/parcel dimensions,
 - b. Existing uses and structures;
 - c. Zoning of the site and surrounding area;
 - d. Future land use map designation, including sub-area;
 - e. Proposed boundaries of change;
 - f. Location of existing streets that border the parcel.
4. Submit a written rationale that addresses how the amendment meets the requirements of the North Carolina Administrative Code (15A NCAC 07B.0700) - CAMA Land Use Plan Requirements and the CAMA Management Goals. Use the questions provided to construct the narrative.
5. Submit cash, check or money order made payable to Currituck County:
Fees: \$150 plus costs for copies of the amended document as required by the NC Division of Coastal Management (to be determined if the amendment is approved by Currituck County)

The Land Use Plan Amendment Process:

Step 1:

Hold a pre-application conference with the Planning Director or designee to discuss your request and the Land Use Plan amendment process. Submit a completed LUP Amendment application to the Currituck County Planning Department. All applications must be submitted according to the Planning Board meeting. During this period, the planning staff will review the application and prepare a staff analysis for the Planning Board.

Step 2:

The application and planning staff analysis will be forwarded to the Currituck County Planning Board once it is completed. The Planning Board meets the second Tuesday of every month at 7:00 p.m. in the Board of Commissioners (BOC) meeting room, on the second floor of the Historic Courthouse. The Planning Board will review the application and make a recommendation for approval or denial to the Board of Commissioners. Once the Planning Board meeting date is determined, the applicant shall following the procedures for notifying adjacent property owners according to UDO Chapter 12. The amendment request will be scheduled a minimum of 45 days before a Planning Board meeting after the staff analysis is completed.

Step 3:

The application, staff analysis and Planning Board recommendation will be reviewed by the Board of Commissioners on the first Monday of the month following the Planning Board's review. The meeting will begin at 7:00 p.m. in the BOC meeting room, on the second floor of the Historic Courthouse. The Board of Commissioners will make the decision for approval/denial of the amendment based upon whether the proposed amendment advances the public health, safety or welfare and meets the requirements of the Coastal Area Management Act.

Step 4:

All Land Use Plan amendments have to be certified by the N.C. Coastal Resources Commission (CRC). If Currituck County approves the amendment, the N.C. Division of Coastal Management staff will process the application for the next available CRC meeting, which meets six times a year. The Currituck Planning Staff will prepare the plan

submission and the applicant will be responsible for the associated costs for the amended plan to be submitted to the CRC.

If you have any questions regarding the LUP Amendment process, please contact the Currituck County Planning Department at (252) 232-3055, ext. 6029 or 6033.

Owner/Agent/Applicant Information (if applicable)

It is understood by all parties hereto including the owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of providing its need rests with the below named petitioner.

I do hereby certify that all information which I have provided for this application is accurate, I/we the property owner (s) hereby designate Quible & Associates, P.C. to serve as agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meeting regarding this application.

Property Owners Jennifer W. Pittman
Susan F. and Thomas C. Williamson, Jr.
Address 5105 Glen Forest Drive, Raleigh, NC 27612
Phone 919-255-8302
Fax 919-387-7329
E-Mail susanw@chamerentals.com
Signature Susan F. Williamson

Agent Quible & Associates, P.C.
Address P.O. Drawer 870, Kitty Hawk, NC 27948
Phone 252-261-3300
Fax 252-261-1260
E-Mail oddjev@quible.com
Signature [Signature]

Applicant InfraTrust Asset Pool, LLLP
Address Five Concourse Parkway, Suite 3100, Atlanta, GA 30328
Phone 678-332-5000
Fax 678-332-5050
E-Mail whi@atlantiaatlantic.com
Signature [Signature] *My Best Secretary for InfraTrust Partners, LLC, etc*
General Partner

Land Use Plan Amendment Section 11: Land Classification System as follows:

Convert 57.58 acres of the Future Land Use Plan Map (FLUPM) to "Full Service Areas" from "Limited Service Areas" (Consult Exhibit A); and to subsequently revise acreage totals shown in Table 11.1 of the Land Use Plan to be consistent with map changes (Consult Exhibit B).

Property Information (if amending a LUP map) See Exhibit A

Street Address: Fisher Landing Road, Jarvisburg, NC 27947

Parcel ID Number(s): 0096000029C0000

Deed References: Book 66, Page 604; Book 492, Page 734

Township: Poplar Branch

Description of Property (if amending a LUP map)

Size (in acres): 57.58 acres

Size of Area for Amendment 57.58 acres

Street Frontage (feet): 406 ft. on Fisher Landing Road (SR1124)

Current Zoning District: Agricultural (A)

Current Land Use of Property: Vacant, Undeveloped

Surrounding Land Use: North: Single Family Residential

South: Undeveloped

East: Agricultural

West: North River

Current Future Land Use Map designation: Limited Service Area

Proposed Future Land Use map designation: Full Service Area

Pre-application Conference Information

Date of pre-application conference: November 24, 2008

Applicant/ representative in attendance: Sheila Garrison, Joe Lassiter, Brian Rubino

Planning Department staff in attendance: Ben Woody, Holly White

Justification

Please provide sufficient information to explain and justify how the Land Use Plan Amendment request satisfies the following questions. Attach additional sheets if necessary.

1. Will the proposed amendment support uses that are suitable in view of the use and development of adjacent and nearby properties? **Yes. The proposed amendment is in consideration and support of a proposed public/private marina and associated residential community that should directly benefit the citizens of Currituck County, particularly adjacent and nearby property owners and residents, by incorporating a rare opportunity for a mainland public boat ramp, public parking facilities, and an outdoor boat storage (dry stack facility), with convenient access to/from Rt. 158 along Fisher Landing Road directly into the development. In addition to providing "lower Currituck" public access to the North River, other commercial uses such as a restaurant, ships store, tackle shop or other small scale ancillary retail facilities are planned for the site to support the marina use as well as addressing demand from the surrounding community.**

As stated above, this development also envisions residential homes around an inland "upland" marina basin with private docks/boat slips for the use of the property owners. With a plan of development and water feature design intended to limit the impact on natural resources, an LUP amendment to support such uses would be suitable to nearby properties.

Consult Exhibit C for draft conceptual development plan.

2. Will the proposed amendment adversely affect the existing use or usability of adjacent or nearby properties? **No. Adverse impacts to the existing use or usability of neighboring properties is not anticipated due to potential increase in property values resulting from close proximity to an improved public access to the water, incorporation of professional land planning practices and due to mitigations/conditions that could be considered with any subsequent rezoning request.**
3. Would the proposed amendment support uses that could result in an excessive or burdensome use of existing public facilities such as streets, schools, transportation facilities, or utilities? **No. The proposed amendment would encourage and support uses that could, through conditional zoning and other planning tools, identify, balance and**

mitigate potential impacts with the benefits of an expanded mainland commercial tax base, expanded/improved utility infrastructure and public access to the North River.

4. How does the proposed amendment conform to the recommendations of the Future Land Use Plan, and any other applicable long range plans? **The proposed amendment would be a positive step toward Currituck's stated need to expand commercial tax base on the mainland, as discussed in various economic development forums. It would also provide needed public access to the North River. The amendment will conform to many LUP Policy and implementation statements to mitigate impacts (if any) for the proposed development, some are listed below:**

Public Access Policy **PA1: Public Access**
 PA2: Forms of "Access"
 PA5: Public and Private Marinas
 PA6: Marinas in Upland Locations
 PA7: Marina Best Practice Operating Program
 PA8: Development Standards for Boat Ramps/Parking Areas
 ML3: Mainland Area residents access to . . estuarine waters

Again, this amendment would facilitate direct public access to the North River.

5. Are there any existing or changing conditions affecting the use or development of the property which justifies either approval or disapproval of the request? **The current Limited Service Area designation policy prefers primarily residential development at low densities of up to 1.5 dwelling units per acre. At this density, the economics of constructing a marina development associated with a residential subdivision, some ancillary commercial uses and providing public access facilities to the North River will prohibit the project. The proposed Full Service Area designation supports a residential dwelling density of 3 to 4 units per acre. This higher density can support the needed economics for development of the marina based community concept.**
6. Is there a public need for additional land space to be classified to this request?
Yes, see above responses to questions 1 thru 5.
7. How does this request relate to the land suitability analysis found in the Land Use Plan? Are there factors that have changed since the suitability analysis was completed? **There is a greater interest and market demand for non-agricultural uses on the mainland of Currituck County, as supported by various marketing and economic development studies commissioned by the County, and by the applicant. The balance between public use/water access and private mixed use development can support suitability analyses. The land suitability analysis appears to have labeled the majority of upland areas on site (eastern portion) in the "medium suitability rating" class. The western portion appears to have a "least suitable rating" class. It is our professional opinion that our development concept plan is in full compliance with these designations.**

EXHIBIT A
Reduced Scale Copy of General Site Survey

LINE	LENGTH	BEARING
L1	210.00	N57°41'21"W
L2	105.00	S49°01'00"W
L2A	14.89	S49°01'00"W
L3	145.99	N15°46'24"W
L4	279.50	N52°12'02"E
L5	103.00	S31°24'35"E
L6A	0.21	S34°30'09"E
L6	74.79	S34°30'09"E
L7	74.73	N55°57'15"E
L8	75.99	N34°30'09"W
L9	147.50	N59°44'19"E
L10	109.84	N53°29'01"W
L11	126.72	N52°16'29"E

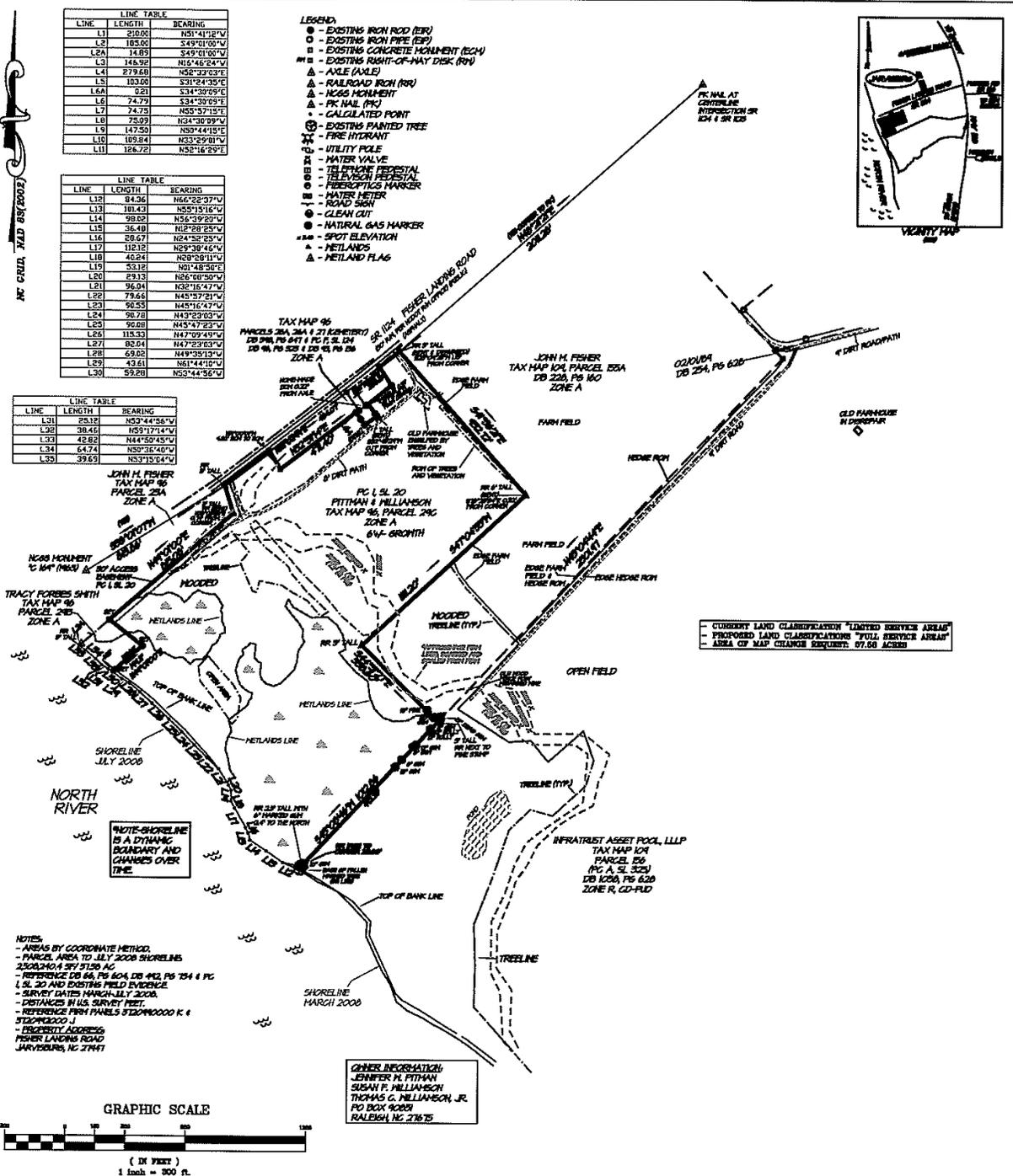
LINE	LENGTH	BEARING
L12	84.36	N66°22'37"W
L13	101.43	N55°15'18"W
L14	98.93	N56°59'20"W
L15	36.48	N12°28'25"W
L16	28.67	N24°52'25"W
L17	112.32	N29°38'45"W
L18	46.24	N32°38'11"W
L19	53.12	N01°48'50"E
L20	29.33	N66°08'50"W
L21	36.04	N216°17'12"W
L22	79.64	N45°57'21"W
L23	92.55	N45°16'47"W
L24	50.78	N43°29'33"W
L25	92.88	N45°47'22"W
L26	115.33	N47°09'49"W
L27	80.04	N47°29'33"W
L28	69.62	N45°23'12"W
L29	43.61	N61°44'10"W
L30	59.28	N53°44'56"W

LINE	LENGTH	BEARING
L31	29.12	N53°44'56"W
L32	38.45	N59°17'14"W
L33	49.82	N44°50'45"W
L34	64.74	N52°05'40"W
L35	39.63	N52°15'24"W

- LEGEND**
- - EXISTING IRON ROD (ERR)
 - - EXISTING IRON PIPE (EIP)
 - - EXISTING CONCRETE MONUMENT (ECM)
 - ⊕ - EXISTING RIGHT-OF-WAY DISK (RW)
 - ▲ - AXLE (AXL)
 - ▲ - RAILROAD IRON (RRI)
 - ▲ - NC65 MONUMENT
 - ▲ - PK NAIL (PK)
 - ⊕ - CALCULATED POINT
 - ⊕ - EXISTING PAINTED TREE
 - ⊕ - FIRE HYDRANT
 - ⊕ - UTILITY POLE
 - ⊕ - WATER VALVE
 - ⊕ - TELEPHONE FIBER OPTICAL
 - ⊕ - FIBEROPTICS MARKER
 - ⊕ - WATER METER
 - ⊕ - ROAD SIGN
 - ⊕ - CLEAN OUT
 - ⊕ - NATURAL GAS MARKER
 - ⊕ - SPOT ELEVATION
 - ▲ - NETLANDS
 - ▲ - NETLAND FLAG

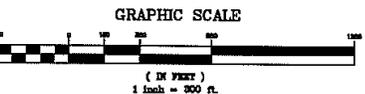


NC CEDA, XLD 05/2002



NOTES

- AREAS BY COORDINATE METHOD
- PARCEL AREA 12 JULY 2000 SHORELINES 280240.4 SF 3120 AC
- REFERENCE DB 66, PG 604, DB 462, PG 754 & PG 1, SL 20 AND EXISTING FIELD EVIDENCE
- SURVEY DATES MARCH-JULY 2006
- DISTANCES IN U.S. SURVEY FEET
- REFERENCE FROM PARCELS 28000000 K & 28000000 J
- PROPERTY ADDRESS FISHER LAKES ROAD JARVISBURG, NC 27441



GENERAL INFORMATION:
 LAWYER: JIM FITZMAN
 SUSAN F. WILLIAMSON
 THOMAS G. WILLIAMSON, JR.
 PO BOX 10089
 RALEIGH, NC 27615

COMMISSION NO. 05106
 DESIGNED BY KCM
 DRAWN BY KCM
 CHECKED BY KCM
 CAD FILE: 05106-3-LUP.dwg
 SCALE DATE: 12/22/06

FUTURE LAND USE CLASSIFICATION AMENDMENT

PITMAN, WILLIAMSON & WILLIAMSON

TAX MAP 96, PARCEL 29C

POPLAR BRANCH TOWNSHIP CURTIS COUNTY NORTH CAROLINA

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CERTIFICATION

Quible SINCE 1969
& Associates, P.C.

ENGINEERING • CONSULTING • PLANNING
 ENVIRONMENTAL SCIENCES • SURVEYING
 & LANDSCAPE ARCHITECTURE
 8111 HAWK, NORTH CAROLINA 27608
 Phone: (919) 891-0000 Fax: (919) 891-1000
 E-Mail: quible@quible.com

EXHIBIT B
Current Table 11.1 and Proposed Table 11.1

CURRENT TABLE 11.1

Table 11.1 Comparison of Land Allocated to Future Land Use and Projected Land Needs, 2025

Land Use Class	Total Acres Allocated to Each Land Class (a)	% of Each Land Class in Development (b)	Total Acreage Available for Development as Projected (a) x (b)	Total Acreage Projected for Development
Full Service Areas	17,653	80%	14,122	
Limited Service Areas	26,626	65%	17,306	
Rural Areas	40,218	10%	4,021	
Conservation	81,223	2%	1,624	
Totals	165,720		37,073	37,183

Amended 08-18-08 (PB 08-22) Reference 2006 Currituck County LUP, page 11-12

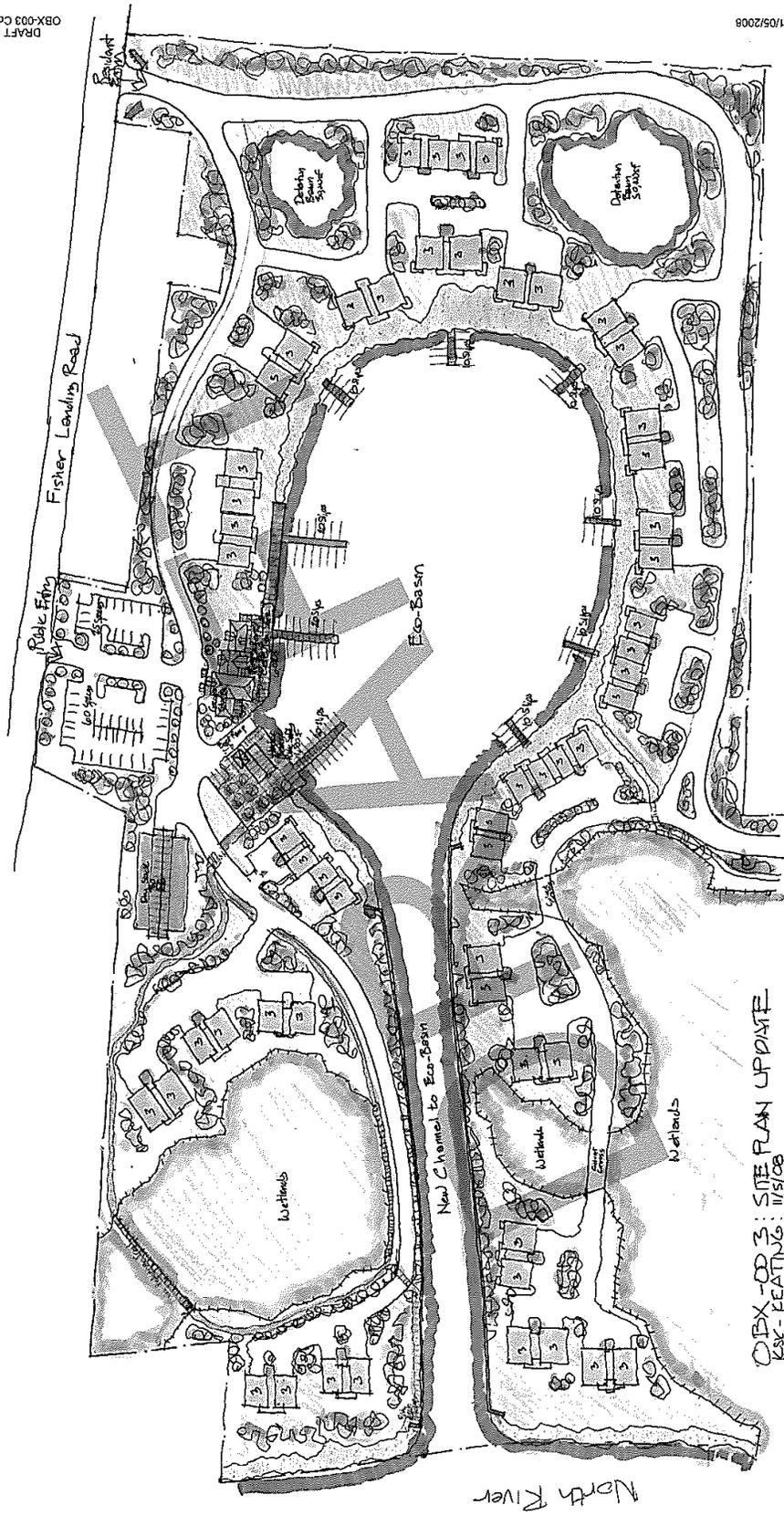
PROPOSED TABLE 11.1

Table 11.1 Comparison of Land Allocated to Future Land Use and Projected Land Needs, 2025

Land Use Class	Total Acres Allocated to Each Land Class (a)	% of Each Land Class in Development (b)	Total Acreage Available for Development as Projected (a) x (b)	Total Acreage Projected for Development
Full Service Areas	17,771	80%	14,169	
Limited Service Areas	26,568	65%	17,269	
Rural Areas	40,218	10%	4,021	
Conservation	81,223	2%	1,624	
Totals	165,720		37,083	37,183

The table indicates a projected land need of 37,183 acres. The existing acreage for development is 37,073 acres. The proposed acreage for development resulting from the subject 58 acre Pittman/Williamson map amendment to "Full Service Areas" and "Limited Service Areas" designations is 37,083 acres. The proposed amendment meets Rule 15A NCAC 07B.702 (d), which states "the amount of land allocated to various uses may not exceed projected land needs."

EXHIBIT C
Reduced Scale Copy Draft Concept Plan



OBX-003: SITE PLAN UPDATE
RSC - REATING: 11/5/08

Land Use Attributes
Proposed Fisher Landing Village and Jarvisburg Marina
(57.58 Acres- Pittman Tract)
February 2009

A land use plan (LUP) amendment application has been filed with Currituck County requesting a Full Service Area designation for the Pittman Tract in the Jarvisburg sub-area. The site is currently classified as a Limited Service Area district. While such a request is considered in a nonspecific scenario for allowable uses in a Full Service district, the intent of this application is to support a specific waterfront and mixed use development with public, private, and economic development components.

While independent of the LUP request, a “conditional district” PUD zoning application is currently being prepared for submittal by the next available filing date. This application is intended to compliment and track closely behind the LUP application. It will also serve to expedite the rezoning process in consideration of significant commercial interest in the proposed development. Commercial interest to date is strong due to the potential of a waterfront development concept, and if environmental permits are granted, amenities such as a boat access and/or docking areas would enhance the opportunity for a theme-based retail interest.

A Full Service designation is needed to support the proposed Fisher Landing Village residential condominium density. It is planned as desirable waterfront community with water related recreational amenities for the residents, with opportunities for public access as well. Waterfront access to the North River, the Albemarle Sound, and the Intercoastal Waterway would be a unique attribute for this development, and to the Currituck County mainland community. Given the increase in density, zoning approval, and requisite environmental permitting, such a location could feasibly support uses such as a local market, eatery, retail shop(s), water sports and recreational activities, and related light commercial uses in keeping with the overall architectural theme and spirit of the proposed development and surrounding coastal agricultural community. The zoning application will request approval of a residential zoning and Conditional District -Planned Unit Development overlay designation, to include 10% of the area in LBH zoning to support the non-residential possibilities for the development. Architectural themes are envisioned with “Village” feel, managed through covenants and restrictions.

Fishers Landing Village will be a valuable asset to the County and bring a number of opportunities. According to a study prepared for Currituck County by the UNC Center for Competitive Economics, “Currituck’s Tourism Industry is a Precious Asset”, and “its Retail Potential is Understated”. With zoning approval and environmental permitting, this development could potentially provide amenities and support associated uses to boost tourism and retail sales in the County. The study speaks of “targeted retail” which would be allowed under the requested LUP and Zoning request. Other needs identified by the study which potentially could be met by the development include: jobs during construction and jobs in the Village businesses; balancing the County’s economic base between the beaches and the mainland to mitigate storm vulnerability of the beaches and their eroding shorelines; and leveraging opportunities for off-season attraction of visiting family groups typical of Currituck through the eco-tourism uses of the public area and educational facility.

In addition to the UNC study, if approved, the project plans would address and/or meet stated local goals and objectives. The residential community would be pedestrian-friendly with internal pedestrian circulation. Wetlands and other environmental sensitivities would be avoided. Public access to the North River would be included in a CAMA major environmental permit application. The following Currituck County policies could be met if the proposed LUP amendment and PUD zoning applications are approved, if policy WQ5 (gross density calculation) is brought into compliance with other County ordinances, and if a major CAMA permit is issued:

- Policy PA1- public access to the water and public use of the coastline
- Policy PA5- public boat access
- Policy CD8- mixed use development
- Policy WQ6- preservation and protection of vegetated buffers
- Policy ML3- access to the ocean and estuarine waters by mainland residents
- Policy ES2- non-coastal wetlands conservation

In summary, the proposed LUP, supported by the rezoning request and policy considerations, can meet many goals and objectives of Currituck County and provide an opportunity for desirable economic growth. The Full Service District designation and amendment of WQ5 will facilitate building at a density required to support desirable public elements proposed with the development, as well as potential retail components that will undoubtedly compliment and/or facilitate other commercial opportunities on the mainland. This unique resort development has the potential to capture and preserve environmental attributes, recapture local history via theme-based non-residential components, increase waterfront recreation and access on the mainland, create educational opportunities via commercial and recreational uses (i.e. eco-kayak tours, nature walks, etc), and enhance economic development opportunities for the mainland- all within a pedestrian friendly waterfront residential neighborhood.

Currituck Retail Feasibility Study Executive Summary

February 1, 2009

The following information is taken from a proprietary retail feasibility study recently commissioned by the applicant for Fishers Landing Village (Pittman-Williamson Property in Jarvisburg), also the owner/developer of planned North River Resort (former Webber property). The study was prepared by Jeff Green Partners (jeffgreenpartners.com). The report contains a detailed analysis of pent-up demand for retail, local and regional competition, and local community characteristics to be considered in any future development by the applicant.

Jeff Green Partners concludes that proposed development by the applicant in Jarvisburg, North Carolina not only has the opportunity to be developed into unique and targeted retail to serve the under-retailed Currituck and surrounding communities, the close-in residential base that will be developed as part of the North River Resort, and buyers at proposed Fishers Landing Village, and to the benefit of Currituck County's commercial tax base, will undoubtedly capture the strong tourist population base that visits the area.

The study found the central location, combined with the easy access provided by Highway 158, (and Fishers Landing Road) attractive for retail development to achieve sales over distance from the year-round residents, which are currently underserved by quality retail and have to travel north into the Virginia Beach area for many of their regional shopping needs. Additionally, the study found the location well positioned to intercept traffic as it heads south from the Virginia Beach area to the Outer Banks. It further found that retail competition to the proposed developments is very limited close-in as well as in the primary trade area. Most retail in the county is located in the Outer Banks area and is community in orientation. The strongest (and what would be the closest competing) retail hub is located in Elizabeth City, however, the regional retail is older and limited and there is a high retail vacancy rate in that city.

Generally, Jeff Green Partners recommends to the developers of Fishers Landing Village and North River Resort that the following types of targeted retail would compliment their planned development, Currituck County and its residents, and would be anticipated to be highly successful:

- Boutique-style department store
- National sporting goods retailer
- National boutique-style brands for apparel, shoes, outfitters, and others
- Specialty foods
- Local brew-house
- Smaller boutique eatery's such as ice cream, pizza, café's
- Significant restaurant establishments

The report encourages attracting existing Outer Banks businesses to add locations to the proposed retail locations to compliment the new and potentially larger entrants into the market for the development. Proximity to the shoreline and access to the estuarine and ocean waters from the property is a strong advantage for attracting and maintaining general water-related retail sales, specialty outfitters, and water sport vehicle sales. The report contains sales tables and rationale to support its findings and recommendations.

Attached to this summary are excerpts from the developer's proprietary report for review and consumption in consideration in the pursuit of entitlements to support the proposed retail and commercial components of the developer's proposed projects. These areas of the report include discussion of the following: Issues; Methodology; Assumptions; Rationale; Access characteristics; Trade Area and demographics; local lifestyle characteristics; and Tourist Population Base.



Issues. The issues to be addressed in this study include the following:

- What is the existing retail market in the vicinity of the site? What changes to the retail landscape are expected over the next five years? Are there any planned centers under construction? If so, will that impact (and how will it impact) the viability of retail at the proposed site?
- What trade area is currently being served by the existing retail base in the area and to whom do the existing retailers appeal? What, if any, will be the change in the trade area served, should additional retail be developed?
- What is the population, demographic and lifestyle (psychographic) characteristics of year-around residents in the trade area projected for 2010 and 2015, given the population growth in the market? What new residential development is planned for the area?
- How many seasonal residents and tourists live in the trade area but are not included in the US Census data? If available, what are the demographics and retail expenditure of these patron segments?
- What is the projected growth for retail expenditures (retail potential) from 2010 through 2015?

- What retail types are supportable as part of the proposed master-planned community in Jarvisburg?
- Are small, specialty-box retailers supportable as part of this project? If so, who are the recommended tenants, what are their supportable sizes and forecasted sales?
- Is a traditional or specialty grocer supportable as part of this project? If so, which format (and specific retailer) is best, at what size and at what projected sales volume?
- What various entertainment components (movies, restaurants, etc.) are supportable as part of this project? How large should these components be, and what are their forecasted sales?
- Are lifestyle-oriented, small specialty retailers supportable as part of this project? How much lifestyle/specialty retail is supportable by retail type and who are the likely tenants? What sales volumes can be achieved by these lifestyle tenants?
- Is the proposed project vulnerable to competitive projects? If so, how can this project best compete with (or complement) the other centers?
- In short, how much total retail is supportable at the proposed site? Based on this, what retail format and tenant mix is optimal for the proposed site in 2010 and 2015?

Methodology. We employed the following methodology to address the above issues:

Step 1. Site Evaluation. We undertook a thorough evaluation of the site with respect to its physical configuration, visibility, accessibility, competitive shopping facilities, ingress/egress, planned/proposed road improvements, etc.

Step 2. Competitive Analysis. While in the field evaluating the site, we also assessed all existing shopping centers and other retail concentrations in Currituck and the surrounding counties that have an impact on the proposed retail center. These centers/concentrations will be evaluated on their location, tenant mix, co-tenancy, price point and merchandising characteristics.

Step 3. Trade Area Definition. Based on the accessibility characteristics of the site, location of competitors, distribution of population, population growth and demographic characteristics, as well as other appropriate factors, we defined a trade area that will be served by possible retail formats, realizing the convenience and destination nature of the proposed project.

Step 4. Population of Residents and Tourists. We collected the most recent population and household estimates, along with future projections from local planning agencies (and all other appropriate sources) for the trade area.

As part of this analysis, we also gathered the number and type of seasonal residents living in the area as well as tourists, both of whom do not show up in census data. We further quantified their demographic and lifestyle/psychographic characteristics.

Step 5. Demographics. The most recent demographic information (i.e., income levels, age factors, household size, employment type, etc.) were gathered from local planning agencies (and all other appropriate sources). Further, we thoroughly drove the trade area to make visual observations to better acquaint ourselves with the demographic makeup of area consumers.

Step 6. Mapping. Using our MapInfo GIS (Geographic Information Systems) programs, we produced numerous maps to visually depict the trade areas, retail competition, population density, population growth and various demographics.

Step 7. Retail Expenditure Potential Determination and Sales Forecasts. During our subsequent in-office analysis, current and projected population levels, and the demographic characteristics of residents were determined. We also computed current and future estimates of trade area expenditure potential by retail type. Many of these estimates were derived using Jeff Green Partner's proprietary models of expenditure potential, developed for various retail types. We also used data from the *Census of Retail Trade*, sales tax information and trade area population levels, to determine trade area expenditure potentials for various retail types.

Expenditure potential by retail type were adjusted to reflect the purchasing habits of consumers within the trade area, as indicated by their unique demographic and socioeconomic characteristics. These calculations serve as the foundation from which our recommended tenant mix and sales forecasts are based.

Step 8. Recommended Tenant Mix. Based on the sales estimated for each tenant, we developed our recommended tenant mix strategy. The results of our field analysis and in-office analysis were used to make these recommendations.

Assumptions. As part of this study, we made the following assumptions:

- Population, household growth and demographic data supplied by national and local sources are accurate, reliable and reflect both the current and projected greater Jarvisburg/Currituck County/Outer Banks market.
- Expenditure data estimated for the residential population base, as well as that provided by the Outer Banks Visitor Bureau for tourist expenditures also accurately reflect expenditure potential available to retailers within the defined trade area.
- The economic conditions of the greater Currituck County and the Outer Banks area will remain as projected through 2015.
- The proposed retail portion of the site will be developed with easy ingress/egress, ample parking and excellent visibility. Signage, as needed, will also be provided to assure excellent visibility.
- Most (80% to 85%) household growth in the development will be inhabited year-round, reflecting the household base in the home census tract. Incomes and lifestyles in the North River Resort project, however, are more apt to be similar to those in the Outer Banks area than those in the home census tract.
- Changes in the retail environment that we have included in our sales projections include:
 - ***Tanglewood*** – A 400,000 GLA community-oriented retail center proposed to be located at the intersection of U.S. Highway 17 Bypass and Halstead Extended in Elizabeth City. This center will be across from the existing Shoppes at Tanglewood, and will be anchored by a Wal-Mart Supercenter.
 - ***Shoreside Center (Kitty Hawk)*** – Harris Teeter will open a new unit in Spring 2009.

development and their sales projections should they locate to the center. These tables also show, by retail category, the trade area expenditure potential.

Rationale. The following presents our rationale for our conclusions and recommendations:

- The population and household base for the site is good and growing. The primary trade area offers a base of nearly 65,200 persons (over 26,600 households) growing to nearly 71,000 persons (nearly 29,000 households) by 2010 and over 85,250 persons (34,950 households) by 2015. In the total trade area, the population and household base is over 142,600/57,250 and projected to grow to nearly 150,650/60,700 by 2010 and 170,700/69,350 by 2015.
- Incomes within both the primary and total trade area are moderate, though stronger in the primary trade area. The average and median household incomes are reported as \$66,579 and \$51,783 in the primary trade area and \$56,316 and \$44,180 in the total trade area, respectively. Per capita incomes in the area are also moderate, reported as \$27,205 in the primary trade area and \$22,784 in the total trade area. Within three miles of the site, average and median household incomes are reported as \$51,920 and \$40,513 and per capita incomes are reported as \$21,270.
- The trade area lifestyles reflect a strong core "Rural Resort Dwellers" segment of Tapestry Lifestyles. As a group, these residents are older, married consumers without children. They are conservative in their purchasing patterns and are active in their communities. However, this group is less represented in the total trade area, with the lifestyle falling to only 20% of the total household base.

The second largest lifestyle is "Midland Crowd", which represents 27% of the primary trade area's household base and 23% of the total trade area's base. The "Midland Crowd" lifestyle represents those living in rural markets, many of which are employed in farming, manufacturing or service sectors. "Midland Crowd" households are also conservative in their purchasing patterns and apt to eat at family or fast-food restaurants. Please refer to the *Analysis* portion of this report for further detail.

- The site is well positioned to serve a strong tourist component, with the North River Resort located along the main throughway to the Outer Banks (U.S. Highway 158). There are an estimated five million visitors to the Outer Banks area per year, most (three million) of which visit during the summer months. The visitors tend to be older (average age of 50 years), married without children, with good education levels and incomes (\$80,966 per year).

- Site characteristics are very good at the North River Resort site, with easy regional access and visibility from U.S. Highway 158, with good traffic volumes (approximately 17,000 per day). Visibility, ingress/egress and parking are assumed to be excellent.
- Retail competition to the proposed site is very limited close-in as well as in the primary trade area. Most retail in the county is located in the Outer Banks area and is community in orientation. The strongest retail hub is located in Elizabeth City, however, the regional retail is older and limited and there is a high retail vacancy rate in the city.

Access to the site from nearby Camden County and Pasquotank County is provided by U.S. Highway 168.

The following table details the most recent traffic counts as reported by the North Carolina Department of Transportation near the site:

Location	Traffic Count	Year
US Highway 158 and Fisher Landing	17,000	2006
US Highway 168, north of US Hwy 158	11,000	2006
US Highway 169, west of US Hwy 158	7,100	2006
US Highway 158, Bridge to Outer Banks	18,000	2006

Ingress/Egress, Parking and Visibility. Ingress/egress points to the proposed development are assumed to be easy and adequate from U.S. Highway 158. Parking is also assumed to be adequate for the planned retail uses (at minimum 4.5 spaces per 1,000 square feet of GLA) The visibility of the retail is assumed to be easy from all directions, with ample signage to assure visibility of the site from U.S. Highway 158.

Adjacent Retail Support. Currently, there is little retail in the area of the site that will either impact or enhance the sites ability to attract sales over distance.

Primary and Total Residential Trade Area. Based on our detailed field analysis of the Jarvisburg, North Carolina market and surrounding communities, our in-house database of trade area retailers currently in the market, along with our experience defining trade areas for similar retail concentrations, we defined the primary and secondary residential trade area by U.S. Census Tracts that will be served by retailers at the proposed sites.

The trade areas defined for the proposed Jarvisburg site extend as follows:

Direction	Primary Trade Area	Total Trade Area
North	Approximately 30 miles to State of Virginia	Approximately 30 miles to State of Virginia
East	Approximately 7 Miles to Atlantic Ocean	Approximately 7 Miles to Atlantic Ocean
South	Approximately 20 Miles to Nags Head and Albemarle Sound	Approximately 37 miles to Dare/Hyde County Line
West	Approximately 20 miles to Camden/Pasquotank County Line	Approximately 48 miles to Albemarle Sound

The maps below show the approximate trade area boundaries for the site:



Also, please refer to the maps in Appendix 1 for a visual depiction of the primary and total trade area boundaries, as described above.

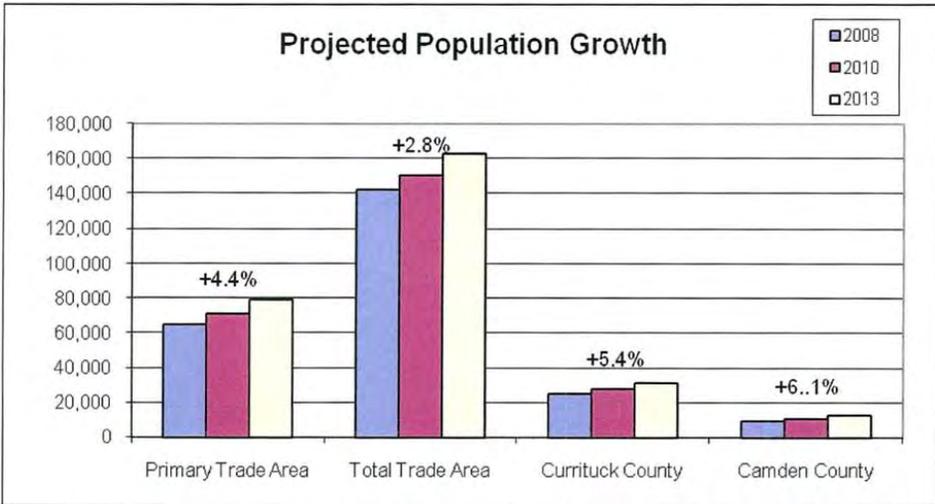
Population and Demographic Characteristics. Based on the trade areas defined, we collected relevant residential population, demographic and lifestyle data on a primary, secondary and total trade area basis, as well as on a disaggregate basis (census tract). For most retailers, the primary trade area will provide for 55% to 65% of the total store sales. The secondary trade area will provide for an additional 10% to 15%, with the remaining sales (25% to 30%) derived from the tourists visiting the area.

Within the defined primary trade area, the current estimated population level is 65,276 persons, which is projected to grow 4.4% annually through 2015, with 70,985 persons projected for 2010, 79,549 projected by 2013 and 85,258 persons projected in 2015. The strongest percentage of population growth is projected in Census Tract 110.101 (7.8% annual growth projected through 2015) located in the northern Outer Banks or Corolla area. Strong growth is also projected for north Currituck County (Census Tract 110.200 – 6.4% annual growth), Camden County/Census Tract 50.100 (6.1% annual growth) and the home census tract of 110.400 (5.2% annual growth).

The secondary trade area offers an additional 77,333 persons for a total trade area population base of 142,609 persons. The total trade area population base is also projected to grow through 2015, but not as fast as the primary trade area (2.8% annual growth) with 150,635 persons projected in 2010, 162,674 projected by 2013 and 170,700 projected by 2015.

By comparison, the Outer Banks communities (Kill Devil Hills, Kitty Hawk, Nags Head and Southern Shores) have current population bases of 7,514, 3,668, 3,466 and 2,608 persons and are projected to increase 2.7% to 3.3% annually to 9,270, 4,430, 4,263 and 3,094, respectively, by 2015. Currituck County has a current estimated population base of 25,089 that is projected to increase 5.4% annually to 34,508 persons by 2015.

The following table details the projected population growth for the defined primary and total trade areas compared to the Counties of Currituck and Camden. Please note the predicted percentage growth is annual growth. A visual depiction of the projected population growth in the defined trade area by census tract can be found on the maps in Appendix 1.



The current (2008) population estimate within three miles of the North River Resort site is approximately 1,857 persons, which represents an increase from 1,545 persons (2.9% annually) since 2000. This base is projected to increase to 2,753 persons by 2013 (9.7% annually), due primarily to the assumed North River Resort project. Within a five- and ten-mile radius of the site, the current base is estimated to be 3,702 persons and 10,733 persons, respectively. This base is projected to increase to 4,824 persons and 12,563 persons (6.1% annually and 3.4% annually) by 2013 (five- and ten-mile radius, respectively).

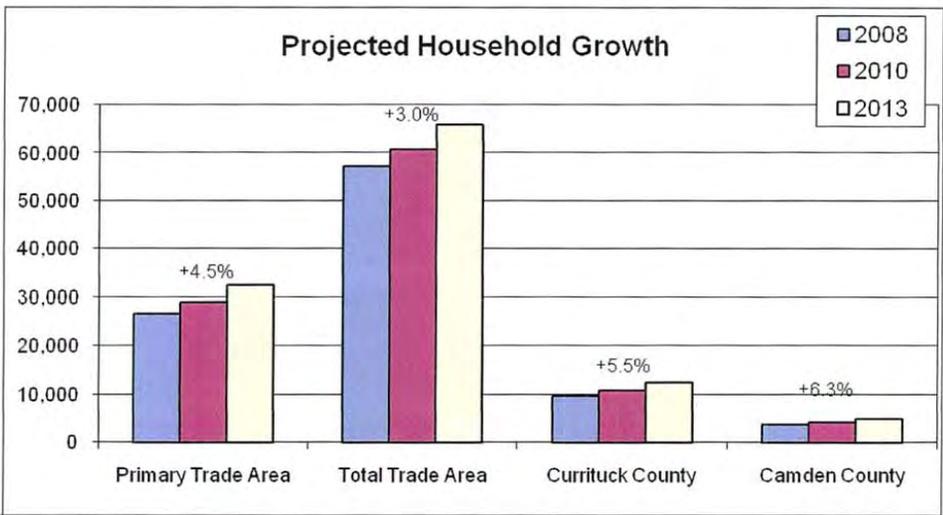
By drive-time, there are an estimated 3,073 persons within minutes of the site, growing to 6,132 within twenty minutes and 17,777 within thirty minutes of the site. This base is projected to increase 6.8%, 4.7% and 2.5% annually to 4,119, 7,563 and 20,027 persons by 2013, respectively.

Households within the defined primary trade area are currently estimated to be approximately 26,601 households that is projected to grow 4.5% annually to 28,981 by 2010, 32,552 by 2013 and 34,932 households by 2015. As with the projected population growth, the strongest percentage household growth within the primary defined trade area is Census Tract 110.101 located in the north Outer Banks area (8.0% annually), followed by Census Tracts 110.200 (6.5% annually), 50.100 (6.3% annually) and home Census Tract 110.400 (5.3% annually). The total trade area's household base is currently estimated to be 57,236 and projected to grow 3.0% annually to 60,694 households in 2010, 65,880 household in 2013 and 39,338 households by 2015.

Currituck County has a current household base of 9,706 that is projected to grow 5.5% annually to 10,778 by 2010, 12,386 in 2013 and 13,458 in 2015. Neighboring Camden County has a current base of 3,835 that is projected to grow 6.3% annually to 4,321 in 2010, 5,051 in 2013 and 5,5537 by 2015,

Currently most of the housing units in the total trade area are owner-occupied (57%), due to a strong base of seasonal households (30.6% in the primary trade area and 22.7% in Currituck County). As expected, the seasonal housing base is strongest in the Outer Banks area (Census Tracts 110.101 and 70.100-70.400) with a reported seasonal housing base of 32% to 70% (North Outer Banks/Corolla).

Persons per household in the defined primary and total trade areas are reported as 2.44. The home census tract has a reported median persons per household of 2.45 and Currituck County has a reported persons per household of 2.57.

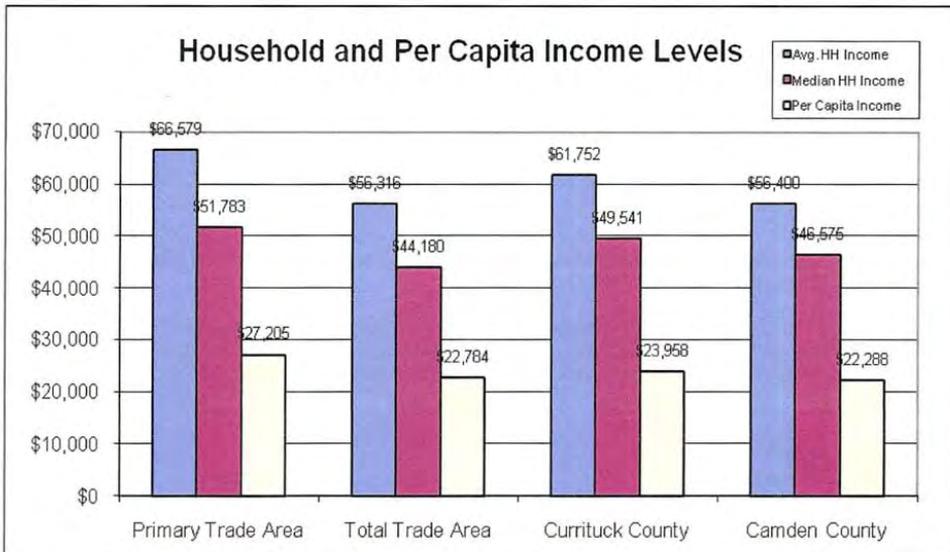


Incomes throughout the primary trade area vary widely, however, are homogeneous throughout the secondary trade area. The *average* household income reported for the primary trade area is \$66,579, compared to \$56,316 in the total trade area. Incomes in the north Outer Banks area near Corolla have the strongest income levels, with a reported average household income of \$127,071. The home census tract incomes are more moderate and reported as \$54,177. Trade area *Median* household incomes are reported as \$51,783 and \$40,180 (primary and total trade areas). Once again, the northern Outer Banks area reports the strongest (\$76,814) median household incomes. *Per capita* incomes are reported as \$27,205 in the primary trade area, dropping to \$22,784 in the total trade area.

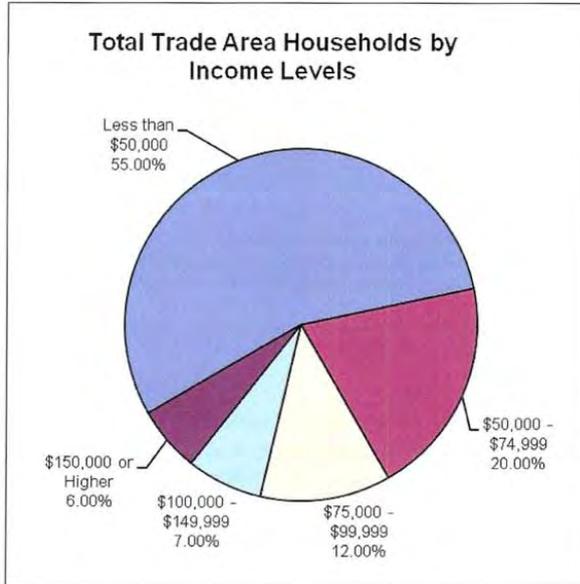
Currituck County reports average and median household incomes of \$61,752 and \$49,541 compared to \$56,400 and \$46,575 for Camden County.

In the total trade area, 5.8% (3,292) of the households report incomes of \$125,000 or higher, compared to 6.5% (3,696 households) reporting household incomes between \$100,000 and \$124,999 and 11.6% (6,636 households) reporting incomes between \$75,000 and \$99,999.

The following table details the average, median and per capita incomes for the primary and total trade areas, as well as for Currituck and Camden Counties:



The following chart shows the breakdown of households by income in the total trade area:



Current incomes by radius are moderate close-in to the North River Resort site and growing stronger over distance with average household incomes reported as \$51,920, \$51,187 and \$72,431 within the three-, five- and ten-mile radius. Median and per capita incomes are reported as \$41,218/\$21,270, \$40,513/\$21,049 and \$52,900/\$30,340 for the same radii. Over 20% of the households within three miles of the site report incomes of \$75,000 or higher, followed by an additional 17% with households between \$50,000 and \$74,999.

Based on a demographic trend analysis report by Claritas, incomes in the market area are increasing. Within three miles of the North River Resort location, incomes are projected to increase 14% from \$51,920 to \$59,038 (average household income) and 13% from \$41,218 to \$46,879 (median household income) by 2013. Within a five-mile radius, the respective income projections for 2013 are \$58,276 and \$46,783 (increases of 13% and 14%). In the primary trade area, the average household income of \$66,579 is projected to rise to \$74,940 by 2013 and median household incomes are projected to increase from \$51,783 to \$58,690, increases of 13%. Please refer to the table on the facing page for the projected increase in both incomes and change in the ages for the site.

The primary and total trade area's population is primarily white (90% and 75%), which is similar to that found in Currituck (90%) and Camden Counties (80%). Approximately 7% of the population base is African American in the primary trade area, growing to 22% in the total trade area.

The median age in the primary trade area is 42.2 years, compared to an average age of 41.3 years in the total trade area, 41.4 years in Currituck County and 41.7 years in Camden County. North Outer Banks reports the population base with the oldest median age (53.6 years) in the primary trade area.

The majority of the primary and total trade area residents are employed in white-collar occupations (53% and 51%), with approximately 12% employed in sales, followed by 11% in administrative support, 9% in managerial/farming and 7% in education positions (total trade area).

Of those age 25 years and older, only 22% have a bachelor's degree or higher education in the primary trade area and 18% in the total trade area, compared to 13% in Currituck County and 16% in Camden County.

Please refer to Appendix 1 for a detailed population and demographic table by census tract, along with the expanded trade area demographic profile for the three-, five- and ten-mile radii and for the 10-, 20- and 30-minute drive time report for the site.

Lifestyle Characteristics. To better understand the propensity of local residents to shop retailers proposed for the site, we examined the lifestyles of residents located within the defined trade areas.

Tapestry lifestyles combine aggregate consumer demand with demographic variables to form 65 different lifestyles as a predictor of consumer purchasing patterns. These lifestyles are based on the smallest geographical basis available, and updated annually to insure the most current and accurate data.

The following table details the top lifestyles found within the defined trade areas:

Tapestry Lifestyle	Primary Trade Area	Total Trade Area	Short Description
Rural Resort Dwellers	8,375 31.5%	11,174 19.5%	Favoring milder climates and pastoral settings, <i>Rural Resort Dwellers</i> live in rural non-farm areas throughout the United States. They are older than most Tapestry segments, with a median age of 46.2 years. About 40 percent of <i>Rural Resort Dwellers</i> are married with no children living at home. More than 90 percent of them are white. Simple living and consumer tastes describe the <i>Rural Resort Dwellers</i> . Coal and wood stoves, kerosene heaters, riding lawnmowers, garden tillers, tractors and chain saws are some of the home improvement and garden equipment they buy and own to maintain their properties. Home improvement projects they have installed include kitchen countertops, carpeting and insulation. <i>Rural Resort Dwellers</i> residents take their four-wheel-drive vehicles to gas stations for service, buy books at the supermarket. Shopping favorites include True Value for hardware, Wal-Mart Pharmacy for prescriptions and the L.L. Bean, Eddie Bauer and Land's End catalogs for clothing.
Midland Crowd	7,288 27.4%	13,313 23.3%	<i>Midland Crowd</i> represents Tapestry's largest market with more than ten million people, nearly four percent of the United States population. They mirror the United States norm with a median age of 35.9 years. these neighborhoods are found in rural areas that have been growing by three percent annually since 2000. Most of these residents are white. The rural location and their traditional lifestyle dictate the consumer preferences of <i>Midland Crowd</i> residents. Purchases of work boots, hunting clothes and craft supplies reflect their employment, lifestyle and leisure activities. They fill prescriptions at the Wal-Mart Pharmacy, buy craft and hobby supplies by mail, phone or online and stop in the local True Value store for hardware. If they eat out, <i>Midland Crowd</i> residents prefer family or fast food restaurants such as Golden Corral, Chick-Fil-A or Hardee's.
Rooted Rural	2,423 9.1%	8,071 14.1%	The population is older than the national median of 36.0 years with a median age of 40.4 years. Married couples with and without children are typical of <i>Rooted Rural</i> households. Most of the <i>Rooted Rural</i> residents are white. <i>Rooted Rural</i> residents are "do-it-yourselfers"; they have installed vinyl flooring and service their vehicles themselves. They might spend more than \$500 per year on tires. They own welders, chainsaws and drill presses. They buy tillers, tractors, lawnmowers, vegetable plants and seeds to tend their gardens. Favorite grocery stores are IGA and Winn-Dixie. They use shortening, yeast and cornmeal for meal preparation. They take prescription medications for diabetes and arthritis. <i>Rooted Rural</i> residents order merchandise from the J.C. Penney catalog, and seeds, plants and coffee by mail, phone or online.

Tapestry Lifestyle	Primary Trade Area	Total Trade Area	Short Description
Salt of the Earth	2,040 7.7%	2,609 4.6%	These married couples with and without children have a median age of 39.5 years. One fifth of <i>Salt of the Earth</i> residents live in single-person households. Nearly 95 percent of the population is white. <i>Salt of the Earth</i> residents live in blue-collar neighborhoods in rural areas or small towns. Hardworking, primarily in agriculture, manufacturing, or mining. As the segment name implies, <i>Salt of the Earth</i> residents are settled, traditional and hard working. Their consumer preferences reflect their background; they concentrate on home, yard and auto maintenance. They're frequent shoppers at True Value hardware stores and order garden supplies, seeds and plants by phone, mail or online. As the segment name implies, <i>Salt of the Earth</i> residents are settled, traditional and hard working. Their consumer preferences reflect their background; they concentrate on home, yard and auto maintenance. They're frequent shoppers at True Value hardware stores and order garden supplies, seeds and plants by phone, mail or online. Always searching for bargains, <i>Salt of the Earth</i> residents patronize chain grocery and warehouse stores. Health-conscious <i>Salt of the Earth</i> residents take One-A-Day vitamins, visit nurse practitioners, and take prescription medications.
Silver & Gold	2,161 8.1%	2,161 3.8%	With a median age of 57.6 years, more than 20 years above the national average, <i>Silver and Gold</i> households are made up primarily of older married couples without children. These seniors are well educated and financially prosperous. Retired from professional occupations, the wealthiest seniors have relocated to sunny climates. <i>Silver and Gold</i> residents drink imported wines, buy books at a warehouse store, would buy a PC directly from the manufacturer, and own a fax machine. They search the Yellow Pages for landscaping and appliance repair services. They read epicurean and travel magazines and watch <i>The West Wing</i> on television. <i>Silver and Gold</i> residents order from the L.L. Bean, Eddie Bauer, and Land's End catalogs. They order cookware, kitchen accessories and flowers by phone, mail and online. They purchase golf clothing and women's swimsuits, own a hot tub or whirlpool spa, go to the beach and dine out at least once a week. They go sailing, power boating, fishing and golfing and have taken an overseas cruise vacation.

Most (32%) of the primary trade area residents are found in the "Rural Resort Dwellers" segment of Tapestry Lifestyles. As a group, these residents are older, married consumers without children. They are conservative in their purchasing patterns and are active in their communities. However, this group is less represented in the total trade area, with the lifestyle falling to only 20% of the total household base.

The second largest lifestyle is "Midland Crowd", which represents 27% of the primary trade area's household base and 23% of the total trade area's base. The "Midland

Crowd” lifestyle represents those living in rural markets, many of which are employed in farming, manufacturing or service sectors. “Midland Crowd” households are also conservative in their purchasing patterns and apt to eat at family or fast-food restaurants.

Please refer to the primary Tapestry Lifestyle table found in Appendix 2.

Tourist Population Base. As noted in the trade area household data, there is a strong base of seasonal households in the trade area, most of which are located along the Outer Banks area. The site is well positioned to serve this population base, as most have to drive by the site en-route to the Outer Banks.

In total, Currituck County estimates there are over five million visitors per year, with most (three million) visiting during the peak summer months (June through August).

According to a study of the Outer Banks Visitors Bureau and a study of tourists that was conducted by Strategic Marketing and Research in September 2006, most visiting the area come from Washington, DC (9.7%), followed by Norfolk/Portsmouth/Newport News (6.9%), Philadelphia (6.5%), Richmond/Petersburg, Virginia (4.9%), New York City (4.4%) and Baltimore, Maryland (4.1%). Combined, these six origins represent 36.5% of the total visitor population. Those living in the closer areas were more apt to visit in the spring or winter seasons, while those living further away were more apt to visit during the peak summer and fall months.

The typical visitor profile tended to be:

- 50 years old
- Married (86%) with no children (only 37% had children with them on the trip)
- Average household income of \$80,966
- 36% college educated
- 95% white

However, the winter visitors tended to be older and less affluent than the summer visitors and less likely to have children.

First-time visitors tended to be younger (45 years) with similar incomes (\$80,859) and many more were traveling with children (54%). Race and education levels were similar to that of the total visitor profile.

Overall, visitors stayed an average of 5.7 nights, with summer visitors staying the longest (6.2 nights) and spring trips averaging only 4.3 nights.

The average travel party size was reported as 6.3 people, with summer visitors reporting a mean of 7.6 and winter visitors only 3.8.

Not surprisingly, most stayed in the seasonal housing stock (45%) followed by a rental condominium (12%) and a national hotel (12%) or local/non-chain hotel (7%). The remaining visitors stayed at a campground, with friends or in a small bed and breakfast/cottage.

Expenditures varied widely seasonally as shown below:

	<i>Summer</i>	<i>Fall</i>	<i>Winter</i>	<i>Spring</i>	<i>Overall</i>
<i>Lodging</i>	\$1,502	\$827	\$474	\$538	\$1,139
<i>Meals/Groceries</i>	494	340	291	384	421
<i>Entertainment</i>	54	23	28	28	40
<i>Shopping</i>	290	228	205	213	258
<i>Transportation</i>	245	139	272	187	207
<i>Attractions</i>	73	49	56	69	63
<i>Other</i>	93	35	45	25	65
Total:	\$2,751	\$1,641	\$1,370	\$1,444	\$2,193
Per Person/ Per Night	\$58	\$61	\$70	\$84	\$61

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: April 20, 2009
Special Use Permit
PB 08-61 High Cotton**

ITEM: **SPECIAL USE PERMIT FOR 252 MULTI-FAMILY DWELLINGS**

LOCATION: 1187 Caratoke Highway, Moyock Township

ZONING DISTRICT: Conditional District - General Business (CD-GB)

- The following GB uses are excluded from the property:
 - o Reclamation landfill
 - o Demolition landfill
 - o Convenience center
 - o Mobile homes
- Outdoor storage shall be fully screened from public rights of way using a combination of landscaping and/or opaque fencing.
- Site access shall be limited to one access point from Caratoke Highway, but access from other roadways is not prohibited.
- No more than one-tenth of one acre of development or land disturbing activities, except for roads, utilities, or other necessary public improvements, shall occur in Army Corps of Engineers delineated wetlands.
- A 50' buffer along the upland portion of the property adjacent to Rowland Creek Canal (on north-west side of the property) shall be provided. No land disturbance or development shall occur in this buffer area except as needed for required maintenance of the canal. Maintenance of the canal shall require approval from the necessary state and local agencies

TAX ID: Tax Map 22, Parcel 88 (002200000880000)

OWNER: Highland Properties

APPLICANT: Edgewater Construction

NARRATIVE:

Edgewater Construction is requesting a special use permit for a 252 dwelling apartment complex on this 101.1 acre site. In the development impact statement submitted 12-19-08, the applicant states this project will provide workforce housing options in a mixed use development.

This application has been submitted with preliminary engineered construction drawings. Should the Board of Commissioners approve the special use permit, a revised plan including final engineered construction drawings and all State permits must be approved by the Technical Review Committee prior to the commencement of any construction or land development activities.

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential and Wetlands	Zoned: A
SOUTH:	Agricultural	Zoned: A
EAST:	Agricultural	Zoned: A
WEST:	Agricultural - Ranchland Sub. (Across 168)	Zoned: C, A, R

DENSITY: The proposed gross density is 2.49 units per acre on the entire 101 acre property. The multi-family project area is 17.2 acres with a net density of 14.65 units per acre. Since there is no subdivision being proposed, the applicant is utilizing the UDO provision for Multi-Family developments (section 3.2.6) and using the entire 101 acre property for the project.

STREETS: The streets are required to be built to NCDOT Design and Construction standards. The proposed entrance road is proposed to be a private street.

FIRE: This development is located within the jurisdiction of the Moyock Volunteer Fire Department. The applicant is proposing to install fire hydrants, but is not proposing to install a sprinkler system in the apartments.

WATER: This development is proposing to connect to county water. There is an elevated water storage tank on the property.

WASTEWATER: This property was denied a conventional wastewater system permit on February 13, 2007 by Albemarle Regional Health Systems. The applicant is proposing to connect to a planned central wastewater system at the Currituck Reserve subdivision.

SOILS: The Currituck County Soils Map indicates the areas proposed for development contain poorly drained soils.

OPEN SPACE: The required open space for the 101 acre property is 30.3 acres (since the applicant is using the entire 101 acres to calculate density, a corresponding calculation must be used to establish open space). The open space is proposed to be distributed throughout the site, with 6.0 acres common open space provided within the multi-family development.

DRAINAGE:

The applicant is proposing to use an engineered stormwater system. The initial drainage plan was denied at the November 19, 2008 TRC meeting because it was based on uncertain data. A revised engineered drainage plan has been submitted and reviewed that addresses earlier concerns with regard to site elevation and the seasonal high water table.

TRC REVIEW

A Technical Review Meeting was held on November 19, 2008 and the reviewing agencies had the following comments:

Soil and Water, Mike Doxey

Approved with the following comments:

- An engineered plan has been submitted that addresses earlier concerns regarding elevations and the seasonal high water table. The proposal is to build up the entire site above the 100 year storm/base flood elevation of 5 feet above seal level. The same principle was used at the Currituck Crossing subdivision.

Building Inspections, Spence Castello

Approved with the following comments and conditions:

- Foundations will need to be engineered due to poor soil compaction.
- A soils engineer report will be required for all buildings.
- May need handicap parking at the garage.

North Carolina Division of Coastal Management, Charlan Owens

Approved with the following comments:

- A 30 foot buffer is required along the Rowland Creek Canal. Indicate Normal Water Level (NWL) of the canal and the 30 foot buffer on the Master Plan and Site Plan. Activities and/or development within the 30 foot buffer may require a CAMA Permit.

North Carolina Department of Transportation, Roger Ward

Denied with the following comments:

- Several of the major land uses have changed from the site plan previously submitted and approved. As such, I think a revised TIA needs to be completed reflecting the new land uses and construction phasing.
- In consideration of all the changes, I would suggest consideration of revoking the driveway permit recently issued. The new revised master plan may require different roadway improvements and/or a different timetable for those improvements to occur. Bonding for a traffic signal and a phase 2 installation was required under the previously submitted site plan and driveway permit.

****Staff notes a revised Transportation Impact Analysis has been submitted to NCDOT for review.*

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Suggested Staff Findings:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the Special Use Permit procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to Conditions of Approval to minimize any negative effects they might have on surrounding properties.

In order to approve a Special Use Permit, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. The Application is complete:
 - The application is not complete as it does not include a letter of commitment from a wastewater provider as required by Section 9.2.7.2(E). The applicant will need to demonstrate central wastewater capacity, or the Board of Commissioners will need to issue the Special Use Permit contingent upon the applicant receiving the appropriate approvals.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S":
 - This use complies with the Table of Permissible uses and is allowed in the CD-GB district placed on the property on 9-2-2008.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance:
 - The project generally meets the requirements of the UDO. Any environmental concerns associated with the development of the site must be properly addressed prior to commencement of the proposed use.
 - The additional conditions recommended by staff ensure the development will meet or exceed the requirements of this ordinance.
4. The special use will not materially endanger the public health or safety:
 - The use will not directly endanger the public health of safety provided stormwater is properly managed on this site.
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located:
 - The adjoining properties are agricultural and low density residential dwellings. This use is not necessarily in harmony with the area because there is not compatible high density or commercial development in the immediate area.

However, it may provide an opportunity to establish a controversial use in an otherwise isolated area.

6. The proposed use will be general conformity with the Land Use Plan or other officially adopted plan:

- The 2006 Land Use Plan classifies the subject property as **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. Preferred uses include very low density residential and non-residential uses are typically discouraged
 - § For the Moyock sub-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. There are existing environmentally sensitive areas that cannot support higher density development and do not have access to services that are therefore classified as Rural or Conservation.
- Policy ES1 states that new development shall be permitted in areas with suitable soil and where adequate infrastructure is available. For existing development located on poor soils, and where sewage treatment upgrades are necessary, engineering solutions may be supported, provided that environmental concerns are fully addressed.
- Policy WS3 states that Currituck County endorses utilities extension policies that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development and (4) away from environmentally sensitive areas, such as areas with extensive wetlands.
- Policy HN5 states that affordable forms of housing other than manufactured housing are often overlooked in meeting the needs of young families, workers of modest income, senior citizens and others.
- Staff feels there are Land Use Plan policies that support attached housing in the County (staff also supports the idea of diverse housing options spread throughout the county). However, the location and environmental conditions of this particular development are not supported by the Land Use Plan as it is currently adopted. For this reason, this special use **does not** comply with the 2006 Land Use Plan.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family 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:
 - The proposed multifamily use will not exceed the county's ability to provide adequate public facilities.

STAFF RECOMMENDATION

The proposed development **does not** meet the criteria for granting a Special Use Permit and therefore staff recommends **denial** until such time as the following items can be corrected or addressed:

1. The project must provide a letter of commitment from a wastewater provider as required by Section 9.2.7.2(E) of the UDO prior to the development of the property.
2. The current 2006 Currituck County Land Use Plan does not support a high density development on this property. Therefore, staff recommends that this project not be approved until a Moyock small area plan is adopted or the Land Use Plan is amended to reflect the impact of central wastewater on the Moyock Sub-Area.

Should the Board of Commissioners approve this request, staff recommends the following permit conditions:

1. An NC Erosion and Sedimentation Control permit and NC Stormwater permit shall be submitted prior to land disturbing activities.
2. A revised Transportation Impact Analysis must be approved by NCDOT. Any recommended changes by NCDOT shall be included on construction drawings.
3. This project shall not retain any vested rights until a revised site plan and construction drawings are submitted and approved by the Currituck County Technical Review Committee. Any approvals issued by the Board of Commissioners are conditional on receiving full TRC approval prior to being granted a vested right.
4. A minimum 35% of the entire 101 acre site must be reserved for open space associated with the multifamily project. The open space dedication must include 50% upland area and be accessible to the residents of the multifamily development.

5. To ensure the zoning conditions are being met on wetlands disturbance, staff recommends that all land disturbing activities not occur within 5 feet of the wetlands and no improvements be proposed within 10 feet of the wetlands.

PLANNING BOARD DISCUSSION

Mr. West asked if wetlands were used to determine the density.

Mr. Woody stated yes.

Mr. West asked if the walking trails will be on the wetlands.

Mr. Woody stated that they could have some on wetlands, but 50% of the required open space will have to be on uplands.

Ms. Wilson asked for clarification on where the walking trails will be within the open space area.

Ms. Venable stated the trails they are proposing from the buildings will be one mile long.

Ms. Venable stated that 2 foot of fill will have to be provided on site for the areas that need to be filled.

Ms. Venable addressed the Land Use Plan (LUP) and stated the Board has the ability to overrule the LUP. When the plan was put together water and sewer was not available on the site. One-third of the property is wet which they want to put this into open space. Sixty-seven acres is uplands along Caratoke Highway which is surrounded on three sides with a full service district. Within this property which is zoned general business/commercial you can have mixed uses that would included assisted living, retail, and multi-family. There is a water tower on the site. Ms. Venable provided a letter from the county that stated in 2010 sewer will be provided by the county right in front of the property. If sewer is not available through the county then they would have a sewer system on the back of the site. Ms. Venable provided an overview of the site. It will be a gated community; the buildings will be 3 stories, 1 to 3 bedrooms, a recreation building, pool, open space, walking trail, and a fitness facility.

Mr. Everhart stated that the county will provide Smith Packett (assisted living) a force-main line to the wastewater treatment plant which is scheduled to be completed in July of 2010. The line will be in front of their project, but the question of whether the Board of Commissioners will allow residential hook-up to the sewer system is still being discussed. Mr. Everhart stated if the commissioners do not allow residential hook-up then they would put in a package plant on the site.

Mr. West stated he was under the impression that High Cotton was connected to the assisted living facility.

Mr. Everhart stated they are selling them the property for the assisted living facility.

Mr. West referred to the letter the board received from Mr. Innes referring to this project being affordable housing and a gated community.

Mr. Everhart stated it will be a gated community for security purposes because of the amount of traffic with 252 units.

Mr. West asked Mr. Everhart to define affordable living.

Mr. Everhart stated approximately \$780 per month. They will consist of 1, 2, and 3 bedroom units. There will be seven full time staff on site.

Mr. Clark stated in the letter it states these units are being built so the residents of Currituck will have affordable housing. Is there a plan in place to give Currituck residents priority over other residents?

Mr. Everhart stated they are willing to work this out. Mr. Everhart stated Currituck's work force will get first shot at the units, but they have to be competitive. The project will be built in two phases.

Mr. Kovacs asked if any of the units will be handicap accessible.

Mr. Everhart stated yes.

Ms. Wilson stated she agrees that Currituck does need affordable housing, but is concerned because the current 2006 Land Use Plan does not support a high density development on this property.

Mr. Everhart stated the stormwater system and parking lots will all drain into a peat filtration system. Before any stormwater off these buildings or parking lots gets into one of the retention ponds it will have been filtered 94%.

Mr. Bell asked how long it would take to construct your own wastewater system.

Mr. Everhart stated approximately 3 months using a pre-engineer system which is factory made.

Mr. Clark asked Mr. Woody if the county has any ladder trucks.

Mr. Woody stated that the county has a 35 foot height requirement for buildings.

Mr. West asked if all the Technical Review Committee (TRC) agencies submitted comments on this project.

Mr. Woody stated that all the county departments did review this plan.

Mr. Everhart stated they have had three public meetings on the project and ended up with 150 positive comments and had only one negative comment.

Ms. Kinney stated this project is needed in the community which blends the young and old. Ms. Kinney passed around a petition with signatures in favor of the project. She stated this project is good for the community and it is a good location.

Mr. Innes stated that to succeed in business your product or service must meet two criteria: 1) that people must want it, and 2) that it will benefit the community. The

assisted living and multi-family meet these criteria. This is not subsidized housing, it will be a community which is well run, and it will provide homes for people who do not want or cannot afford a single family home.

Mr. Kovacs stated the biggest issue is the LUP, if this request was approved, will this approval change the LUP?

Mr. Woody stated they are just considering the Special Use Permit.

PLANNING BOARD ACTION

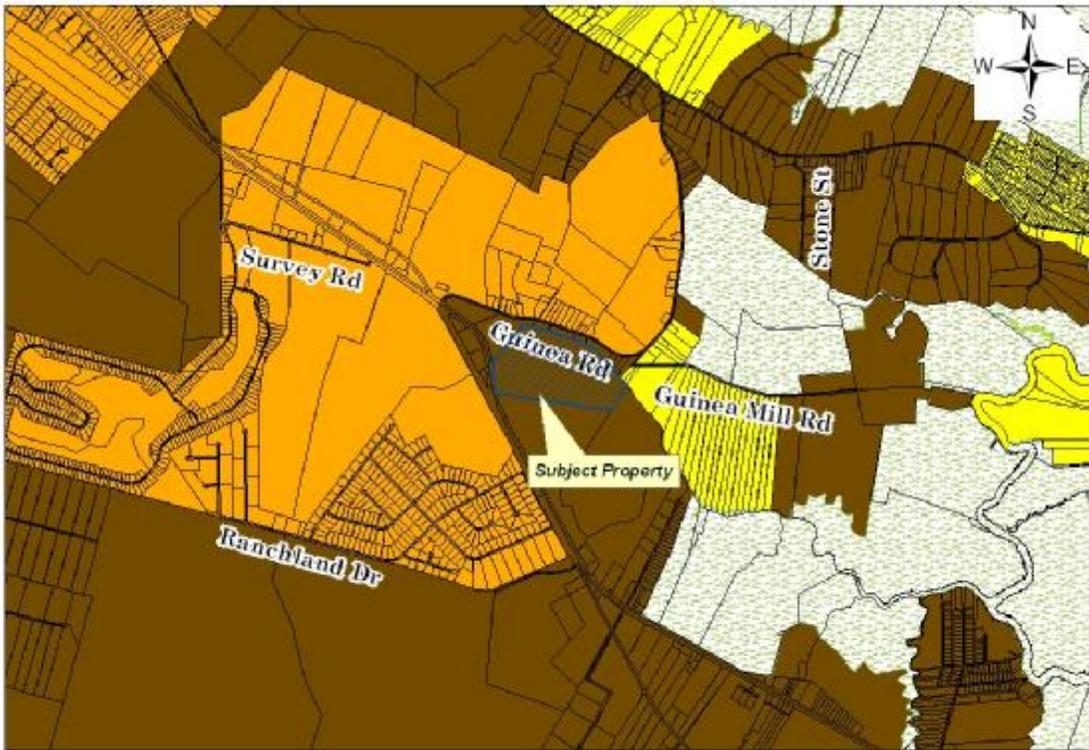
Mr. Etheridge motioned to recommend approval with staff recommendations for a Special Use Permit for 252 multi-family dwellings. Mr. Kovacs seconded the motion. Motion carried unanimously.



PB 08-61 High Cotton
Special Use Permit

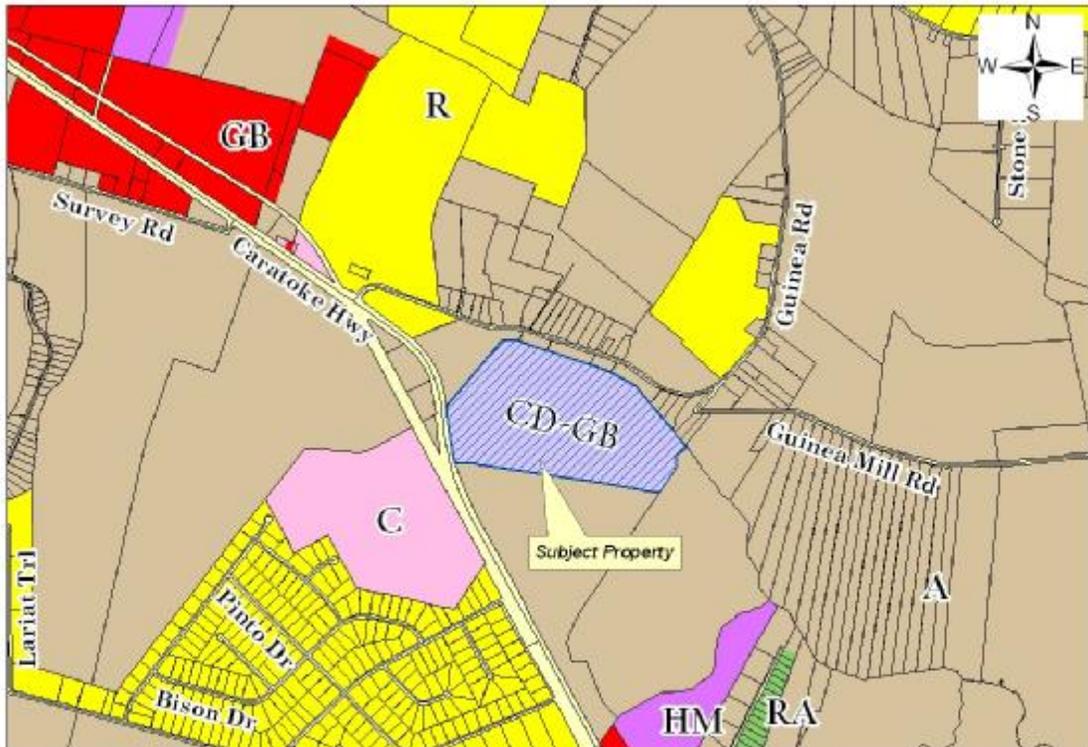
0 300 600 1,200
Feet
Currituck County Planning Department





PB 08-61 High Cotton
Special Use Permit

0 1,750 3,500 7,000 Feet
Currituck County Planning Department



PB 08-61 High Cotton
Special Use Permit

0 1,000 2,000 4,000 Feet
Currituck County Planning Department



High Cotton

Currituck County, North Carolina

Special Use Permit Site Plan

October 9th, 2008



LPS LAND PLANNING SOLUTIONS
5857 HARBOUR VIEW BLVD., STE. 202
SUFFOLK, VA. 23435-2657
O 757.935.9014 F 757.935.9015
www.landplanningsolutions.com

Owner

Highland Properties, Inc.
378 Caratoke Highway
Moyock, North Carolina 27958
P. 252.435.2531
Contact: Brian Innes

Developer

Edgewater Construction
759 South Bay View Road
Jarvisburg, North Carolina 27947
P. 252.202.6112
Contact: Warren Everhart

Engineer

Land Planning Solutions, LC
5857 Harbour View Boulevard, Suite 202
Suffolk, VA 23435-2657
P. 757.935.9014
F. 757.935.9015
Contact: Jeffrey P. Huentelman, PE

Tabulation:

Total Site Area:	101.14 Ac
Existing Wetland Area:	37.71 Ac
Current Zoning:	GB (General Business)
Special Use Permit:	Multi-Family (Apartments)
Multi-Family Units Allowed:	2.5 Units/Ac or 252
Multi-Family Units Provided:	252

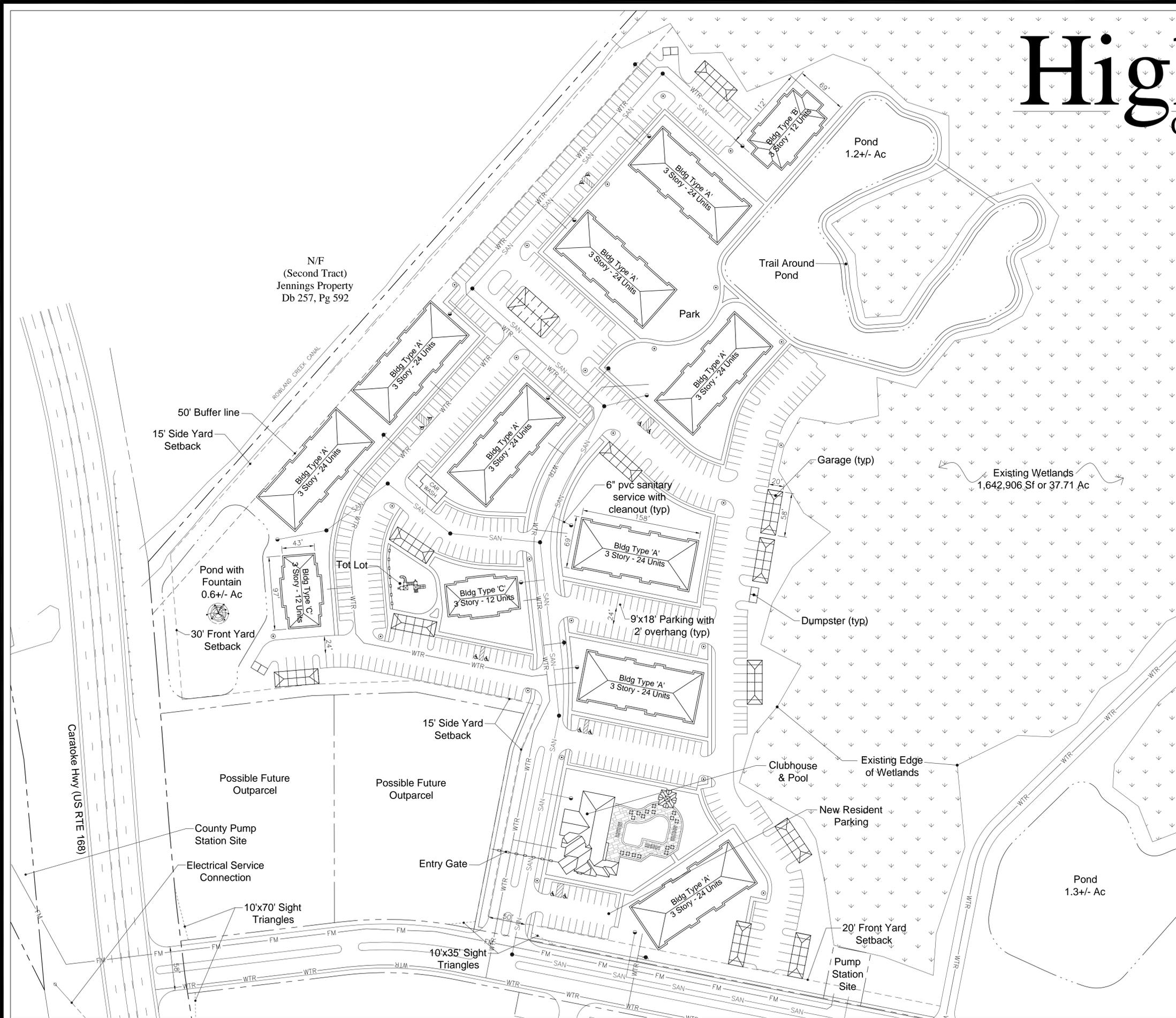
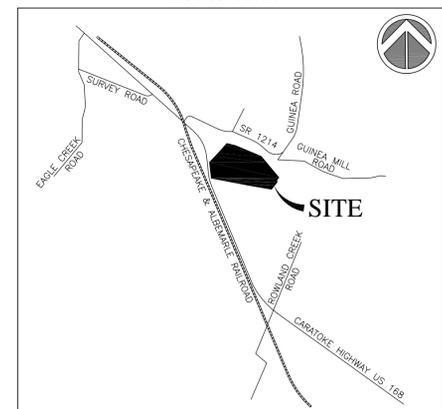
Building and Parking Setbacks:	
Front = 20' (30' along NC 168)	
Side = 15'	
Rear = 25'	
Maximum Building Height = 35'	
Building Height Proposed = 35' Max	

Surface Parking:	492 Spaces
Handicap Spaces:	12 Spaces
New Resident Parking:	20 Spaces
Garage Parking:	52 Spaces
Total Parking Provided:	576 Spaces
Total Parking Required:	2/Unit or 504 Spaces

Gross Building Floor Area = 335,199 Sf
Common Open Space Required: 30%
Common Open Space Provided: 35%

Flood Zone: AE (EI 5)
Firm Map Number: 3721804000J
Panel Number: 8040
Dated: December 16, 2005
Minimum Finished Floor Elev = 6.0

Vicinity Map not to scale



Owner Developer Engineer

Highland Properties, Inc.
378 Caratoke Highway
Moyock, North Carolina 27958
P. 252.435.2531
Contact: Brian Innes

Edgewater Construction
& Development
759 South Bay View Road
Jarvisburg, North Carolina 27947
P. 252.202.6112
Contact: Warren Everhart

Land Planning Solutions, LC
5857 Harbour View Boulevard,
Suite 202
Suffolk, VA 23435-2657
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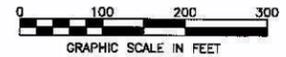
*Note: Open space area highlighted (9.35 +/- a.c.)
location may vary at Final Site Plan. Subject to
planning staff approval.*

High Cotton

Currituck County, North Carolina

Open Space Exhibit

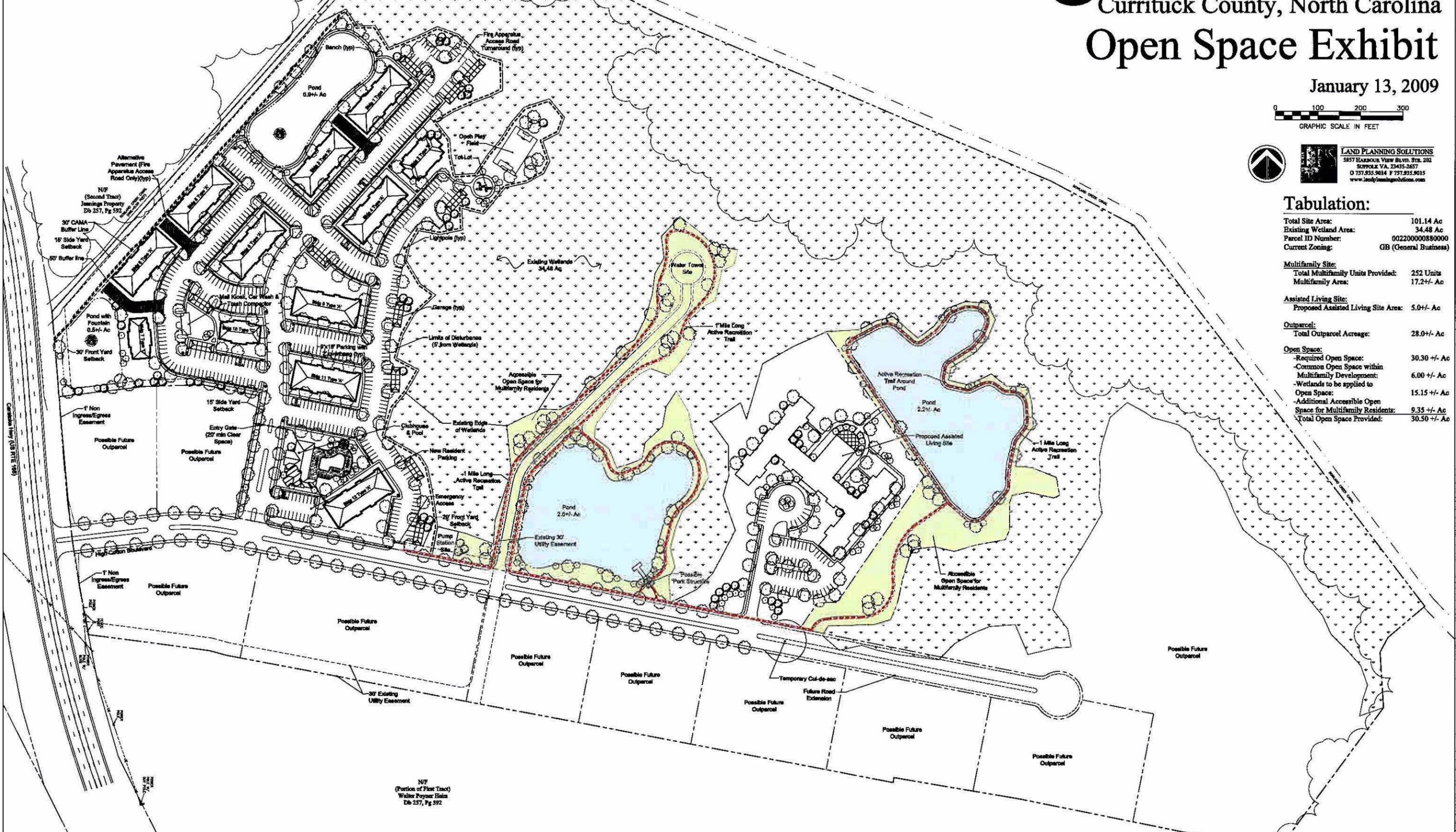
January 13, 2009



LAND PLANNING SOLUTIONS
5857 HARBOUR VIEW BLVD. STE. 202
SUFFOLK, VA. 23435-2657
O 757.935.9014 F 757.935.9015
www.landplanning.com

Tabulation:

Total Site Area:	101.14 Ac
Existing Wetland Area:	34.48 Ac
Parcel ID Number:	00220000880000
Current Zoning:	GB (General Business)
Multifamily Site:	
Total Multifamily Units Provided:	252 Units
Multifamily Area:	17.2 +/- Ac
Assisted Living Site:	
Proposed Assisted Living Site Area:	5.0 +/- Ac
Outparcel:	
Total Outparcel Acreage:	28.0 +/- Ac
Open Space:	
-Required Open Space:	30.30 +/- Ac
-Common Open Space within Multifamily Development:	6.00 +/- Ac
-Wetlands to be applied to Open Space:	15.15 +/- Ac
-Additional Accessible Open Space for Multifamily Residents:	9.35 +/- Ac
Total Open Space Provided:	30.50 +/- Ac





**CURRITUCK COUNTY
DEPARTMENT OF PLANNING
REQUEST FOR A SPECIAL USE PERMIT**

Staff Use	
CASE #: _____	DATE FILED _____
FEE RECEIVED _____	REVIEWED BY _____

Applicant:

Name: Edgewater Construction
 Address: 759 South Bay View Rd.
Jarvisberg, NC 27947
 Telephone: 252-491-2185
 Fax Number: _____
 E-Mail: _____

Owner:

Name: Highland Properties
 Address: 378 Caratoke Hwy., Moyock, N.C.
 Telephone: 252-435-2531
 Fax Number: N/A
 E-Mail: N/A

LEGAL RELATIONSHIP OF APPLICANT TO THE PROPERTY OWNER: Contract Purchaser

Project Information:

Project Name: High Cotton
 Street Address: 1187 Caratoke Hwy., Moyock, NC 27958
(Obtain from Lucy Cardwell, Tax Department, at 252-232-4038)
 Parcel Id Number: 00220000088000
 Total Tract Acreage: 101.00 Zoning District: GB
 Deed Book/Page Number and/or Plat Cabinet/Slide Number: Plat Cabinet I/Slide Number 50
 Existing Use: Vacant
 Proposed Use: Multi-Family Residential
 Proposed Use Classification Number(s): 3.2.6
 Total square footage of land disturbance activity: +/- 18 a.c.
 Total square footage of lot coverage: 380,540 s.f.
 Total structure coverage: 139,877
 Total vehicular area (including sidewalks): 240,663
 Total existing coverage: 0 s.f.
 Total proposed coverage: 380,540 s.f.
 Gross floor area of all buildings: 335,199 s.f.
 Existing gross floor area: 0 s.f.
 Proposed gross floor area: 335,199 s.f.

 Purpose of Special Use Permit: To allow multi-family dwellings in Zoning District GB

The applicant should respond to the following issues that the Board of Commissioners must find in order to issue a Special Use Permit. Answers should be supported by facts.

- a. The use will not materially endanger the public health or safety;
The proposed use of multi-family apartments does not endanger public health or safety.

- b. The use will not substantially injure the value of adjoining or abutting property;
The proposed use will not injure the value of adjoining or abutting property. Where required, buffers will be provided to separate the proposed use from surrounding properties.

- c. The use will be in harmony with the particular neighborhood or area in which it is to be located (even though the proposed use and surrounding uses are generally permissible in the same district and therefore usually compatible);
The proposed multi-family use will work well in the neighborhood by providing quality homes and public open spaces for residents. The proposed multi-family will also create a mix of uses giving residents the luxury of walking to restaurants, possible employers and future neighborhood retail stores.

- d. The use will be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the board;
The proposed use conforms with the land use plan's classification of residential and will conform to other officially adopted plans.

- e. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities.
The use will not exceed the county's ability to provide adequate public facilities.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize County Officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Signature

OWNER VERIFICATION

NOTE: IF THE PERSON WHO IS REQUESTING THE BOARD OF COMMISSIONERS TAKE ACTION ON A PARTICULAR PIECE OF PROPERTY IS NOT THE OWNER OF THE PROPERTY, THEN THE ACTUAL OWNER OF THE LAND MUST COMPLETE THIS FORM. IF THE PERSON WHO IS REQUESTING THE BOARD OF COMMISSIONERS TO TAKE ACTION ON A PARTICULAR PIECE OF PROPERTY IS THE OWNER OF THE PROPERTY, PLEASE DISREGARD THIS FORM.

Dear Sir of Madame:

I am the owner of the property located at 1187 Caratoke Hwy., Moyock, NC 27958

I hereby authorize Edgewater Construction to appear with my consent before the Currituck County Board of Commissioners in order to ask for a Special Use Permit to allow multi-family residential at this location.

I understand that the Special Use Permit, if granted, is permanent and runs with the land. I authorize you to advertise and present this matter in my name as the owner of the property.

I HEREBY AUTHORIZE COUNTY OFFICIALS TO ENTER MY PROPERTY FOR PURPOSES OF DETERMINING ZONING COMPLIANCE. ALL INFORMATION SUBMITTED AND REQUIRED AS PART OF THIS APPROVAL PROCESS SHALL BECOME PUBLIC RECORDS.

If there are any questions, you may contact me at my address: 378 Caratoke Hwy., Moyock, N.C. or by telephone at 252-435-2531.

Respectfully yours,

Property Owner

Sworn to and subscribed before me, this the _____ of _____, 20____

Notary Public

My commission expires: _____



5857 Harbour View Boulevard, Suite 202
Suffolk, Virginia 23435
O. 757.935.9014 F. 757.935.9015

NOTICE OF APPLICATION

TO: Adjacent Property Owners and Interested Parties
FROM: Land Planning Solutions
DATE: October 16, 2008
RE: Petition for Special Use Permit for High Cotton

PETITION FOR Special Use Permit _____:

To rezone _____ acres from _____ to _____

To obtain a (Amended) Special Use Permit (SUP) for Multi-family residential within the GB zoning base district

To obtain (Amended) Sketch Plan/Special Use Permit approval for a Major Subdivision for _____ lots. (Number)

To obtain a (Amended) Conditional Use Permit (CUP) for _____

To obtain a Variance from the UDO (description) _____

To consider an Appeal (description) _____

The property is located (*PHYSICAL STREET ADDRESS, TAX MAP & PARCEL NUMBER*)
1187 Caratoke Hwy., Moyock, NC 27958
00220000088000

The property is currently owned by Highland Properties

The Currituck County Planning Board/Board of Commissioners/Board of Adjustment will receive public testimony regarding the above referenced application (in favor or in opposition) at the following **public** meeting(s)/hearing(s). Anyone who wishes to attend or give testimony may do so. The meeting is held in the Historic Currituck County Commissioners Room, 153 Courthouse Road.

Planning Board Meeting [date and time]
Board of Commissioners Public Hearing [date and time]
Board of Adjustment Public Hearing [date and time] - (*For Conditional Use, Variance, and Appeal Applications Only*)

The Currituck County Planning Board will hear this request at 7:00 p.m. on December 9, 2008 in the Historic Currituck County Commissioners Room at 153 Courthouse Road. Please note that substantial changes in the application may be made following the meeting. The public is invited to attend the meeting.

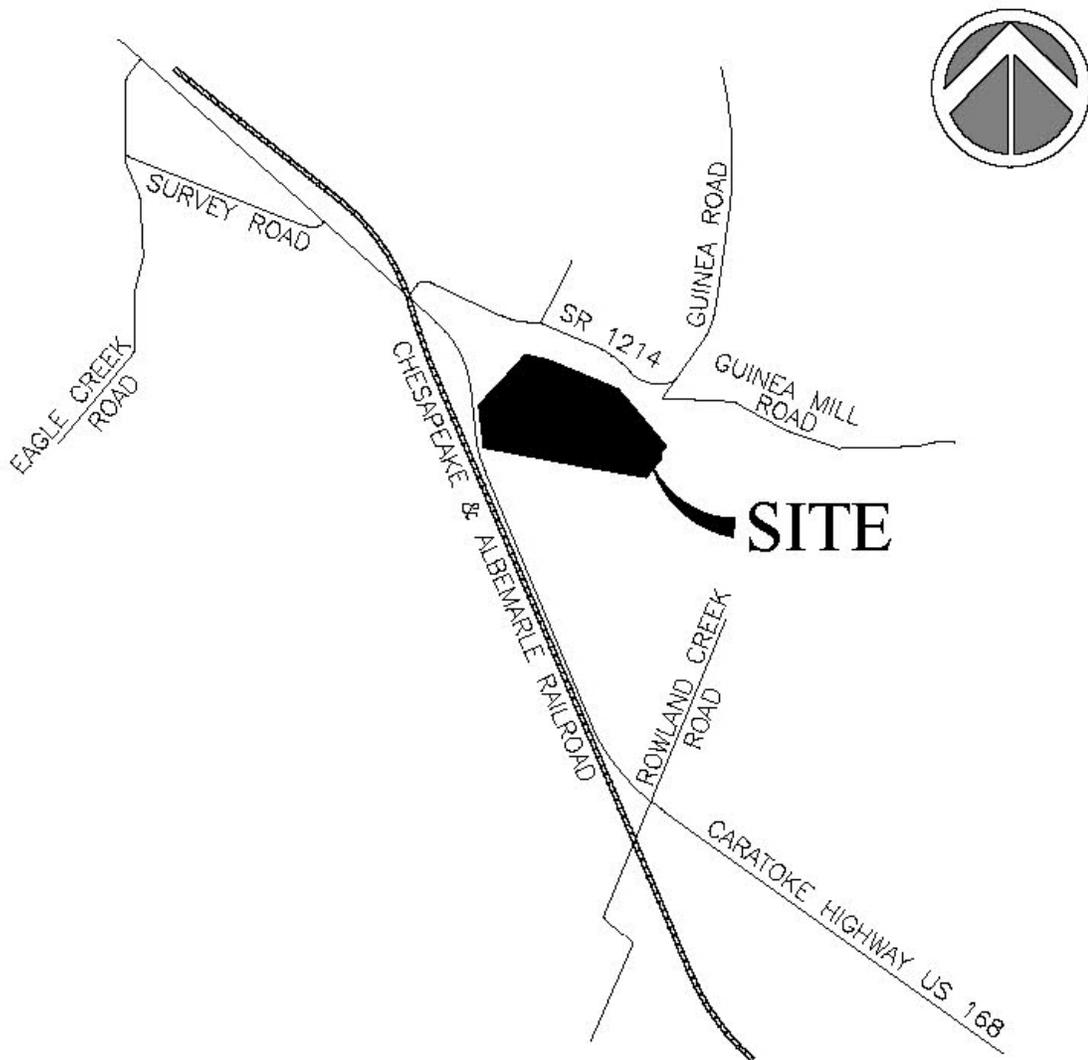
The official PUBLIC HEARING will be held by the Currituck County Board of Commissioners at 7:00 p.m. on January 5, 2009 in the Historic Currituck County Commissioners Room at 153 Courthouse Road.

If you have any questions regarding the hearing or the enclosed material, please contact the Currituck County Planning Department at (252) 232-3055.

Information pertaining to this application is available at the Planning Department, 153 Courthouse Road, Currituck, NC, between the hours of 8:00 a.m. and 5:00 p.m.

Land Planning Solutions

5857 Harbour View Boulevard, Suite 202
Suffolk, Virginia 23435
O. 757.935.9014 F. 757.935.9015



APPLICATION FOR MAILING LIST

Application is hereby made to the Planning Department for preparation of a listing of the names and mailing addresses of all property owners within 200 feet of the Subject Site indicated below, and further described on the attached Plan, as they appear on the Currituck County tax roll.

SUBJECT SITE: High Cotton - 00220000088000
(Location) 1187 Caratoke Hwy., Moyock, NC 27958

OWNER OF RECORD: Highland Properties
(Name & Address) 378 Caratoke Hwy., Moyock, N.C.

This application is made in conjunction with my application to Currituck County for the following on the subject property (Check appropriate item):

- CONDITIONAL USE PERMIT**
- SPECIAL USE PERMIT (Sketch Plan)**
- AMENDMENT TO THE ZONING MAP**
- VARIANCE**
- APPEAL**

The Planning Board will review this matter at its meeting of December 9, 2008 at 7:00 p.m. - for special use permits and rezoning requests. The Board of Commissioners will hold a public hearing on this application on January 5, 2009 at 7:00 p.m. – for special use permits and rezoning requests. The Board of Adjustment will hold a public hearing on this application on NA at 7:30 p.m. – for conditional use permits, variances, and appeals. Please forward the requested mailing list to the following address or fax:

Land Planning Solutions
5857 Harbour View Boulevard, Suite 202
Suffolk, Virginia 23435
O. 757.935.9014 F. 757.935.9015

APPLICANT’S CERTIFICATION

This mailing list is requested for the purpose of fulfilling my obligation to notify by certified mail all property owners within 200 feet of the referenced Subject Site at least 10 days prior to the scheduled public meeting of the nature of my application and the time, date and place of the Planning Board and public hearing before the Board of Commissioners or Board of Adjustment public hearing. My signature hereon indicates my acknowledgment and understanding of my responsibility as an applicant to notify the public of my application to Currituck County.

Applicant’s Signature: _____ Date: _____



5857 Harbour View Boulevard, Suite 202
Suffolk, Virginia 23435
O. 757.935.9014 F. 757.935.9015

October 10, 2008

NARRATIVE FOR HIGH COTTON

High Cotton, along Route US Rt. 168, is the introduction of Moyock's first mixed use business community. High Cotton proposes to incorporate restaurants, hotels, neighborhood retail, an assisted living facility and multifamily all within walking distance of one another. The idea of a walk-able community within a General Business zoning helps to cut down on traffic, i.e. vehicle trips per day. It allows for a more sustainable community that is active both day and night, giving restaurants and retailer's activity during all hours of operation. It gives residents that ability to find employment or relocate to employment that they may walk to and from daily. The increase of outdoor activity naturally helps to create a neighborhood watch, and a greater sense of community. High Cotton also introduces a high quality Multifamily residents that does not exist today in Currituck County.

The proposed multi-family use at High Cotton is, private, high end residential community. All units will be located in 12 three-story buildings. The homes will be a mix of one, two, and three bedroom units. Open spaces and walkways throughout the development will provide the residents with recreational opportunities, as well as, ease of access to the surrounding uses within High Cotton. This Community's other amenities include a clubhouse, pool and children's play area. All existing wetlands will be preserved providing a natural private back drop for the multifamily community.



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: April 13, 2009

Re: PB 08-49 Currituck County: Conditional Zoning Text Amendment

The enclosed text amendment was withdrawn by the Board of Commissioners at their October 20, 2008 meeting. It is now being moved forward again for reconsideration by the Planning Board and Board of Commissioners.

The amendment as presented would require a community meeting for conditional zoning requests. Currently the Unified Development Ordinance only recommends that a community meeting be held. Additionally, it is worth noting that standard rezoning requests do not recommend or require any type of community meeting. The Planning Board may wish to consider a uniform community meeting standard for any type of rezoning request to avoid discouragement of the conditional zoning process.

What follows are the minutes from the March 10 Planning Board meeting and a draft of the text amendment as described above. The Planning Board recommended unanimous approval of this request with the modification that a Planning Board member be present for the community meeting. Rather than include this modification in the text of the UDO, staff is recommending it be integrated with the application materials.

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

PLANNING BOARD DISCUSSION

Mr. Kovacs asked if the planning board members will be required to participate in the community meeting.

Mr. Woody stated the full planning board does not have to be present but it would be a good idea to have representation of the planning board at these meetings.

ACTION

Mr. Kovacs motioned to recommend approval of the text amendment to require a community meeting for conditional zoning requests with the addition that a planning board member be present. Mr. West seconded the motion. Motion carried unanimously.

Currituck County
PB 08-49
UDO AMENDMENT REQUEST

An amendment to Chapter 2: Zoning Districts to require a community meeting for conditional zoning requests.

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: Zoning Districts, Section 2.3.4 is amended by deleting the strikethrough language and adding the following underlined language:

Section 2.3 Conditional Zoning

2.3.4 Community Meeting ~~Recommended~~ Required

Before a hearing is held on an application for a conditional zoning district, it is ~~recommended~~ required that the applicant hold at least one community meeting. The applicant shall indicate on the application, or at the hearing, ~~whether~~ that a community meeting was held and ~~if so,~~ file a report with the ~~application~~ Planning Board. The report should include, among other things, the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.

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: _____



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 Staff
Date: April 13, 2009
Re: PB 09-10 Currituck County: RO1 Minimum Lot Size

The Currituck County Board of Commissioners is requesting a text amendment that would reduce the minimum lot size in the RO1 zoning district from 40,000 to 20,000 square feet. If approved, this request would primarily affect the Whalehead subdivision, Ocean Hill One subdivision, and Corolla Village area. However, it is important to note that the majority of the platted lots in these areas are already in the range of 20,000 square feet in size (particularly in the Whalehead and Ocean Hill One subdivisions).

The remaining subdivisions in the Corolla area are typically zoned as Planned Unit Developments, which allow for a minimum lot size of 10,000 square feet.

What follows are the minutes from the March 10 Planning Board meeting and a draft of the text amendment as described above. The Planning Board recommended unanimous denial of this request.

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

PLANNING BOARD DISCUSSION

Mr. Midgette asked if this is county owned property.

Mr. Woody stated the county wants to create two lots and deed the two lots to a private individual. In return the county would receive east-west roads in the Whalehead subdivision.

ACTION

Ms. Wilson motioned to recommend denial of the text amendment to reduce the minimum lot size in the RO1 zoning district from 40,000 to 20,000 square feet because the Whalehead subdivision is crowded and smaller ocean front homes are being taken down and replaced with larger homes. Mr. West seconded the motioned. Motion carried unanimously.

**Currituck County
PB 09-10
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts to reduce the minimum lot size in the RO1 zoning district from 40,000 to 20,000 square feet.

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 2.7 Dimensional Requirements: Table of Area, Separation and Height, is amended by deleting the strikethrough language and adding the following underlined language:

Zone	Minimum Lot Size (acres and square feet)							
	Individual Lots & Minor Subdivisions (up to 5 lots)		Conventional Subdivisions (up to 40 lots)		Conservation Subdivisions (41 lots or more)		Other	
	Lot Size (1)	Lot Width (2)	Lot Size (3)	Lot Width (8)	Lot Size (4)	Lot Width	Lot Size	Lot Width
A ⁽⁵⁾	3 acres	125	3 acres ⁽⁶⁾	125	20,000	100	3 acres	125
RA	40,000	125	40,000 ⁽⁶⁾	125	20,000	100	40,000	125
R	40,000	125	40,000 ⁽⁶⁾	125	20,000	100	40,000	125
RO1	<u>40,000</u>	125	<u>40,000</u> ⁽⁶⁾	125	20,000	100	40,000	125

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 violate 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 _____



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: April 13, 2009

Re: PB 08-60 Island Lots

Albemarle and Associates is requesting a text amendment to the UDO to establish an Offshore Island Limited Access Residential (OI) zoning district (Option 1). This would allow for the limited development of lots for which the only means of access is through public trust waters. In other words, this request would create a zoning district that permits construction activities on a tract of land that does not abut a public or private street, and is only accessible by water.

As an alternative, staff is recommending the consideration of a text amendment that simply allows the development of island lots within the existing zoning and subdivision ordinances (Option 2). Rather than create a separate zoning district for island lot development, this option would allow the owner of an island to receive a building permit under an exemption clause. At their February 10 meeting, the Planning Board motioned to approve this option with additional language requiring a minimum lot size of eight acres and the availability of private parking on the mainland for each dwelling. However, due to a tie vote, the official action was for a recommendation of denial.

Previously in June of 2005 and September of 2007, text amendment requests with similar objectives were submitted for consideration. In both instances, the Planning Board recommended approval. The original amendment request in 2005 was subsequently withdrawn and no action was taken by the Board of Commissioners. The 2007 amendment request was heard and denied by the Board of Commissioners at their January 22, 2008 meeting.

Planning staff did recommend denial of the 2005 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, which may or may not be developable). 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.

The 2007 request generated many of the same concerns as the 2005 request, and as a result, planning staff met with other County departments regarding the provision of services. This meeting was 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. Following the initial meeting it was determined by the Attorney that the County is not legally liable if there is an inability to provide timely services. It was also recommended that the text amendment include a provision requiring a notification or waiver related to the possible inadequate provision of services.

In contrast to previous amendment requests, this proposal submitted by the applicant takes a different approach by creating a zoning district that provides for the development of island lots. While the procedure by which the development of island lots occurs is different, it still generates the same outcome...the development of lots that are only accessible by public trust waters.

From an administration standpoint, planning staff prefers an amendment request similar to the one filed in 2007, but with additional detail regarding the provision of county services. The creation of a new zoning district is cumbersome and would still require a rezoning application to be processed. If the Board supports the allowance of island lots, it seems more appropriate to handle this in the existing zoning and subdivision ordinances. Provided of course the applicant is able to resolve any issues expressed by the Sheriff's Office, Emergency Management, and Emergency Medical Services.

Finally, an additional meeting was held with the applicant and county service provision departments on December 3, 2008. Concerns expressed at this meeting included a waiver of county services, the possibility of higher density development, and dredging associated with pier access.

What follows are two draft versions of the text amendment as submitted by the applicant. Option 1 creates an island zoning district and option 2 creates an exemption to the street access requirement. Should you have any questions, do not hesitate to contact me at 232-6029.

PLANNING BOARD DISCUSSION (February 2009 meeting)

Mr. West stated if there were no county services on these islands and they were to build on the island, then a county building inspector would have to go there to inspect the property.

Mr. Woody stated the applicant would be responsible for providing transportation for the building inspector as well as other county departments.

Mr. Overton stated what they are asking for in this text amendment is for individuals who own an island to have the right to be able to request a building permit. Mr. Overton stated this does not give them a building permit, it does not give them the right to "develop an island", rather it is restoring their right to request a building permit.

Ms. Robbins asked how septic systems would be pumped.

Mr. Overton stated these are issues that would need to be worked out by the applicant. Mr. Overton stated that other coastal counties that do allow dwellings to be built on islands, these same challenges exist there as well and these challenges are addressed.

The planning board discussed parking available on the mainland for each dwelling, the potential to create a major or minor subdivision on an island, creating a unique zoning district vs. creating exceptions to the requirements for street access and density.

Mr. Overton stated that if the owners could exercise their right to request a building permit, then all zoning requirements would be applicable as it is with the mainland.

Mr. Woody estimated that 90% of the potentially developable islands in the county are zoned Residential (R).

Mr. Overton stated they have had several meetings with the sheriff and various emergency departments. Their concern has not been one of providing services but a concern of liability of timelessness.

Mr. Bell stated his concern is with the environmental impact it will have on the islands.

Mr. Clark stated he is concerned with changing the character of Currituck County by changing the zoning district to OI which would allow the possible development of these islands and set a precedent for the development off other islands in Currituck Sound.

Mr. Overton stated that this request is only asking if you owned an island that you have the ability to ask for a building permit.

Mr. West asked if the applicant would put a waiver that there is a density of 1 building per island.

Mr. Overton stated he would prefer the density of 1 per 5 acres.

Mr. Woody stated that density related to CAMA wetlands cannot be used for lot area, so the minimum lot size would have to be exclusive of any CAMA wetlands.

ACTION

Mr. Kovacs motioned to recommend approval of Option 2 with the addition of parking available on the mainland for each dwelling unit and a 5 acre minimum lot size. Mr. West amended Mr. Kovacs motion and changed the 5 acres to 8 acres minimum lot size. Mr. Kovacs seconded the motion. Ayes: Mr. West, Mr. Midgette, Ms. Wilson, and Mr. Kovacs. Nays: Mr. Bell, Mr. Clark, Mr. Etheridge, and Ms. Robbins. Motion failed because it did not receive the majority of the votes.

PLANNING BOARD DISCUSSION (December 2008 meeting)

Mr. Midgette asked Mr. Webb if the density issue had been discussed with the applicant.

Mr. Webb stated yes.

The Planning Board discussed density, pier access, parking on the mainland, dredging, and a waiver for county services.

Mr. Hain addressed questions from the board on the above issues. Mr. Hain stated they would like to create a new zoning district at this point.

The Planning Board talked about tabling this proposal until they can hold a workshop with the county commissioners so some of the issues can be worked out.

Mr. Hain stated his client would want to go forward with this request and not for it to be tabled.

ACTION

Mr. Kovacs motioned to tabled PB 08-60 Island Lots until the Planning Board has a workshop meeting with the county commissioners. Ms. Turner seconded the motion. Motion passed unanimously.

ALBEMARLE & ASSOCIATES ISLAND LOTS
PB 08-60
UDO AMENDMENT REQUEST
OPTION 1

An amendment to Chapter 2: Zoning Districts, Chapter 8: Parking, and Chapter 9: Infrastructure, to establish an Offshore Island Limited Access Residential (OI) zoning district.

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 2.2 Base Zoning Districts is amended by adding the following underlined language and deleting the strikethrough language:

Section 2.2 Base Zoning Districts

Base zoning districts are created to provide comprehensive land use regulations throughout Currituck County. There are 44 12 base zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located. For the purpose of this ordinance, Currituck County is hereby divided into the following base zoning districts. These districts shall comply with all of the general and specific requirements of this ordinance.

- A: Agricultural District
- RA: Mixed Residential District
- R: Basic Residential District
- RO1: Outer Banks Standard Residential District
- RO2: Outer Banks Limited Access Residential District
- RR: Residential Recreational District
- GB: General Business District
- C: Commercial District
- LBH: Limited Business Hotels Allowed District
- LM: Light Manufacturing District
- HM: Heavy Manufacturing District
- OI: Offshore Island Limited Access Residential District

2.2.2 Residential Districts Established

Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities:

- G. Offshore Island Limited Access Residential (OI) District: The Offshore Island Limited Access Residential (OI) district is designed to accommodate low density residential development (other than mobile homes) within the portion of the

Currituck County deemed by the County Commissioners not to be accessible by a road. Due to the county's inability to provide timely public services to areas not directly accessible by road, the following requirement shall apply to all development activities:

1. A notification shall be placed on the final plat and included in any recorded deed that county services are limited and may not be available in a timely manner. The notification language must be approved by the County Attorney prior to recordation.

Item 2: That Section 2.5 Permitted Uses Table is amended by adding the OI zoning district to the table and including the following uses:

<u>Use</u>	<u>OI</u>
Accessory Structures (residential)	<u>Z</u>
Accessory Uses	<u>Z</u>
Hunting & Fishing Lodges	<u>Z</u>
Single Family, detached-1 unit per lot	<u>Z</u>
Temporary Emergency, Construction, & Repair Residences	<u>Z</u>
Civil Defense Operations	<u>S</u>
Law Enforcement & Emergency Services	<u>S</u>
Boat Ramps (publicly owned)	<u>S</u>
Boat Ramps (privately owned)	<u>Z/C</u>
Campgrounds, Recreation (public)	<u>S</u>
Outdoor Recreational Facilities (private)	<u>S</u>
Outdoor Recreational Facilities (public)	<u>Z</u>
Agricultural Uses (nonexempt without livestock)	<u>Z</u>
Agricultural Uses (nonexempt with livestock)	<u>Z</u>
Adaptive Reuse of Historic Properties	<u>C</u>
Telecommunications Towers (50 feet or less)	<u>Z</u>
Telecommunications Towers (non-commercial amateur 100 feet or less)	<u>C</u>
Towers, Other Including Water (50 feet or less)	<u>Z</u>
Utility Facilities	<u>Z</u>
Wind Energy Facilities, Small System	<u>Z</u>
Wind Energy Facilities, Large Scale	<u>S</u>
Wind Energy Facilities, Utility Scale	<u>S</u>

Item 3: That Section 2.6 General Lot Provisions 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 and OI zoning districts, except as provided below:

- C. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use which access shall be no less than 20 feet in width except within the OI District. With respect to lots within the R02 District, what is a reasonable means of ingress and egress" shall be determined in light of the fact that no state maintained road extends into this district and that access to all lots in this district is generally available only to 4 wheel drive vehicles and no access shall be created in the RO2 District which is less than 20 feet in width. With respect to lots within the OI District, what is a "reasonable means of ingress and egress" shall be determined in light of the fact that no roads extend into this district and that access to all lots in this district is available only by boat.

Item 4: That Section 2.7 Dimensional Requirements is amended by adding the following underlined language and deleting the strikethrough language:

2.7.1 Dimensional Tables

The following tables depict the allowable lot size, width, coverage, setbacks and height for a given use. The table should be used as a guide for development, taking into consideration the footnotes that are referenced. In some cases a specific use may be required to meet a specific requirement as set forth in Chapter 3. The first table; ***Table of Area, Separation and Height***, provides information specific to underlying, or base, zoning districts as described in Chapter 2, while the second table; ***Table of Overlay District Area and Width***, provides information exclusive to Overlay Districts as defined in Chapter 4, which also governs lot size and width.

The densities set forth in this Section are permissible only if and to the extent that water and sewer facilities are or will be made available to serve the proposed density in accordance with the provisions of Chapter 9 of this Ordinance (Infrastructure) or if water and sewer facilities are not available to serve the proposed density, then such density shall be limited by the availability of conventional individual water wells and septic systems, being approved for the particular lot or parcel. In addition, nothing in this Section shall be interpreted as authorizing a type of use (e.g., multi-family) in a district (e.g., R, RO1, ~~or~~ RO2, or OI) where such uses are not permitted under the Permitted Uses Table.

Zone	Minimum Lot Size (acres and square feet)								Max. Lot Coverage (percentage) ⁽⁹⁾			Floor Area Ratio ⁽¹⁰⁾	Min. Setbacks (feet) ⁽⁷⁾			Max. Height (feet)
	Individual Lots & Minor Subdivisions (up to 5 lots)		Conventional Subdivisions (up to 40 lots)		Conservation Subdivisions (41 lots or more)		Other						Front	Side	Rear	
	Lot Size ⁽¹⁾	Lot Width ⁽²⁾	Lot Size ⁽³⁾	Lot Width ⁽⁸⁾	Lot Size ⁽⁴⁾	Lot Width	Lot Size	Lot Width	< 10,000 sq. ft.	10,000 – 19,000 sq. ft.	> 19,000 sq. ft.					
A ⁽⁶⁾	3 acres	125	3 acres ⁽⁶⁾	125	20,000	100	3 acres	125	45	35	30	-	20	15	25	35
RA	40,000	125	40,000 ⁽⁶⁾	125	20,000	100	40,000	125	45	35	30	-	20	15	25	35
R	40,000	125	40,000 ⁽⁶⁾	125	20,000	100	40,000	125	45	35	30	-	20	15	25	35
RO1	40,000	125	40,000 ⁽⁶⁾	125	20,000	100	40,000	125	45	35	30	-	20	15	25	35
RO2	120,000	125	120,000 ⁽⁶⁾	125	1.5 acres	100	120,000	125	45	35	30	-	20	15	25	35
RR	40,000	125	40,000 ⁽⁶⁾	125	20,000	100	40,000	125	45	35	30	-	20	15	25	35
GB	-	-	-	-	-	-	40,000	125	65			.400	20	15	25	35
C	-	-	-	-	-	-	40,000	125	65			.400	20	15	25	35
LBH	-	-	-	-	-	-	40,000	125	65			.400	20	15	25	35
LM	-	-	-	-	-	-	40,000	125	65			.400	20	15	25	35
HM	-	-	-	-	-	-	40,000	125	65			.400	20	15	25	35
OI	40,000	125	40,000	125	20,000	100	40,000	125	45	35	30	-	20	15	25	35

Item 5: That Section 8.2 Parking Area Dimensions is amended by adding the following underlined language:

8.2.1 Parking Space Dimensions

All districts and uses except for RO1 and RO2 single family and two family residences, and OI single family residences, shall meet the following dimensions:

Item 6: That Section 8.3 Number of Parking Spaces Required is amended by adding the following underlined language:

Section 8.3 Number of Parking Spaces Required

- A. All developments in all zoning districts, excluding the OI district, shall provide the number of parking spaces, as specified in the Table of Parking Requirements.

Item 7: That Section 9.1 Street Standards is amended by adding the following underlined language:

9.1.6 Required Deceleration Lanes

- C. All residential subdivisions proposing to have over 40 lots, and as recommended by NCDOT, all non-residential subdivisions that have access onto major arterials (US 158, NC 168, NC 34, NC 136, NC 615, and NC 12) shall be required to install a deceleration turn lane in accordance with NCDOT standards, except in the RO2 and OI districts.

9.1.8.2 Street Design Requirements

- D. Except in the RO2 and OI districts, all proposed subdivision streets shall have direct access to an improved street that meets NCDOT design and construction standards or one that has been accepted for maintenance by NCDOT;

9.1.8.5 Sidewalks

Within all residential subdivisions over 19 lots, the subdivider shall be required to install concrete sidewalks along one side of all proposed streets in accordance with NCDOT regulations, except in the RO2 and OI districts.

Item 8: 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 9: 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: _____

ALBEMARLE & ASSOCIATES ISLAND LOTS
PB 08-60
UDO AMENDMENT REQUEST
OPTION 2

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 and deleting the strikethrough 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:

- C. A permit for construction may be allowed on a lot that does not abut a public 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. 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.

- D. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use, ~~which~~ This access shall be no less than 20 feet in width.
 - 1. With respect to lots within the R02 District, what is a "reasonable means of ingress and egress" shall be determined in light of the fact that no state maintained road extends into this district and that access to all lots in this district is generally available only to 4 wheel drive vehicles and no access shall be created in the RO2 District which is less than 20 feet in width.

 - 2. With respect to island lots completely surrounded by public trust waters, what is a "reasonable means of ingress and egress" shall be determined in light of the fact that lots on an island are not accessible by a public or private street and that access to all lots is available only by boat.

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: _____
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BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Gwen Keene

From: Vicky Hagemeister [vhagemeister@earlibrary.org]
Sent: Tuesday, February 10, 2009 3:46 PM
To: Gwen Keene
Subject: Currituck Library Board members with terms due to expire

Gwen—The following Library Board members have terms that are due to expire in June 2009:

- Paul O'Briant—lives in Moyock - *not eligible*
- ✓Stephanie Miller (eligible for re-appointment)—lives on Knotts Island
- ✓Dr. Norman Dahm (eligible for re-appointment)—lives in Harbinger
- Ramona Humphries—lives in Moyock - *not*
- ✓Marita Powell (eligible for re-appointment, however, she is unable to come to the meetings because of her job)
- Susan Vakos—lives on Knotts Island - *not*

The members who are not eligible for re-appointment have already served the two consecutive terms allowed by the by-laws

Vicky Hagemeister
Currituck County Librarian
4261 Caratoke Highway
Barco, NC 27917
(252) 453-0492
vhagemeister@earlibrary.org
member East Albemarle Regional Library System

CURRITUCK COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES – Membership Revised Oct. 2008

POSITION	NAME	ADDRESS	EMAIL	HOME	WORK	CELL	1 ST term	2 ND term
CHAIR	Paul O'Briant	157 Launch Landing Rd Moyock, NC 27958	paul@obriant.net	232-3444			6/05	6/09
<i>Not eligible</i> SECRETARY	Stephanie Miller	172 Lands End Rd Knotts Is, NC 27950	carova_girl@yahoo.com	429-9177	429-3327	757-544-1416	6/09	
MEMBER	Rhonda Cheek	1131 Gray Court Corolla, NC 27927	sunseekers@earthlink.net	453-3064		202-4772	6/06	6/10
MEMBER	Dr. Norman Dahm	P. O. Box 207 Harbinger, NC 27941	Leenorm7777@juno.com	491-8339	491-8550	267-3064	6/09	
MEMBER	Ramona Humphries	P. O. Box 39 Moyock, NC 27958	Interiors- ramona@embargmail.com	232-2158	435-6376		6/05	6/09
MEMBER	Marita Powell	1581 Caratoke Hwy Moyock, NC 27958	mpowell@currituck.k12.nc.us	232-2529	453-2700		6/09	
MEMBER	Marion Thorn	P. O. Box 430 Moyock, NC 27958	Marion_thorn@embargmail.com	435-6323		757-630-4196	6/08	6/12
MEMBER	Dr. Alison Boone-Heyder	102 Continental Court Point Harbor, NC 27964	Alison_heyder@gmail.com	491-2550	261-7700		6/12	
VICE CHAIR	Susan Vakos	125 Foxx Lane Knotts Is, NC 27950	currituckbuilder@gmail.com	429-3141			6/05	6/09
<i>Not eligible</i> EX-OFFICIO	Vicky Hagemeister	115 Scotland Road Camden, NC 27921	vhagemeister@earlibrary.org	331-2026	453-8345	Fax 453-8717		
EX-OFFICIO	Nancy Bass	105 Streamdale Court Moyock, NC 27958	Nbass105@hotmail.com	453-6910				
EX-OFFICIO	Jessica Wemer	P. O. Box 306 Corolla, NC 27927	ewemer@embargmail.com	457-0808				
EARL	Becky Callison	100 E. Colonial Ave. Elizabeth City, NC 27909	bcallison@earlibrary.org	335-0444	335-2511	340-4838		



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 25 FEB 2008

Name: EDGAR DEAN BLOCK

Address: 473 EAST Ridge Rd

SHAWBORO NC 27973

Phone: 252-232-3306

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

✓ Please check

- | | |
|---|---|
| <input type="checkbox"/> ABC Board | <input checked="" type="checkbox"/> Nursing Home Advisory Committee |
| <input checked="" type="checkbox"/> Agricultural Advisory Board | <input checked="" type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Airport Advisory Authority | <input checked="" 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 type="checkbox"/> Whalehead Preservation Trust |
| <input checked="" type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input checked="" type="checkbox"/> Library Board | <input checked="" type="checkbox"/> FIRE/EMS ADVISORY BOARD |

Qualifications and reasons you would like to serve:

HAVING RECENTLY MOVED TO CURRITUCK, I WOULD LIKE TO SERVE
MY NEW COMMUNITY. I HAVE 37 YEARS OF EXPERIENCE IN
LOCAL GOVERNMENT COVERING SUCH POSITIONS AS PUBLIC WORKS DIRECTOR,
BUDGET DIRECTOR AND DEPUTY CITY MANAGER.

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



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 1-13-09

Name: Suzanne M Everhart

Address: 759 South Bayview Rd

Jarvisburg, NC 27947

Phone: 491-2135 (B) 202-4316 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
- Recreation Advisory Board
- Senior Citizens Advisory Board
- Social Services Board
- Tourism Advisory Board
- Whalehead Preservation Trust
- Workforce Development Board

Qualifications and reasons you would like to serve:

- 2007-2008 Board of Directors of Abernathie Red Cross
Vice-Chairman 2nd Year
- 2007-2008 Board of Directors Southern Living Magazine
Custom Home Builders Program
- Vice-Chair of 2007 Octoberfest to benefit
Red Cross

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

Co-Owner Edge Water Construction & Development



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2009, 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>
23690-545000	Contract Services	\$ 17,013	
23390-499900	Fund Balance Appropriated		\$ 17,013
		<u>\$ 17,013</u>	<u>\$ 17,013</u>

Explanation: Moyock Fire District (23690) - To appropriate funds remaining in the Moyock district tax fund for building and vehicle repairs as per letter dated March 23, 2009.

Net Budget Effect: Moyock Fire District Tax Fund (23) - Increased by \$17,013.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2009, 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>
66868-545000	Contracted Services		\$ 1,000
66868-511010	Data Transmission	\$ 1,000	
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: Southern Outer Banks Water System (66868) - Transfer funds for an additional internet connection for the GIS computer for the Southern Outer Banks Water System.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2009, 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>
55818-563000	Prof Services - Dist System	879	
55818-593009	Dist Syst - DOT Betterment Cost	1,631	
55818-592001	H2O Plant - RO Plant	45,696	
55818-588003	Contingency - Dist System		44,815
5581-593007	Dist Syst - 16" RO to Currituck		3,391
		<u>\$ 48,206</u>	<u>\$ 48,206</u>

Explanation: Mainland Water Construction Fund (55818) - To transfer budgeted funds to increase professional services for permit fees and increased cost of DOT betterment on Tulls Creek Road, increase RO Plant for Crowder change order #4, and decrease 16" line from RO plant to Currituck Tower to adjust to bid price.

Net Budget Effect: Mainland Water Construction Fund (55) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2009, 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>
10390-499900	Fund balance appropriated	317,860	
10380-425000	Public School Capital Bldg Fund		317,860
		<u>\$ 317,860</u>	<u>\$ 317,860</u>

Explanation: Other Revenues (10380) - To record approval of Public School Capital Building Funds for a portion of the debt payment for the Currituck County High School that is due June 2009.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2009, 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>
60808-516001	Repairs and Maintenance	\$ 35,000	
60808-545001	Contracted Services		\$ 35,000
		<u>\$ 35,000</u>	<u>\$ 35,000</u>

Explanation: Ocean Sands (60808) - To transfer funds for additional repairs for sewer operations.

Net Budget Effect: Ocean Sands Water and Sewer District (60) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Number

2009097

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2009, 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>
61818-557000	Refunds	\$ 1,400	
61818-540000	Worker's Compensation		\$ 1,400
		<u>\$ 1,400</u>	<u>\$ 1,400</u>

Explanation: Mainland Water (61818) - This request is to increase refunds in order to refund a water tap fee for a customer that was initially paid in June 1996. This property is in the Hunters Woods subdivision and there is currently no County water in this subdivision.

Net Budget Effect: Mainland Water Fund (61) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Number 2009098

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2009, 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>
10795-576017	Community League - Aerobics	\$ 4,000	
10350-467017	Aerobics		\$ 4,000
		<u>\$ 4,000</u>	<u>\$ 4,000</u>

Explanation: Parks & Recreation (10795) - To budget funds for aerobics and yoga classes through recreation.

Net Budget Effect: Operating Fund (10) - Increased by \$4,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of April 2009, 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>
10660-557000	Refunds	\$ 8,500	
10390-499900	Appropriated fund balance		\$ 8,500
		<u>\$ 8,500</u>	<u>\$ 8,500</u>

Explanation: Planning (10660) - To refund special use permit for North Ridge development paid in 2006 and the project application wasn't completed.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

CONTRACT CHANGE ORDER

**Mainland Water Treatment Plant Reverse Osmosis Expansion
Currituck County, North Carolina**

To: Crowder Construction Company, Inc.
1111 Burma Drive
Apex, NC 27539

Date
Project No.
Contract No.
Change Order No.

April 6, 2009
NC706021.3000
-
4

You are hereby requested to comply with the following changes from the Contract Documents:

Item Number	Description of Changed Quantities, Units, Unit Prices, Changes in Completion Schedule, etc.	Change in Contract Price	Change in Contract Time (Calendar Days)
(1)	(2)		(4)
1	Increase of Instrumentation Allowance to Upgrade Remote Sites	\$71,353.00	0
2	Work Change Directive #11 Items	\$7,446.00	4
3	Work Change Directive #12 Items	\$14,907.00	0
4	Increase of Wire Size to Instantaneous Hot Water Heaters	\$4,161.00	0
5	Delays Created by Inclement Weather	\$0.00	5
6	Modification to Road Sign	\$300.00	0
7	Additional Asphalt Removal	\$600.00	0
Net Change in Contract due to this Change Order		\$98,767.00	9

Contract Summary			
Original Contract Amount		\$10,234,084.00	426
Added (Deducted) By Previous Change Order(s)		\$99,806.00	7
Subtotal		\$10,333,890.00	433
Added (Deducted) By This Change Order		\$98,767.00	9
Total Adjusted Contract		\$10,432,657.00	442
The Original Contract Substantial Completion Date is:			May 12, 2009
The Revised Substantial Completion Date based upon this and previous Change Orders is:			May 28, 2009
This document shall become an amendment to the Contract and all provisions of the contract shall apply hereto.			

Recommended By: _____ *Daniel C. Williams* _____ Date: 4/6/2009
ARCADIS G&M of North Carolina, Inc.

Accepted By: _____ Date: _____
Crowder Construction Company, Inc.

Approved By: _____ Date: _____
Currituck County

DISTRIBUTION: (Original documents to be provided as follows:)

Currituck County
Crowder Construction Company, Inc.

ARCADIS
Contractor's Surety



COUNTY OF CURRITUCK

Tax Department
P.O. Box 9
Currituck, North Carolina 27929

Tracy Sample, Tax Administrator
(252) 232-3005
(252) 232-3568 (FAX)

MEMORANDUM

TO: Board of County Commissioners

FROM: Tax Office ^{TS}

DATE: April 3, 2009

SUBJECT: Charge Levy on Motor Vehicles for January Renewals

Please charge to the Tax Collector the levy on motor vehicles for January.
The following is a breakdown of the assessment and the total tax due.

ASSESSMENT

\$16,457,310

TAX AMOUNT

\$52,691.17

TS/saa

YEAR/PERIOD/JOURNAL: 2009 10 100042 EFFECTIVE DATE: 04/02/09

LINE	DRQ	ACCOUNT	DESCRIPTION	DEBIT	CREDIT
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JOURNAL TOTALS 52,691.17 52,691.17

**A RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
SUPPORTING AN ALTERNATIVE METHOD OF RECOGNITION FOR VETERANS
STATUES TO MERCHANT MARINE SEAMEN OF WW II**

WHEREAS, Public Laws 95-202 and 105-368 bestowed veteran status on US Merchant Marine Seamen of WWII.

WHEREAS, two specific U.S. government actions by US government have caused some 10,000 merchant seamen to have been denied their due recognition:

(1) The USCG relieving Masters of tugs, towboats and seagoing barges of the responsibility submitting reports of seamen shipped and discharged and

(2) The National Maritime Administration ordered ship's logbooks to be destroyed because they were too costly to maintain had removed the two main criteria required by the government to issue official recognition to those seamen, and

WHEREAS, the average age of the remaining seamen is above 86 and the population of the US veteran is shrinking at an average of 850 per year causing time to be of the essence, and

WHEREAS, No costs are associated with this proposal as funds are already included in above public laws.

WHEREAS, the Currituck County Board of Commissioners therefore request that immediate action be taken to correct this inconceivable action..

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners supports the attached proposal and so orders that this Resolution and attached proposal be sent to Senator Kay Hagan, Senator Richard Burr, Congressman Walter B. Jones and Congressman G. K. Butterfield and this matter be placed into action to ensure expedient passage.

Adopted this 20th day of April, 2009

J. Owen Etheridge, Chairman
Currituck County Board of Commissioners

Attest

Gwen H. Keene, CMC
Clerk to the Board:
(SEAL)

PROPOSAL

Committee: _____

Principal Author: _____

Bill No: _____

Delegation: _____

Title: Alternative Methods of Recognition for Veteran Status to Merchant Marine Seamen of WW II

Be It Enacted by the one hundred & eleventh Congress of the United States

1. Preamble: Be it enacted by the Senate and House of Representatives of the United States of
2. America in congress assembled; Public Law 95-202 & 105-368 provided veteran status for members
3. of the U.S Merchant Marine who served during WW II between 07 Dec, 1941 and 31 Dec, 1946 and
4. who were able to prove their service. Various actions by governmental personnel have destroyed or
5. caused these documents to be unavailable. These actions prohibit merchant marine veterans of
6. WW II from receiving the recognition and benefits of veteran's status provided by these laws.
7. Alternative methods to prove service are required, as just compensation, for records lost by
8. government actions.

9. SECTION 1: Records held by the Social Security Administration that denote dates, wages earned and
10. companies employed shall be utilized when USCG forms 718 (any date) or other official data such
11. as ship's logbook, etc, are not available.

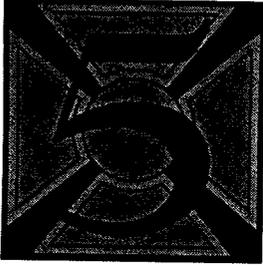
12. SECTION 2: Validated testimony from the veteran or primary next of kin as to employment shall be
13. allowed to determine eligibility; and

14. SECTION 3: Other official documentation offered by the veteran, shall constitute replacement of
15. records that were destroyed or from other actions causing the required records to be unavailable
16. that were committed by those responsible for the control and maintenance of veteran records.

17. SECTION 4: For the timeframe between 07 December, 1941 and 31 December, 1946, masters of
18. seagoing vessels shall be recognized as agents of the United States authorized to document
19. crew members as it applies to the shipping and discharge of seaman for purposes of employment.

20. SECTION 5: These replacements records shall satisfy all requirements for eligibility of service during
21. the required timeframe 07 December, 1941 and 31 December, 1946.

22. SECTION 6: This bill will go into effect 91 days after passage.



Lower Currituck Volunteer Fire Department

PO Box 207
Grandy, NC 27939
Phone (252) 453-2761
Fax (252) 453-4579
Chief's Phone (252) 982-6240

March 25, 2009

Currituck County Board of Commissioners:

The Lower Currituck Volunteer Fire Department has been in contact with the North Carolina Department of Transportation concerning the installation of an emergency stop light in front of the fire station at 8336 Caratoke hwy in Powells Point. We have also talked to them about a reduction of the speed limit in front of the fire station on Waterlily road from 55 to 45, along with the installation of fire station caution signs. We feel that these measures are important for the safety of not only our members but for the safety of the citizens of Currituck County. The light will help us to get apparatus out of the South station in a timely and safe manner especially during tourist season when the traffic can be rather heavy. The reduction in the speed limit will help with safety due to the fact that there is a curve in the road close to the fire station and cars coming at the 55 mile an hour speed limit might not be able to see or hear safety equipment coming from the station.

They have informed us that the request has to come directly from the county and not the fire department. We are therefore, requesting that the county petition the North Carolina Department of Transportation for these safety features. Thank you for your consideration on this matter.

Sincerely



Gina Copeland
President LCVFD

CURRITUCK COUNTY
NORTH CAROLINA
April 6, 2009

The Board of Commissioners met at 5:00 p.m. to discuss the Land Use Plan.

The Board of Commissioners met 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 Etheridge, Commissioners O'Neal, Aydlett, Nelms, Rorer, Gregory and Taylor.

Invocation and Pledge of Allegiance

The Reverend Glenn McCranie was present to give the invocation.

- 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 **Presentation of Life Saving Certificate** to Deputy Bill Rutherford
- Item 4 **Discussion on Support Our Students (SOS) funding**
- Item 5 **Phil Donahue, Albemarle Hospital,** to discuss the Community Care Clinic
- Item 6 **Juanita Krause, discuss no OLF**
- Item 7 **Public Hearing and Action** PB 09-04 Pittman/Williamson: Request to amend the Currituck County Land Use Plan to designate approximately 57.58 acres of the Future Land Use map from Limited Service Area to Full Service Area and to amend Water Quality Policy (WQ5) to promote low impact development techniques. The property is located on Fisher Landing Road, Jarvisburg, Tax Map 96, Parcel 29C, Poplar Branch Township. **To be continued to April 20th meeting**
- Item 8 **Public Hearing and Action** PB 08-61 High Cotton: Request for a Special Use Permit for 252 multi-family dwellings. The property is located at 1187 Caratoke Highway, Tax Map 22, Parcel 88, Moyock Township. **To be continued to April 20th meeting**
- Item 9 **Appointments to Whalehead Board of Trustees**
- Item 10 **Appointments to Library Board**
- Item 11 **Bid Award Recommendation for 16" Water Transmission Main**
- Item 12 **Consideration of bids for** Moyock Library-Furniture and Shelving
- Item 13 **Consent Agenda:**
 - 1. Resolution Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies

2. Amendment to Resolution Establishing ARSWA
3. Approval of \$2500 for NC Archaeological Society
4. Resolution opposing SB758, Transfer of Secondary Roads to Counties and SB771, Reallocation Lottery Funds and Cigarette Tax increase
5. Budget Amendments
6. Surplus ambulance to Corolla Volunteer Fire & Rescue Squad, Inc.
7. A R Chesson Change order for Knotts Island Station
8. Resolution to DOT requesting road name changes
9. Temple Grading - CO 2 & 3; Mainland Water Construction
10. Mad Dawg, Inc - CO #1; Mainland Water Construction
11. Caldwell Tank - CO #1; Mainland Water Construction
12. Phoenix Fabricators - CO#1; Mainland Water Construction
13. Columbian TacTank - CO#1; Knotts Island Fire Station
14. Approval of March 16, 2009, Minutes

Item 14 Commissioner's Report

Item 15 County Manager's Report

Item 16 **Closed Session:**

1. According to GS 143-318.11.(1) to prevent the disclosure of information that is privileged (3) to consult with attorney in order to preserve the attorney-client privilege
2. (6) to discuss personnel

Approval of Agenda

Commissioner Aydlett moved to amend the agenda by adding presentation by Corolla Wild Horse Fund. Commissioner O'Neal seconded the motion. Motion carried.

Public Comment

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

Chairman Etheridge opened the public comment period.

Sara Alford, expressed concerns with Moyock Sewer Plan and the cost. She requested a public hearing.

Commissioner Taylor moved to hold a town meeting to discuss. Commissioner O'Neal seconded the motion.

Edith & Earl Brickhouse, Senior Tar Heel Representatives, presented the Board with an update of the requests for the General Assembly.

Dennis Anderson, Grave Digger Monster Trucks, commented on the next County Fair and thanked the Board for their continued support and looked forward to meeting with them.

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

Presentation of Life Saving Certificate to Deputy Bill Rutherford

Chairman Etheridge presented the certificate to Deputy Rutherford and commended him for his service.

Sheriff Johnson, presented Deputy Rutherford an accommodation pin for his uniform.

Presentation by Corolla Wild Horse Fund

Karen McCalpin, Director, Wild Horse Fund, presented an update on the Corolla Wild Horse Fund and thanked the Board for their continued support.

Commissioner Aydlett commended the Wild Horse Fund for their dedication to the Wild Horses.

Discussion on Support Our Students (SOS) funding

Ellen Owens, 4-H Director, reviewed the SOS Program.

Commissioner Gregory moved to adopt the following resolution. Commissioner Aydlett seconded the motion. Motion carried.

**RESOLUTION
SUPPORT OUR STUDENTS
FUNDING**

WHEREAS, Currituck County has been informed that the Support Our Students programs across the state are being eliminated in the Governor's budget proposal; and

WHEREAS, this program serves over 100 students per year in Currituck County; and

WHEREAS, the SOS Program decreases the incidences of behavioral referrals during school and also increases school attendance; and

WHEREAS, it provides opportunities to develop critical life skills through participation in public speaking competitions, project record book keeping, community service projects and other traditional 4-H Programs; and

WHEREAS, the youth served in the Program continues to increase annually.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners strongly support this program for our youth and request that funding be continued in the State Budget.

BE IT FURTHER RESOLVED, that this resolution be forwarded to Governor Perdue, Senator Basnight and Representative Owens.

Phil Donahue, Albemarle Hospital, to discuss the Community Care Clinic

Mr. Donahue, Vice President, Albemarle Hospital, stated that they provide free health service to the uninsured in Elizabeth City and Chowan County. They treat 422 residents from Currituck County.

Mr. Donahue, requested that the Board support an increase in funding from \$5,000 to \$15,000.

Commissioner O'Neal stated he supports the request.

Juanita Krause, discuss no OLF

Juanita Krause, presented the history and research from the Hampton Roads Land Use Plan.

Commissioner Taylor commended her and Troy Breathwaite on all their efforts for this project.

Public Hearing and Action PB 09-04 Pittman/Williamson: Request to amend the Currituck County Land Use Plan to designate approximately 57.58 acres of the Future Land Use map from Limited Service Area to Full Service Area and to amend Water Quality Policy (WQ5) to promote low impact development techniques. The property is located on Fisher Landing Road, Jarvisburg, Tax Map 96, Parcel 29C, Poplar Branch Township.

To be continued to April 20 meeting

Public Hearing and Action PB 08-61 High Cotton: Request for a Special Use Permit for 252 multi-family dwellings. The property is located at 1187 Caratoke Highway, Tax Map 22, Parcel 88, Moyock Township.

To be continued to April 20 meeting

Appointments to Whalehead Board of Trustees

Commissioner Aydlett moved to accept the recommendations from the Board of Trustees. Commissioner O'Neal seconded the motion. Motion carried.

Reappointed, Barbara Snowden, Sharon Twiddy, Bill Brumsey, IV. Appointed, Cliff Scott, Michael Cherry and Jerry Wright.

Appointments to Library Board

Commissioner O'Neal moved to table. Commissioner Aydlett seconded the motion. Motion carried.

Bid Award Recommendation for 16" Water Transmission Main

Commissioner Nelms moved to award bid to Temple Grading, in the amount of \$741,295. Commissioner O'Neal seconded the motion. Motion carried.

Consideration of bids for Moyock Library-Furniture and Shelving

Commissioner Nelms moved to approve in the amount of \$237,524.05. Commissioner Taylor seconded the motion. Motion carried.

The Board requested more information on the furniture.

Consent Agenda:

1. Resolution Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies
2. Amendment to Resolution Establishing ARSWA
3. Approval of \$2500 for NC Archaeological Society
4. Resolution opposing SB758, Transfer of Secondary Roads to Counties and SB771, Reallocation Lottery Funds and Cigarette Tax increase
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10. Mad Dawg, Inc - CO #1; Mainland Water Construction
11. Caldwell Tank - CO #1; Mainland Water Construction
12. Phoenix Fabricators - CO#1; Mainland Water Construction

13. Columbian TacTank - CO#1; Knotts Island Fire Station
14. Approval of March 16, 2009, Minutes

Commissioner O'Neal moved to approve. Commissioner Gregory seconded the motion. Motion carried.

RESOLUTION ADOPTING A POLICY FOR CURRITUCK COUNTY SHERIFF MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES

WHEREAS, pursuant to N.C. Gen. Stat. §160A-288, the governing body of a county may adopt appropriate guidelines for the head of the county's law enforcement agency to provide mutual assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is deemed to be in the best interest of the citizens of Currituck County to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Currituck County.

NOW, THEREFORE BE IT RESOLVED BY THE CURRITUCK COUNTY BOARD OF COMMISSIONERS THAT:

- Section 1. The Currituck County Sheriff, (the "Sheriff"), is authorized to temporarily provide assistance to another agency in enforcing the laws of the State of North Carolina if requested by the head of the requesting agency in the following manner:
- a. The Sheriff is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
 - b. The Sheriff is hereby authorized to permit officers of the Sheriff's Office to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Sheriff may lend such equipment and supplies to requesting agencies as he/she deems advisable.
 - c. All such requests and authorizations shall be in accordance with N.C. Gen. Stat. §160A-288.

d. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possess.

e. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning with the normal scope of the officer's duties.

f. The Sheriff is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

FIRST AMENDMENT TO RESOLUTION ESTABLISHING
ALBEMARLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY

WITNESSETH:

WHEREAS, the General Assembly of North Carolina has enacted the Solid Waste Management Act of 1989, Chapter 130A, Article 9 of the General Statutes of North Carolina ("Solid Waste Management Act"); and

WHEREAS, Part 2A of the Solid Waste Management Act governs the storage collection, transport, separation, processing, recycling, and disposal of nonhazardous solid waste; and

WHEREAS, Part 2A of the Solid Waste Management Act further mandates that each County, either individually or in cooperation with others, shall, in cooperation with its Municipalities, develop a comprehensive county solid waste management plan consistent with the State's comprehensive solid waste plan, including provisions which address the State's recycling goal; and

WHEREAS, the General Assembly has enacted legislation providing for the creation of regional solid waste management authorities among units of local government in North Carolina, the legislation being codified in Chapter 153A, Article 22 of the General Statutes; and

WHEREAS, Chowan, Currituck, Dare, Gates, Hyde, Perquimans, and Tyrrell Counties, being counties of the State of North Carolina (each a "Member Unit"), after due and diligent consideration, agreed to take action pursuant to Chapter 153A, Article 22 of the General Statutes to create the Albemarle Regional Solid Waste Management Authority by resolution dated September 21, 1992 (the "Initial Resolution"); and

WHEREAS the governing bodies of each Member Unit have unanimously agreed, pursuant to Article XI of the Initial Resolution, to amend the Initial Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Authority and the Boards of Commissioners of Chowan, Currituck, Dare, Gates, Hyde, Perquimans, and Tyrrell Counties, in separate sessions duly convened, by the adoption and enactment of this resolution by the Authority and each of the Boards, that the Initial Resolution be amended and that this amended

resolution supersede and replace the Initial Resolution in its entirety(the "Amended Resolution" or "Charter"):

ARTICLE I

The name of this Authority shall be the ALBEMARLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY.

ARTICLE II

DEFINITIONS

The following terms are defined terms under this Amended Resolution and shall have the meanings as indicated:

1. Statutory Definitions - The terms enumerated in Part 1 of the Solid Waste Management Act shall have the meanings as set forth therein. In the event of any inconsistencies between the definitions of the terms as set forth in the Solid Waste Management Act and the terms as set forth in this Charter, the definition as set forth in the Solid Waste Management Act shall control.
2. Authority - The Albemarle Regional Solid Waste Management Authority, established pursuant to Chapter 153A, Article 22 of the General Statutes of North Carolina.
3. Charter - The articles and sections of this Amended Resolution.
4. Solid Waste Management Project - Categorically defines and encompasses all of the terms as set forth in this Charter and in Part 1 of the Solid Waste Management Act, unless otherwise specifically indicated.
5. Solid Waste Disposal System – Any and all facilities now or later designated by the Authority as part of its system for the management and disposal of solid waste including, but not limited to recycling and other volume reduction facilities, sanitary landfills, or other disposal means, resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel), composting, recycling and transfer stations, roads, water lines, wastewater lines and treatment facilities to the extent provided or operated to carry out the provisions of the Solid Waste Management Act, and all buildings, fixtures, equipment and all property, real and personal now or hereafter owned, leased, operated or used by Authority, all for the purpose of providing for solid waste disposal, as of the date of enactment of this Charter.
6. Waste Hauler – Any person, firm, corporation or other entity engaged, in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within the service area, including any entity engaged in activities with respect to solid waste generated by the entity as well as any entity engaged in such activities with respect to solid waste generated by others.
7. Regional Landfills - Any landfill developed and operated by the Authority in locations within the service area or designated by the Authority for the disposal of disposable solid waste.
8. Service Area - The geographic area encompassing the territorial jurisdiction o the Member Units of the Authority.
9. Solid Waste - All material customarily referred to as garbage, refuse, recyclables and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, including special waste that may be disposed of at a municipal solid waste landfill, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C.A. § 1342)

or source, special nuclear, or byproduct materials as defined by Section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C.A. § 2014).

10. Disposable Solid Waste - Any solid waste other than hazardous waste.

11. Plan of Operation - A plan adopted by the Authority setting forth the types of material acceptable to the Authority for disposal, times and places where material will be received by the Authority, methods of collecting fees charged by the Authority for disposal service, and other information describing operating procedures control, use of the disposal service, and providing instruction and guidelines to users of the system.

12. Service Charge - Any charge made by the Authority for the management of solid waste.

ARTICLE III

DECLARATION OF PURPOSE

It is the purpose of this Charter to require all inhabitants and entities within the service area and all governmental agencies, to use exclusively the solid waste disposal system operated, maintained or designated by the Authority for the disposal of all solid waste generated within or brought within the service area; to establish a schedule of fees, rates, charges and assessments for the management of solid waste to pay for the costs of the financing and the operation and maintenance of the solid waste disposal system; and to provide for a method and procedure for the collection of established fees, rates, charges and assessments.

The purpose of the Authority is to provide environmentally sound, cost effective management of solid waste, including storage, collection, transportation, separation, processing, recycling, and disposal of solid waste in order to protect the public health, safety, and welfare; enhance the environment for the people of this State, and recover resources and energy which have the potential for further use and to encourage, implement and promote the purposes set forth in Part 2A of the Solid Waste Management Act.

ARTICLE IV

FINDINGS

1. It is necessary for the promotion of the common interest of the people of the service area to provide for the effectuation and financing of a solid waste disposal system, and it is necessary for the health, safety, and welfare of the citizens and residents of the service area to provide an adequate solid waste disposal system for all residents and commercial, industrial and agricultural operators within the service area.

2. The Authority may issue solid waste and resource recovery bonds ("Bonds") to finance the acquisition, construction, planning, permitting, design, management and operation of the solid waste disposal system, which bonds among other things, would obligate the Authority to impose, by law, service charges within the service area for use of the solid waste disposal system. The Authority will also make significant contractual commitments of financial resources, including authorization of revenue bonds, to provide for the construction, planning, permitting design, management and operation and maintenance of facilities as part of the system to provide and assure the safe and efficient disposal, transfer and resource recovery of solid waste generated within the service area to meet the needs of residents of the service area.

3. The feasibility of construction, planning, permitting, design, management and maintenance of facilities as part of the disposal system to meet present and future needs of the residents of the service area and the ability of the Authority to generate revenues sufficient to liquidate the bonded indebtedness to be incurred by the Authority to finance the construction of facilities as part of the system depends upon the ability to obtain the type and quantity of operational volumes of solid waste needed to make such facilities economically viable.

4. The Solid Waste Management Act authorizes the Authority to construct, operate and maintain or contract with entities for the construction, operation and maintenance of the solid waste disposal system for the use and benefit of the inhabitants of the service area and grants to the Authority the power:

- (a) To require the inhabitants of the service area to use the solid waste disposal system established by the Authority exclusive of any other facilities being operated or maintained by any other governmental authorities or private parties;
- (b) To prescribe, fix, establish and collect rates, fees, assessments, rentals or other charges for the use of the solid waste disposal system and to pledge revenues as security for the payment of bonds issued under legal authority for the purchase, construction, planning, permitting design, management and operation of the solid waste disposal system; and
- (c) To require any waste hauler who accepts solid waste in the service area to use the Solid Waste Disposal System of the Authority.

5. The inefficient and improper methods of managing solid waste create hazards to public health, cause pollution of the air and water resources, constitute a waste of natural resources, have an adverse effect on land values and create public nuisances.

6. The potential operation of numerous independent and separate solid waste facilities within the service area with varying standards of operation and control creates a serious and critical health and safety problem to all of the citizens of the service area and the use of one solid waste disposal system operating uniformly and with minimum ecological impact in the service area is vital and imperative to the health, safety and welfare of the people of the service area and other living things.

7. The Solid Waste Management Act grants the Authority the power to provide for and regulate solid waste collection and disposal.

8. The service area has limited land and resources for the disposal, transfer and recovery of resources from solid waste and it is the responsibility of the units of local government within the service area to protect and judiciously utilize limited land and resources.

9. The Authority is developing the disposal system as a regional waste disposal and recovery system within the framework of a regional solid waste management plan of operation in cooperation with federal, state and local agencies for the benefit of all citizens of the service area.

10. The provisions of this Charter are intended to be, and they shall constitute, the exercise by the Authority of the powers and authority granted to it under the Solid Waste Management Act and Chapter 153A, Article 22 of the General Statutes of North Carolina.

ARTICLE V

POWERS DUTIES AND FUNCTIONS

Section 1.

POWERS

This Authority shall possess the following powers:

(1) To apply for, accept, receive, and disburse funds and grants made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of local government whether or not a Member Unit of the authority, any private

or civic agency, and any persons, firms, or corporations;

- (2) To employ personnel;
- (3) To contract with consultants;
- (4) To contract with the United States of America or any agency or instrumentality Thereof, the State of North Carolina or any agency, instrumentality, political subdivision, or municipality thereof, or any private corporation, partnership, association, or individual, providing for the acquisition, construction, improvement, enlargement, operation or maintenance of any solid waste management facility, or providing for any solid waste management services;
- (5) To adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties, not inconsistent with Article 22 of Chapter 153A of the North Carolina General Statutes;
- (6) To adopt an official seal and alter the same;
- (7) To establish and maintain suitable administrative buildings or offices at such places as it may determine by purchase, construction, lease, or other arrangements either by the Authority alone or through appropriate cost-sharing arrangements with any unit of local government or other person;
- (8) To sue and be sued in its own name, and to plead and be impleaded;
- (9) To receive, administer, and comply with the conditions and requirements respecting any gift, grant, or donation of any property or money;
- (10) To acquire by purchase, lease, gift, or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof;
- (11) To sell, lease, exchange, transfer, or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest in such property;
- (12) To pledge, assign, mortgage, or otherwise grant a security interest in any real or personal property or interest in such property, including the right and power to pledge, assign, or otherwise grant a security interest in money, rents, charges, or other revenues and any proceeds derived by the Authority from any and all sources;
- (13) To issue revenue bonds of the Authority and enter into other financial arrangements including those permitted by Chapter 153A, Article 22, and Chapters 159, 159I, and 160A of the General Statutes of North Carolina to finance solid waste management activities, including, but not limited to systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, and disposal and for related support facilities, to refund any revenue bonds or notes issued by the Authority, whether or not in advance of their maturity or earliest redemption date, or to provide funds for other corporate purposes of the Authority;
- (14) With the approval of any member unit of local government to use officers, Employees, agents and facilities of the member unit of local government for such purposes and upon such terms as maybe mutually agreeable;
- (15) To develop and make data, plans, information, surveys, and studies of solid waste management facilities within the territorial jurisdiction of the members of the Authority, and to prepare and make recommendations in regard thereto;
- (16) To study, plan, design, construct, operate, acquire, lease, and improve systems and facilities, including systems and facilities for waste reduction, materials recovery, recycling,

resource recovery, landfilling, ash management, household hazardous waste management, transportation, disposal and public education regarding solid waste management, in order to provide environmentally sound, cost-effective management of solid waste, including storage, collection, transporting, separation, processing, recycling and disposal of solid waste in order to protect the public health, safety and welfare; to enhance the environment for the people of the service area; recover resources and energy which have the potential for further use, and to promote and implement the purposes set forth in Part 2A of the Solid Waste Management Act;

(17) To locate solid waste facilities, including ancillary support facilities, as the Authority may see fit;

(18) To assume any responsibility for disposal and management of solid waste imposed by law on any member unit of local government;

(19) To operate such facilities together with any person, firm, corporation, the State of North Carolina, any entity of the State, or any unit of local government as appropriate and otherwise permitted by this Charter and the laws of the State of North Carolina;

(20) To set and collect such fees and charges as is reasonable to offset operating costs, debt service, and capital reserve requirements of the Authority;

(21) To apply to the appropriate agencies of the State, the United States of America or any state thereof, and to any other appropriate agency for such permits, licenses, certificates or approvals as may be necessary and to construct, maintain, and operate projects in accordance with such permits, licenses, certificates, or approvals in the same manner as any other person or operating unit of any other person;

(22) (i) To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors, and such other consultants and employees as maybe required in the judgment of the Authority, and to fix and pay their compensation from funds available to the Authority therefor, and (ii) to select and retain, subject to approval of the North Carolina Local Government Commission, the financial consultants, underwriters, and bond attorneys to be associated with the issuance of any revenue bonds, and to fix and pay for services rendered by financial consultants, underwriters, or bond attorneys from funds available to the Authority, including the proceeds of any revenue bond issue with regard to which the services were performed;

(23) To acquire property located within the territorial jurisdiction of any member unit of local government by eminent domain pursuant to authority granted to counties;

(24) To require that any and all (i) solid waste generated within the Authority's service area and (ii) recyclable materials generated within the Authority's service area and transferred to the Authority be separated and delivered to specific locations and facilities.

(25) To do all things necessary, convenient, or desirable to carry out the purposes and to exercise the powers granted to the Authority under this Charter.

Section 2.

FUNCTIONS AND DUTIES

The functions and duties of the Authority shall include, but not be limited to the Following:

(1) The planning, design, construction, financing, management, ownership, operation and maintenance of solid waste disposal, volume reduction and resource recovery facilities and all related solid waste receiving, transfer, recycling, storage, transportation and waste handling and general support facilities considered by the Authority to be necessary, desirable, convenient or appropriate in carrying out the Plan of Operation and in establishing,

managing and operating solid waste disposal and resource recovery systems and their component waste processing facilities and equipment;

(2) The provision of solid waste management services to municipalities, regions and persons within the service area, or other places as maybe designated by the Authority, by receiving solid wastes at the Authority facilities, pursuant to contracts between the Authority and such agencies, municipalities, persons, regions and business entities; the recovery of material and energy resources and resource values from such solid wastes and the production from such services and resources recovery operations of revenues sufficient to provide for the support of the Authority and its operations;

(3) The development, implementation and supervision of a program requiring all persons who haul, convey or transport any solid waste within the Authority's service area to obtain a license. The Authority may enter into an administrative agreement with any county, municipality or other political subdivision under which agreement the licensing program referenced herein may be conducted by the county, municipality or other political subdivision.

ARTICLE VI

BOARD OF DELEGATES

The powers of the Authority shall be exercised by the Board of Delegates, composed as Follows:

<u>MEMBER UNIT</u>	<u>NUMBER OF DELEGATES</u>
Chowan.....	1
Currituck.....	1
Dare.....	1
Gates.....	1
Hyde.....	1
Perquimans.....	1
Tyrrell.....	1

The governing body of each Member Unit shall appoint residents of the Member Unit to the board as the Member Unit's delegate and may appoint one alternate for each delegate who may attend meetings of the Authority Board, but who shall be entitled to vote only in the absence of any one delegate designated by the appointing Member Unit. Each delegate and alternate shall serve at the pleasure of the appointing body for a term of four years. Any delegate or alternate may be removed, with or without cause, by the governing body of the appointing Member Unit. Each delegate and alternate on the board shall hold office until that delegate's or Alternate's successor is appointed and qualified. Any delegate and alternate shall be eligible for reappointment to succeed themselves.

The Authority Board shall annually in March elect a Chairman and Vice-Chairman by simple majority vote of those delegates present and voting at a properly constituted meeting. No alternate delegate shall be eligible to hold the office of Chairman or Vice-Chairman.

A vacancy on the Board shall be filled by appointment by the governing board of the Member Unit of local government having the original appointment with the term of office for the new appointee being the unexpired term of the original appointee.

The names and addresses of the delegates and alternate Member Units, the names of the appointing political subdivisions, and the year of expiration of the term of the Member Units are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>EXPIRATION OF TERM</u>
	<u>Chowan</u>	
<i>[Authority to add]</i>	Delegate	December 31, 2011
	Alternate	December 31, 2011
	<u>Currituck</u>	
	Delegate	December 31, 2012
	Alternate	December 31, 2012
	<u>Dare</u>	
	Delegate	December 31, 2010
	Alternate	December 31, 2010
	<u>Gates</u>	
	Delegate	December 31, 2011
	Alternate	December 31, 2011
	<u>Hyde</u>	
	Delegate	December 31, 2012
	Alternate	December 31, 2012
	<u>Perquimans</u>	
	Delegate	December 31, 2010
	Alternate	December 31, 2010
	<u>Tyrrell</u>	
	Delegate	December 31, 2011
	Alternate	December 31, 2011

Delegates and alternates shall be compensated for attendance at meetings of the Authority board and reimbursed for expenses incurred by them in the course of their duties upon presentation of proper vouchers for those expenses. Such compensation and reimbursement of expenses shall be pursuant to a schedule proposed by the Authority's executive director and approved by a majority vote of the Member Units.

ARTICLE VII

FINANCES

Funding for administrative and general operational requirements of the Authority to include planning, permitting, design, acquisition, construction and management of the Solid Waste Disposal System and other Authority purposes as provided in the Charter will initially be provided by Member Units of the Authority. Each Member Unit's proportionate share will be determined by simple majority vote, an annual budget for each up-coming fiscal year which shall be submitted to the Member Units not later than May 1. The budget shall be funded first by revenues generated by operations of the Authority based on tonnage of solid waste disposed of by Member Units and agreed rates charged to non-Member Unit users and, secondarily, in the

event of an emergency as determined by a simple majority vote of the Member Units of the Authority, by revenues generated by assessments of Member Units, the assessments to be determined based on the tonnage of solid waste disposed of by an Authority Member Unit during the previous calendar year.

A Member Unit of the Authority shall be excluded from access to and utilization of the Authority's facilities if that Member Unit fails to contribute its assessed proportionate share for the operation of the Authority within thirty 30 days from the date of the establishment of such assessment.

ARTICLE VIII

LOCATION OF REGIONAL LANDFILL

Each Member Unit covenants that it will support and accept the Authority's location And/or expansion of a regional landfill within the Member Unit's jurisdiction.

ARTICLE IX

WITHDRAWAL

If the Authority has no outstanding indebtedness or existing contractual obligations, any Member Unit may withdraw from the Authority effective at the end of the current fiscal year by giving at least six months notice in writing to each of the other Member Units. Withdrawal of a Member Unit shall not dissolve the Authority if at least two Member Units remain.

Upon any Member Unit's withdrawal from the Authority, that Member Unit may still continue to use the solid waste disposal system described in this Charter, however, that Member Unit shall be required to pay whatever rates are charged to non-Member Unit counties, Municipalities, business and other persons by the owner or operator of the relevant solid waste disposal system.

ARTICLE X

AUDIT

The Authority shall cause to be made an annual audit of its books and records by an independent certified public accountant at the end of each fiscal year and a certified copy of the audit shall be filed promptly with the governing body of each Member Unit.

ARTICLE XI

AMENDMENTS

This Charter may be amended in writing by a unanimous vote of the governing bodies of the Member Units of the Authority provided that if a private landfill shall be substantially affected by such amendment then the Authority shall be required to give the operator of the affected landfill at least two years written notice prior to the effective date of the amendment.

ARTICLE XII

DISSOLUTION

If there is no outstanding indebtedness and no existing contractual obligations, the Authority may be dissolved by a vote of the super majority of the Member Units. The Member Unit in which the Authority's landfill(s) and/or transfer station(s), if any, are located at the time of dissolution shall have the right of first refusal to purchase the Authority's landfill at fair market value. The proceeds that may be derived from the sale of the Authority's landfill(s) and/or transfer station(s), if any, and all other assets of the Authority shall be distributed among

the Member Units pursuant to the following formula:

$$\begin{array}{l}
 \text{Tonnage of solid waste} \\
 \text{disposed of by Member Unit} \\
 \text{during life of Authority} \underline{\hspace{2cm}} \times \\
 \text{Total amount of tonnage} \\
 \text{disposed of by Authority} \\
 \text{during Authority's life}
 \end{array}
 =
 \begin{array}{l}
 \text{Total dollar value of} \\
 \text{Authority's assets}
 \end{array}
 =
 \begin{array}{l}
 \text{Member Unit's} \\
 \text{share}
 \end{array}$$

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA OPPOSING SENATE BILL 758 AND THE TRAFER OF SECONDARY ROADS TO COUNTIES

WHEREAS, in 1931, during the midst of the Great Depression and at a time North Carolina counties were under financial distress, the State of North Carolina removed county authority to construct, maintain and operate public roads; and

WHEREAS, a unified system for the construction, maintenance and operation of public roads strengthened North Carolina's standing as the "Good Roads State" resulting in a transportation system vitally important to the economic well being of North Carolina's people; and

WHEREAS, there is introduced in the North Carolina State Senate S758 which will return North Carolina's transportation network to 1931 status by requiring counties to once again take on the responsibility for the secondary public roads located in each county thus reversing a seventy-eight year practice that has created a consistently reliable public transportation system envied by other states; and

WHEREAS, the year 2009, in the midst of the greatest financial disaster since the Great Depression and at a time North Carolina counties are again under financial distress, is not the time to consider placing the burden for public road construction, maintenance and operation on local government and replace a unified system with one hundred different standards for road construction, maintenance and repair.

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

Section 1. Currituck County opposes S758 and the transfer of secondary road responsibility to North Carolina counties and requests that Senator Marc Basnight and Representative Bill Owens also oppose and take all action within their authority and power to ensure defeat of S758.

Section 2. The Clerk to the Board is directed to forward a certified copy of this resolution to Senator Marc Basnight and Representative Bill Owens.

Section 3. This resolution is effective upon its adoption.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA OPPOSING GOVERNOR PERDUE'S PROPOSAL TO INCREASE THE CIGARETTE TAX

WHEREAS, Governor Perdue has proposed an additional one dollar of tax on each pack of cigarettes as a source of revenue for the 2009-2011 Biennial Budget; and

WHEREAS, county residents work or have worked in jobs related to cigarette distribution and sales and have benefited from working such jobs in a county bordering the Commonwealth of Virginia with higher cigarette taxes; and

WHEREAS, an increase in the state cigarette tax as proposed by Governor Perdue will encourage those who regularly purchase cigarettes in Currituck County and State of North Carolina to instead spend their money in the Commonwealth of Virginia; and

WHEREAS, the loss of customer base by Currituck County businesses will result in the loss of jobs and certainly sales tax revenue now remitted to the county and State of North Carolina to the detriment of citizens and businesses alike.

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

Section 1. Currituck County opposes Governor Perdue's proposed increase in cigarette tax by one dollar per pack and requests that Senator Marc Basnight and Representative Bill Owens also oppose a state budget relying on such tax as a source of revenue.

Section 2. The Clerk to the Board is directed to forward a certified copy of this resolution to Senator Marc Basnight and Representative Bill Owens.

**Resolution
Road Name Changes**

WHEREAS, due to the (SR 1222) Tulls Creek Road realignment there needs to be some road name changes, and

WHEREAS, the Board of Commissioners will hold a public hearing after the NC Board of Transportation considers our request.

Now, therefore, be it resolved, that the Currituck County Board of Commissioners request the NC Board of Transportation to consider the following road name changes. Maps are attached:

SR 1228 from Shingle Landing Road, change to Camellia Drive
A portion of SR 1216 from Puddin Ridge Road, change to Fire Station Court
A portion of SR 1222 from Tulls Creek Road, change to Shingle Landing Road.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10660-516000	Repairs and Maintenance	\$ 500	
10660-532000	Supplies		\$ 500
		\$ 500	\$ 500

Explanation: Planning (10660) - To transfer funds for repairs to Jeep in the planning department.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10330-432800	Daycare	\$ 105,260	
10752-519600	Child Daycare		\$ 105,260
		\$ 105,260	\$ 105,260

Explanation: Social Services - Public Assistance (10752) - To decrease budget due to decrease in State allocation.

Net Budget Effect: Operating Fund (10) - Decreased by \$105,260.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
55818-588003	Contingency - Dist System	\$ 182,776	
55818-593008	Dist Sys - RO Outfall Main		\$ 84,898

55818-594000	Water Tank-Harbinger		\$ 97,878
		<u>\$ 182,776</u>	<u>\$ 182,776</u>

Explanation: Mainland Water Construction (55818) - To transfer funds for liquidated damages on Caldwell Tanks, Inc. contract change order 1 and Temple Grading & Construction Company Inc contract change orders 2 and for additional services on Temple Grading & Construction Company Inc contract change order 3.

Net Budget Effect: Mainland Water Construction Fund (55) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50548-570000	Reimbursable Expenses	\$ 4,262	
50548-545000	Contracted services	\$ 5,116	
50548-588000	Contingency		\$ 9,378
		<u>\$ 9,378</u>	<u>\$ 9,378</u>

Explanation: Knotts Island VFD Construction (50548) - To transfer funds from contingency for reimbursable expenses throughout the project and for AR Chesson change order #4 for hose/electrical reels in bays.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10790-532441	Technology under \$1,000	\$ 400	
10790-532000	Supplies		\$ 400
		<u>\$ 400</u>	<u>\$ 400</u>

Explanation: Library (10790) - To transfer budgeted funds to replace printer in the Corolla library.

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

<u>Account</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease

<u>Number</u>		<u>Expense</u>
10541-511010	Data Transmission	\$ 2,065
10541-514000	Travel	\$ 500
10541-526000	Advertising	\$ 200
10350-464000	Rents	\$ 1,365
		<u>\$ 2,065</u>
		<u>\$ 2,065</u>

Explanation: Fire Services (10541) - Transfer funds for air cards for James Mims and per Memorandum of Understanding with Moyock, Corolla and Carova Beach Fire Departments.

Net Budget Effect: Operating Fund (10) - Increased by \$1,365.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10511-532000	Supplies	\$ 4,500	
10511-516000	Maintenance & Repair	\$ 3,000	
10511-547000	Meals	\$ 40,000	
10511-554000	Insurance & Bonds	\$ 1	
10511-513000	Utilities		\$ 3,500
10511-514000	Travel		\$ 4,001
10511-590441	Technology Over \$1,000		\$ 27,000
10510-511010	Data Transmission		\$ 13,000
		<u>\$ 47,501</u>	<u>\$ 47,501</u>

Explanation: Jail (10511); Sheriff (10510) - Transfer for operations for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10530-590000	Capital Outlay	\$ 751,375	
10390-490000	Proceeds of Debt Issuance		\$ 751,375

\$	751,375	\$	751,375
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Explanation: Emergency Medical Services (10530) - To record receipt of debt proceeds to purchase five ambulances, which were approved during the FY 2009 budget process.

Net Budget

Effect: Operating Fund (10) - Increased by \$751,375.

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 6, 2009, authorized the following, pursuant to GS 160A and 270(b), that the property listed below be transferred to the Corolla Volunteer Fire & Rescue Squad, Inc.

Asset Tag	Description	Serial Number
6021	1999 Ford Ambulance E-350	1FDWE30FOXHA71725

Commissioner's Report

Commissioner Taylor requested a letter be sent to DOT for a turn lane on Tulls Creek Road while the Shingle Landing bridge was being repaired.

Commissioner Gregory stated that the County has been working for 5 years on the Moyock Sewer System.

Commissioner Aydlett, stated that there would be an official opening of the Knotts Island Fire Department soon.

Commissioner O'Neal requested a date to be scheduled to meet with the YMCA officials. He also would like an update on the Currituck Sound Study and funding.

County Manager's Report

Mr. Scanlon, stated that the water system will be complete by May 19, 2009, and within budget.

Closed Session:

- According to GS 143-318.11.(1) to prevent the disclosure of information that is privileged (3)
- to consult with attorney in order to preserve the attorney-client privilege
- (6) to discuss personnel

Commissioner Aydlett moved to go into closed session.
Commissioner Taylor seconded the motion. Motion carried

Adjourn

After reconvening from closed session, no action was taken.
There being no further business, the meeting was adjourned.