

# Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

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**Date: Monday, December 07, 2009    Time: 7:00 PM**

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## **Work Sessions**

6:00 p.m. Discussion on EMS-Medicaid Billing Rates

## **Regular Agenda**

7:00 p.m.    Invocation

                  Pledge of Allegiance

Item 1        **Election of Chairman**

Item 2        **Election of Vice Chairman**

Item 3        **Recognition of out-going Chairman**

Item 4        Approval of Agenda

Item 5        Public Comment

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

Item 6        **Kathleen Foreman, Coordinator for the Governor's Award for Volunteer Service** to present awards to outstanding volunteers in Currituck County

Item 7        **Presentation by Dominion Power**

Item 8        **Public Hearing and Action:** PB 08-62 East Coast Abatement & Demolition: Request for a special use permit for a salvage yard located at 176 Windchaser Way and 212 Windchaser Way in Moyock, Tax Map 23, Parcels 68B and 68D, Moyock Township.

Item 9        **Public Hearing and Action:** PB 07-39 Nicholson's Point: Request for a preliminary plat/special use permit for a 140 unit planned unit development located in the vicinity of Caratoke Highway (NC 168) and Maple Road intersection, Tax Map 59, Parcels, 50, 77, 82, 83, 85A, and 85B, Maple, Crawford Township.

- Item 10      **Consideration** of Ocean Rescue Contract
- Item 11      **Appointments to Board of Adjustment**
- Item 12      **2nd Reading Ordinance to prohibit use of horses on the northern Outer Banks** Ordinance to prohibit use of horses on the northern Currituck Outer Banks
- Item 13      **Recommendation of Award for the Moyock Sewer Force Main and Pump Station - Phase 1**
- Item 14      **Consent Agenda:**
  - 1. Approval of November 16, 2009, Minutes
  - 2. Request for Addition of Long Lane to State Maintained Secondary Road System
  - 3. Resolution Surplus Property water pump Sligo
  - 4. Budget Amendments
- Item 15      Commissioner's Report
- Item 16      County Manager's Report

Adjourn

**Special Meeting**

Tourism Development Board

Call to Order

Budget Amendments;

*Tourism Related Expenditures* increase appropriations for a donation to help fund purchase of medical helicopter, \$100,000

*Tourism Promotion* to increase appropriations winter advertising blast for tourism promotion, \$300,000

*Tourism Promotion* to increase appropriations for WIFI in Moyock Welcome Center, \$6,700

*Tourism Related Expenses* to increase appropriations for Sewer Tap fee for the Moyock Welcome Center, \$204,750

Adjourn





**NORTH CAROLINA  
ADMINISTRATIVE OFFICE  
of the COURTS**

**MEMO:**

**County Manager's Office  
Currituck County**

**Guardian ad Litem Program  
Judicial District 1**

1305-D McPherson Street  
Elizabeth City, NC 27909  
T 252 331-4755 F 252 331-4789

**RE: Governor's Award for Volunteer Service**

Dear Gwen:

The following county citizens have been recognized by the Governor Bev Perdue as outstanding volunteers in Currituck County.

- Jean Snider
- April Poyner
- Walter Lee Gallop, Sr.,
- Jodi Lockhart
- Beverly Branch
- Kim Barbour

As county coordinator for the Governor's Award for Volunteer Service, I have received letters, certificates and pins to be given to these outstanding volunteers. As has been the practice over the years, I would like to be placed on the Agenda of the December 7<sup>th</sup>, 2009 Commissioner's Meeting so that I may present these awards.

Please call me if you have questions or need to make any changes.

In year's past, I believe you have sent out a memo to the recipients on behalf of the Commissioners. I am attaching a list of the names and addresses.

Thank you.

**Kathleen Foreman  
District Administrator  
Guardian ad Litem Program  
Currituck County Coordinator for the Governor's Award for Volunteer Service.**

**CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS  
MEETING DATE: December 7, 2009  
Special Use Permit  
PB 08-62 East Coast Abatement and Demolition**

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**ITEM:** SPECIAL USE PERMIT FOR A SALVAGEYARD

**LOCATION:** 176 Windchaser Way, Moyock  
212 Windchaser Way, Moyock

**ZONING DISTRICT:** Heavy Manufacturing (HM)

**TAX ID:** 0023-000-068D-0000  
0023-000-068B-0000

**OWNER:** Richard C. Webb, II  
165 Baxter Estates Road  
Moyock NC 27958

**APPLICANT:** Bissell Professional Group  
PO Box 1068  
Kitty Hawk NC 27949

**NARRATIVE**

1. East Coast Abatement and Demolition is requesting a special use permit to operate a salvage yard that will consist of the following activities:
  - a. Heavy equipment, supporting equipment, and supply storage.
  - b. Stockpile of various materials such as mulch, soils, stone aggregate, crushed concrete, recycled asphalt, steel, aluminum, copper, etc.
2. The primary salvage yard is at 212 Windchaser Way, but since portions of the salvage yard activity will occur at the adjoining lot, 176 Windchaser Way, the applicant is requesting the special use permit for both lots.
3. The combined 13.42 acres is zoned Heavy Manufacturing.
4. The applicant states that no hazardous materials, trash, or waste products will be stored on either parcel.
5. The applicant is requesting the use permit to bring the existing use into compliance with the current county and state requirements.

**Special Use Permit Criteria and 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:

**(a) The application is complete.**

1. The application is complete.

**(b) The proposed use is among those listed in the Table of Permissible Uses as a conditional use indicated with an "S."**

1. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S."

**(c) The conditions proposed meet or exceed the minimum requirements of this ordinance.**

1. The conditions proposed meet the minimum requirements of this ordinance.

**(d) The conditional use will not endanger the public health or safety.**

1. The applicant must secure all state permits necessary for the operation of a salvage yard and must remain in compliance with state and local regulations.
2. There will be no hazardous material, trash, or waste product kept on the site.

**(e) The conditional use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located.**

1. The adjacent properties are zoned heavy manufacturing and the parcels are located in an established industrial park, so the proposed development should have no negative impact on adjoining property.
2. The surrounding land uses include:

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH</b>	Concrete Plant	Zoned HM
<b>SOUTH</b>	Vacant	Zoned HM
<b>EAST</b>	Farmland	Zoned HM
<b>WEST</b>	Farmland	Zoned HM

**(f) The conditional use will be in conformity with the Land Use Plan and other officially adopted plans.**

The 2006 Land Use Plan classifies the site as **Rural** within the **Moyock** sub-area. The purpose of the Rural classification is to provide for agriculture, forestry, and other allied uses traditionally associated with the rural area. The following Land Use Plan policies are also relevant to this request:

**POLICY ID7:** Facilities for the disposal of **HAZARDOUS WASTE**, either chemical, biological, radioactive or other, shall not be located in Currituck County. Neither shall Currituck County accept **SOLID WASTE FROM OUTSIDE THE COUNTY** for disposal at any site inside the county.

**POLICY SW2:** The County shall continue to pursue a variety of **WASTE REDUCTION STRATEGIES**, including waste prevention, recycling and reuse.

This request appears to be consistent with officially adopted plans.

**(g) The conditional use will not exceed the county's ability to provide adequate public facilities.**

1. The proposed use will not exceed the county's ability to provide adequate public facilities.

**STAFF RECOMMENDATION**

The proposal appears to meet the criteria for granting a special use permit and staff recommends approval subject to the following recommendations:

1. That the two lots be recombined into one lot or that the following notes be added to the site plan:
  - a. If either lot transfers to a different owner, then all encroachments within 10' of the property line (interior accessways, vehicular area, etc.) must be removed and the site plan must be modified and approved to include the new driveway/vehicular area accessing Windchaser Way.
  - b. If either lot transfers to a different owner, then the proper bufferyard must be installed along the adjoining property line.
2. Hazardous waste shall not be stored or disposed of on this site.
3. Trash and waste products shall not be stored or disposed of on the site.
4. That no portions of the operation, including stockpile material, be visible from Caratoke Highway *to the greatest extent practicable*. This may require additional landscape screening, but is consistent with Land Use Policy CA1 regarding appearance of development along Caratoke Highway.

POLICY CA1: The important economic, tourism, and community image benefits of attractive, functional MAJOR HIGHWAY CORRIDORS through Currituck County shall be recognized. Such highway corridors, beginning with US 158 and NC 168 shall receive priority attention for improvement appearance and development standards, including driveway access, landscaping, buffering, signage, lighting and tree preservation.
5. The two driveways shown on 176 Windchaser Way are within nine feet of each other. Section 8.10.1 of the UDO states that driveways are to be constructed so that:
  - a. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets; and,
  - b. Interference with the free and convenient flow of traffic with abutting or surrounding streets is avoided.

Two driveways located within nine feet of each other appear to conflict with this section of the ordinance. Although Windchaser Way is not currently an NCDOT

maintained street, it seems reasonable to use the 100' driveway separation as called out in the NCDOT Policy on Street and Driveway Access to North Carolina Highways manual.

The applicant is proposing to keep the two driveways until such time that NCDOT accepts Windchaser Way and finds the driveways non-compliant.

## **PLANNING BOARD RECOMMENDATION**

The Planning Board **recommended approval** with staff recommendations for a special use permit for a salvage yard with the following condition:

1. that no stockpile exceed 25 feet in height.

### **PLANNING BOARD DISCUSSION (November 10 meeting)**

Mr. Ryan stated that they are in agreement with staff recommendations. One item of note that they have concern with #4 which states, "That no portions of the operation, including stockpile material, be visible from Caratoke Highway". They have worked with staff to supplement the buffering to the maximum to provide an opaque screen to the site. They do have a gap approximately 150 feet wide due to the Virginia and North Carolina power easement.

Mr. Kovacs asked how high are the stockpiles now.

Mr. Ryan stated approximately 25 feet high. The operation has a setback of ½ mile from NC 168.

Mr. Kovacs asked Mr. Woody if the board could limit the height of the stockpiles.

Mr. Woody stated yes as a requirement of the special use permit.

Mr. West stated that it is hard to see these stockpiles from the highway because of the location and how far it is off the highway, but a height limitation should be recommended.

Mr. Ryan stated these are temporarily stockpiles and stored less than 12 months which changes with each job.

Mr. Etheridge stated that it is hard to see the stockpiles from the highway.

Mr. Midgette asked Mr. Ryan if the owner would be in agreement with a condition that no stockpile exceeds 25 feet in height.

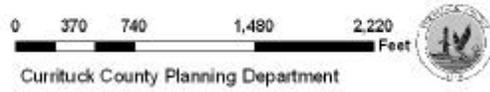
Mr. Ryan stated he thinks the owner would be in agreement.

### **ACTION**

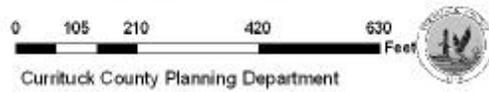
Mr. Clark motioned to recommend approval with staff recommendations for a special use permit for a salvage yard with a condition that no stockpile exceeds 25 feet in height. Mr. Kovacs seconded the motion. Motion carried unanimously.



**PB 08-62 East Coast Abatement and Demo  
SUP Request  
January 2008 Aerial Photography**



**PB 08-62 East Coast Abatement and Demo  
SUP Request  
January 2008 Aerial Photography**





**PB 08-62 East Coast Abatement and Demo  
SUP Request  
Zoning Map**



Currituck County Planning Department



**PB 08-62 East Coast Abatement and Demo  
SUP Request  
Land Use Classification**



Currituck County Planning Department



## Currituck County

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

TO: David Ryan, Bissell  
Richard Webb

FROM: Tammy Glave, Planner II

DATE: October 15, 2009

SUBJECT: East Coast Abatement, Office Building (176 Windchaser Way)  
October 21, 2009 TRC Comments

Listed below are the technical review staff comments received for East Coast Abatement, special use permit:

### **Zoning (Tammy Glave 252-232-6025):**

Approved with corrections:

#### **Requirements**

1. Because the two parking areas are fenced off, it does not appear that parking is available to the existing one story metal building. *Response: Based upon the daily operation of the facility, all employee vehicles will be parked within the designated areas adjacent to the trailer or adjacent to the office building. This allows for larger vehicles and machinery to circulate internally within the site without interference from smaller vehicular traffic.*
2. Because of the two parking areas are fenced off, it does not appear that is it possible for pedestrian maneuverability between the parking lots and buildings without leaving the site. Will there be gates in the fences to allow for maneuverability within the site? *Response: Two pedestrian gates will be installed, one at the office building and one at the trailer that will allow for internal pedestrian circulation throughout the site.*
3. The excessive parking spaces allowance of 1:1000 is being applied per PAS Report. If the need arises, the 13 additional spaces as required by the UDO must be installed. There is ample room on the site to install the additional spaces should the need arise.
4. Call out the site distance triangles at each driveway. *Complete*
5. Please verify your shading calculations. Only perimeter trees planted within 10' of the vehicular accommodation area are counted towards your shading requirements. Trees planted on the perimeter of the parking lot are credited for having only half a crown over the vehicle accommodation area. *Response: The shading calculations have been updated to include the additional perimeter tree necessary to achieve the minimum 20% shading requirement.*

6. The Type C bufferyard required along the right and left property lines are incomplete. *Response: The bufferyard requirement along the side property lines was incomplete due to the NC/VA Dominion Power power line easement that exists within the rear portion of the site. In an effort to meet this requirement, the front bufferyard has been supplemented with the same number of trees that would have been placed within this area, if it was allowable. In addition to meeting the bufferyard requirements, supplemental visual relief is being provided from motorist from the stockpile area on the adjoining storage and salvage yard sites.*
7. Culvert certifications will be required prior to final inspection.
8. Driveway aprons are required to be concrete or asphalt. It appears that the driveway apron to the parking area of the metal trailer is gravel. *Response: A 15' long apron currently exists for the driveway leading to the parking area adjacent to the metal trailer. A notational callout has been indicated on the plan sheet describing this.*
9. If any portion of this lot or structures on the lot are used in relation to the salvage yard to the rear, then this lot must also obtain a special use permit. (example: salvage yard customers using office trailer to conduct a portion of their business) *Response: Amended SUP to include both lots.*

#### Recommendations

1. That no portions of the operation, including stockpile material, be visible from Caratoke Highway. This may require additional landscape screening, but is consistent with Land Use Policy CA1 regarding appearance of development along NC 168.
2. If this lot transfers to an owner other than the owner of the lot immediately to the south, then all encroachments within 10' of the property line (interior accessways, vehicular area, etc.) must be removed and the site plan must be modified and approve.
3. If this lot transfers to an owner other than the owner of the lot immediately to the south, then the proper bufferyard must be installed along the northern property line.
4. The two driveways shown are within nine feet of each other. Section 8.10.1 of the UDO states that driveways are to be constructed so that:
  - 1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets; and,
  - 2) Interference with the free and convenient flow of traffic is abutting or surrounding streets.

Two driveways located within nine feet of each other appear to conflict with this section of the ordinance.

Although Windchaser Way is not currently an NCDOT maintained street, it seems reasonable to use the 100' driveway separation as called out in the NCDOT Policy on Street and Driveway Access to North Carolina Highways manual. *Response: At which time NCDOT assumes maintenance of those portions of Windchaser Way that the East Coast Abatement site abuts, and*

*has deemed non-compliant, East Coast Abatement will remove or modify the northern most entrance to comply with the prescribed standard.*

**Fire Marshal (James Mims 252-232-664)**

Approved with corrections:

1. Any fire hydrant subject to being struck by a vehicle or heavy equipment must have vehicle protection installed as per chapter 5 of the North Carolina Fire Protection Code. *Response: A notational callout has been indicated on the plan sheet that describes compliance with this.*
2. Any additional gates in the path of fire apparatus access must have a clear span opening of at least 20'. *Response: A notational callout has been indicated on the plan sheet that describes compliance with this.*

**Soil and Water (Mike Doxey 252-232-3360)**

Approved with no comment.

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

Approved with corrections:

1. OFFICE BUILDING WAS APPROVED BY ARHS(TIM PEOPLES R.S.) ON 10-02-2007 AS LONG AS INSTALL NEW 1000 GALLON SEPTIC TANK AND HOOK NEW SEPTIC TANK TO EXISTING DRAINFIELD SYSTEM AS SHOWN ON AMENDED SITE PLAN #3545 DAVID M RYAN PE (CONSULTING ENGINEER) DATED 9-24-2009 (BISSELL PROFESSIONAL GROUP).
2. HEALTH DEPT. CAN ONLY GRANT A CERTIFICATE OF COMPLETION FOR SEPTIC SYSTEM WHEN ADDITIONAL SEPTIC TANK IS INSTALLED AND INSPECTED BY HEALTH DEPT.
3. CALL HEALTH DEPT. FOR FINAL INSPECTION AND APPROVAL WHEN DONE.
4. HEALTH DEPT. APPROVED NEW OFFICE BUILDING WITH A MAXIMUM 13 EMPLOYEES ONLY. CONSULT WITH HEALTH DEPT.. (252)232-6603

**Information Technology (Harry Lee, 252-232-2034)**

Approved with comment:

1. Office Building Address: 178 Windchaser Way *Response: The site notes table has been updated to reflect this information.*

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

Approved with no comment.

**Public Utilities (Pat Irwin, 252-232-2769)**

Approved with corrections:

1. There is no water line to the office building on the plans. *Response: A graphical and notational description has been added to the plan with this information.*

**NCDOT (Roger Ward 252-331-4737)**

Approved with no comment.

**Chief Building Inspector (Spence Castello, 252-232-6020)**

Approved with comments:

1. HC ramp cannot extend into van loading zone. *Response: The handicap ramp has been updated to reflect it's actual configuration and compliance with this comment.*
2. HC parking sign required as per section 4.1.2 of the NC accessibility code. *Response: A graphical and notational description has been added to the plan with this information.*

**Economic Development Director (Peter Bishop, 252-232-6015)**

Approved with comment:

1. I would be interested to know if the project is adding employees (job growth) and the total investment for the expansion (if avail). Any new services/products offered due to expansion?

**County Engineer (Eric Weatherly, 252-232-6035)**

Approved without no comment.

**CAMA (Charlan Owens, 252-264-3901)**

Approved without comment.

**Please note that comments were not received from the following:**

Sheriff, Susan Johnson, (252-453-8204)

Emergency Management, Mary Beth Newns, (252-232-2115)

US Army Corps of Engineers (Tom Stephens, 919-343-4647)

Office of State Archeology (Lawrence Abbott, 919-807-6554)

Currituck County School Superintendent, Meghan Doyle (252-232-2223)

NCDENR Public Water, Siraj Chohan (919-715-3235)

NCDENR Water Quality, Kim Colson (919-733-5083, Ext. 540)

NCDENR Environmental Management, Roger Thorpe (252-948-3923)

Embarq, Hester Jones

Dominion Power, Troy Lindsey

Moyock Volunteer Fire Chief

NCDENR Land Quality, Pat McClain (252-946-6481)

## Currituck County

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

TO: David Ryan, Bissell  
Richard Webb

FROM: Tammy Glave, Planner II

DATE: October 15, 2009

SUBJECT: East Coast Abatement, Special Use Permit (212 Windchaser Way)  
October 21, 2009 TRC Comments

Listed below are the technical review staff comments received for East Coast Abatement, special use permit:

### **Zoning (Tammy Glave 252-232-6025):**

Approved with corrections:

#### **Requirements**

1. Please verify your shading calculations. Only perimeter trees planted within 10' of the vehicular accommodation area are counted towards your shading requirements. Trees planted on the perimeter of the parking lot are credited for having only half a crown over the vehicle accommodation area. *Response: The shading calculations provided reflects the vehicle accommodation area, or that area that will be utilized for loading and unloading, (see attached exhibit delineating this area). Due to the configuration of this area, in conjunction with the nature of the operation, it makes it difficult to achieve the specific shading requirements for this application. To the maximum extent practicable, shading trees have been provided long the perimeter of the vehicle accommodation area with supplemental shading trees being provided on outlying areas in an attempt to satisfy the shading requirements. This information is provided in tabular format on the cover sheet.*
2. Culvert certifications will be required prior to final inspection.
3. Please clarify lot coverage calculations. Example, do you add existing and proposed coverage to get total coverage? *Response: The lot coverage calculations previously provided were confusing due to the fact that existing coverage was being removed. This information has been updated to reflect the additional gravel access road and provided in a simpler description format.*
4. In order for the driveways shown connecting this lot with the adjoining lot to accommodate two-way traffic, the driveways must be 20' in width. *Response: vehicular traffic flow direction arrows have been provided for internal circulation review. The 15' wide gravel aisle is 15' in width and accommodates one-way traffic only demonstrating compliance with section 8.10.2 of the Currituck UDO.*

5. If any portion of the salvage yard take place on the adjoining lot to the north, then the northern lot must also obtain a special use permit also. (example: salvage yard customers using office trailer to conduct a portion of their business)  
*Response: Amended SUP to include both lots.*

### Recommendations

These recommendations will be presented to the Board of Commissioners at the special use permit hearing:

1. That no portions of the operation, including stockpile material, be visible from Caratoke Highway. This may require additional landscape screening, but is consistent with Land Use Policy CA1 regarding appearance of development along NC 168.
2. If this lot transfers to an owner other than the owner of the lot immediately to the north, then all encroachments within 10' of the property line (interior accessways, vehicular area, etc.) must be removed and the site plan must be modified and approve to include the new driveway/vehicular area accessing Windchaser Way.
3. If this lot transfers to an owner other than the owner of the lot immediately to the north, then the proper bufferyard must be installed along the northern property line.

### Fire Marshal (James Mims, 252-232-664)

Approved with corrections:

1. Any fire hydrant subject to being struck by a vehicle or heavy equipment must have vehicle protection installed as per chapter 5 of thee North Carolina Fire Protection Code. *Response: A notational callout has been indicated on the plan sheet that describes compliance with this.*
2. Any additional gates in the path of fire apparatus access must have a clear span opening of at least 20'. *Response: A notational callout has been indicated on the plan sheet that describes compliance with this.*

### Soil and Water (Mike Doxey, 252-232-3360)

Approved with no comment.

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

Approved with comments:

1. PROPOSED SALVAGE YARD AND STORAGE SITE APPROVED AS LONG AS MEET APPROVAL FROM THE NC DIVISION OF WASTE MANAGEMENT (SOLID WASTE MANAGEMENT)NORTH CAROLINA DEPARTMENT OF ENVIROMENT AND NATURAL RESOURCES. \*NOTE:DONOT STORE DEBRIS OR PARK/DRIVE ON ANY PART OF SEPTIC AREA!

### CAMA (Charlan Owens, 252-264-3901)

Approved with no comment.

### Information Technology (Harry Lee, 252-232-2034)

Approved with no comment.

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

Approved with no comment.

**County Engineer (Eric Weatherly, 252-232-6035)**

Approved with no comment.

**NCDOT (Roger Ward, 252-331-4737)**

Approved with no comment.

**Public Utilities (Pat Irwin, 252-232-2769)**

Approved with no comment.

**Please note that comments were not received from the following:**

Peter Bishop, Economic Development Director (252-232-6015)

Susan Johnson, Sheriff (252-453-8204)

Mary Beth News, Emergency Management (252-232-2115)

Mike Warren, Currituck County School Superintendent (252-232-2223)

Siraj Chohan, NCDENR Public Water (919-715-3235)

Kim Colson, NCDENR Water Quality (919-733-5083, Ext. 540)

Roger Thorpe, NCDENR Environmental Management (252-948-3923)

Hester Jones, Embarq

Troy Lindsey, Dominion Power

Lower Currituck Volunteer Fire Chief

NCDENR Land Quality (Pat McClain, 252-946-6481)

Office of State Archeology (Lawrence Abbott, 919-807-6554)

Chief Building Inspector (Spence Castello, 252-232-6020)

US Army Corps of Engineers (Tom Stephens, 919-343-4647)

**CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS**

**DATE: December 7, 2009**

**PB 07-39 Nicholson's Point, Planned Unit Development**

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**ITEM:** PB 07-65 Nicholson's Point, Planned PUD, Preliminary Plat/Special Use Permit, for

- 140 residential units
  - 28 single family lots with 14 accessory apartments
  - 72 patio lots
  - 13 duplex lots
- 2.48 acres of limited business/hotel (LBH) zoning
- .5 acre public right-of-way dedication (Brabble Street)
- 1 acre county dedication
- 47.72 acres nature conservation dedication
- 27.49 required open space dedication

**LOCATION:** Maple, in the vicinity of the intersection of Caratoke Highway and Maple Road, Crawford Township.

**OWNERS:**

005900000500000	NC Rose, LLC
005900000770000	NC Rose, LLC
005900000820000	NC Rose, LLC
005900000830000	NC Rose, LLC
0059000085A0000	NC Rose, LLC
0059000085B0000	James N. & Becky W. Owens

**ZONING**

**DISTRICT:** Mixed Residential (RA) with Planned Unit Development Overlay  
Mixed Residential (PUD Overlay): 130 acres  
LBH (PUD Overlay): 2.48 acres

**PRESENT USE:** Agricultural

**DEVELOPER:** NC Rose, LLC  
PO Box 6186  
4001 South Military Highway  
Chesapeake, VA 23321

**ENGINEER:** Engineering Services, Inc.  
3351 Stoneshore Road  
Virginia Beach, VA 23452

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Agricultural, Low-density residential	RA
<b>SOUTH</b>	Agricultural, Coinjock Bay	RA
<b>EAST:</b>	Coinjock Bay, Low-density residential	RA
<b>WEST:</b>	Low-density residential, Wetlands/Woodland	RA

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as Full Service and Limited Service Areas within the Barco-Maple-Airport and Courthouse subarea.

**SIZE OF SITE:** 132.48 acres

**NUMBER OF UNITS:** 140 residential dwelling units

- o 28 single family lots with 14 accessory apartments
- o 72 patio lots
- o 13 duplex lots

**PROJECT DENSITY:** .94 units/ acre overall acreage

**STREETS:** The curb and gutter street and alleyway design will be built to NCDOT construction standards. The streets will remain private and will be maintained by the homeowner's association.

**UTILITIES:** The development will be served by county water. The proposed wastewater design will include a gravity collection system, tertiary treatment, a low pressure pipe with multiple disposal fields, and a design flow of 60,000 gallons per day.

**OPEN SPACE:** The required open space for Nicholson's Point is 35%. The proposed development plan provides 27.49 acres of open space. In addition, the developer is proposing to dedicate 47.72 acres to nature conservation.

**COMMUNITY FACILITIES:**

The required community facilities dedication for 140 units in Nicholson's Point is 1 acre/100 lots in excess of required open space. The developer is proposing one acre community facilities dedication.

**I. NARRATIVE OF REQUEST:**

- The PUD overlay and sketch plan was approved by the Board of Commissioners on October 15, 2007.
- The Board of Commissioners granted a PUD variance on October 15, 2007 to allow private streets less than 45' right-of-way, double frontage lots, and setback reductions for the lots.
- The phasing plan, provided by the applicant, illustrates the development will consist of phase 1 and undetermined future phases:

<b>Phase</b>	<b>Total Units</b>	<b>Amenities</b>
1	44	Clubhouse, trails, pocket park
Future	96	Walking trail, tennis courts, basketball, stage, pavilion, pocket park

**II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:**

**Planning**

- A. The single family lots within the PUD must maintain a minimum 65 foot lot width.
- B. Please provide verification from NC Division of Coastal Management as to the existence of CAMA wetlands within the proposed development. CAMA wetlands may not be included in any open space calculation or gross development acreage.
- C. The street connections shall be paved to the property lines. Where existing improvements such as drainage ditches exist, a bond shall be posted for installation of street connection to property lines.
- D. The landscape plan submitted does not meet the street landscape requirements. More specifically, landscaping along the south side of Coinjock Bay View should contain street trees, either planted or retained. This permit issuing authority may authorize an administrative waiver (UDO Section 5.6) that would alleviate the street tree requirements along the south side of Coinjock Bay View. Staff recommends all existing vegetation along this area be retained within open space areas.
- E. The revised preliminary plat submitted on October 26, 2009 provided additional information regarding open space improvements proposed for the development. The comments regarding the revisions were not addressed by the TRC members and after a complete review of these areas the planning staff has the following outstanding comments:
  - 1. The community area located on Open Space 1 contains the relocated farmhouse. The use of the farmhouse shall meet all open space requirements and be used for recreational purposes available and accessible to all residents of the subdivision or general public.

2. The community area located on Open Space 1 also contains parking area that appears to be used for trailer and recreational vehicle parking. This area may not be counted as open space unless it is associated with the use of the open space.
3. Opens Space 1 appears to contain a 20 access easement. This area may not be included in open space.
4. The access road or secondary alleyway behind lots 50-54 does not appear on the revised plan and must be included to comply with the fire marshal allowance for road width reduction.
5. Please provide drainage and utility easement information on the preliminary plat.
6. Please correct Open Space 1 on Sheet 7 of the Construction Plans to reflect the Sanitary Sewer Pump Station Parcel.

### **NCDOT**

Construction plans shall illustrate:

- A. Right turn lane should be 100 feet full width and 200 foot taper.
- B. Any pavement markings replaced/installed shall be polyurea material.
- C. Stop sign for Nicholson and NC 168 shall be 36 inches Hi intensity sheeting.
- D. Commercial properties along Nicholson Point Road shall not have driveways closure than 100 feet from NC 168 right-of-way.
- E. NC 168 is a Strategic Highway Corridor and future access to this site may have restricted movements as part of future roadway improvements.
- F. All internal roads noted as private were not reviewed.

### **III. QUESTION(S) BEFORE THE BOARD:**

#### **Special Use Permit Criteria and Staff Findings:**

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP 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 an SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. Completeness of application.
  - Suggested Findings:**
    - a. The application is complete.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".

**Suggested Findings:**

a. Chapters 3 and 10 of the UDO allow a planned unit development as a permissible use with a special use permit.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.

**Suggested Findings:**

a. The conditions proposed meet the minimum requirements of this ordinance.

4. The special use will not endanger the public health or safety:

**Suggested Findings:**

a. The proposed subdivision should have little to no impact on public health or safety.

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

**Suggested Findings:**

a. The Unified Development Ordinance indicates that a planned unit development is allowed in the RA base zoning district and PUD overlay with a special use permit.

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

**Suggested Findings:**

a. The 2006 Land Use Plan classifies this site as Full Service and Limited Service Areas within the Barco-Maple-Airport and Courthouse subarea. The residential and commercial development will occur within the Full Service area where the base development density is contemplated to be 2 unites per acre but could be increased to 3-4 units per acre through overlay zoning depending on services available and the potential impact on the surrounding area. The proposed use is in keeping with the policies of the plan, some of which are:

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

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Services areas identified on the Future Land Use Map.

2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

Policy CD8: MIXED-USE DEVELOPMENTS, properly planned from the outside, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

- b. The proposed development is located within the Rural Classification of the Maple-Barco Small Area Plan. The sketch plan was approved by the Board of Commissioners prior to the adoption of the Maple-Barco Small Area 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 public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan.

**Suggested Findings:**

- a. At build-out, the proposed development will generate the following anticipated demand on the school system:
  - a. 35 elementary students
  - b. 11 middle school students
  - c. 19 high school students
- b. The county has adequate public facilities to service this subdivision.

**IV. STAFF RECOMMENDATION:**

Generally, the submittal appears to meet the requirements for preliminary plat/SUP approval and **staff recommends conditional approval** of this plat/SUP subject to the applicant addressing the outstanding TRC comments and the findings of fact and the following conditions:

1. Revised plans must be submitted that address outstanding TRC comments.
2. The plan shall meet and address all NCDOT comments and recommended changes.
3. All street connections shall be paved to property lines. In areas that contain a drainage ditch that could prevent pavement to the property line, a performance bond in the amount of 120% of the improvement cost must be posted at the final plat submission.
4. The county property dedication and the Brabble Street right-of-way dedication must occur with the recordation of the first phase of Nicholson's Point.
5. Nicholson's Point shall develop in accordance with the master plan and booklet, as amended by permit issuing authority, including architectural standards and design elements.
6. Given the relatively small size of the proposed lots, deed restrictions or restrictive covenants shall restrict parking of boats and recreational vehicles on individual lots, or a boat/rv parking area shall be provided that is not included in open space calculations.

7. In keeping with WS7 of the 2006 Land Use Plan, the wastewater system shall be designed so as to facilitate assimilation into a centralized system at a future date.
8. An administrative waiver (UDO Section 5.6) is authorized by the permit issuing authority to modify the street tree requirements along the south side of Coinjock Bay View. Retain all existing vegetation along Coinjock Bay View (within 50 feet of the pavement) within open space areas.
9. All open space shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.

*Suggested Plan Modifications*

10. Natural features of the site including significant existing vegetation should be preserved (Water Quality Policies).
11. When developing within 300 Feet of the shoreline, consider “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. (Conserve Environmentally Sensitive Areas Policies and Natural Hazard Area Policies)
12. Consider limiting vehicular areas between buildings and NC 168 where possible and using landscape islands to reduce the impact of large parking areas. (Commercial Development Policies and Community Appearance Policies).

**V. PLANNING BOARD RECOMMENTION:**

The Planning Board **recommended approval** with staff recommendations for a preliminary plat/special use permit for a 140 unit planned unit development.

## **PLANNING BOARD DISCUSSION (November 10 meeting)**

Mr. Clark asked what the price range of the homes will be since you have a mix of single family homes, patio homes and duplexes.

Mr. Burkheimer provided three (3) foam boards which showed what was approved in the fall of 2007, the amended sketch plan that was approved in the middle of 2008 and the last board is what they are proposing now. Very little has changed with the exceptions that more details have been provided. An impact assessment was done which showed home prices ranging from \$500,000 and up. This will be a high end, cluster development with very nice amenities. Mr. Burkheimer stated that on the sketch plan it shows a public right-of-way for Brabble Street. Mr. Burkheimer stated he is in agreement with staff recommendations.

Mr. Clark asked if dredging activities will take place on the property.

Mr. Burkheimer stated there is an existing pier and boat ramp so minor dredging will take place so boats will be able to get to the community pier.

Mr. West stated that Mr. Burkheimer addressed one of his questions regarding the Brabble Street public right-of-away. This has been an issue for residents of Woodard Acres having access, but now since the right-of-away will be provided it will cure this problem.

Mr. Burkheimer stated yes they are providing a public right-of-away on Brabble Street.

Mr. West stated he understood the old farm house will not be a restaurant but will now be used for community activities.

Mr. Burkheimer stated yes.

Mr. Kovacs asked what amenities will be included in Phase 1.

Mr. Owens stated a clubhouse, pool, and tennis courts.

Mr. Clark asked if the stormwater runoff will run into the BMP ponds at the beginning of building Phase I.

Mr. Burkheimer stated yes.

Mr. Raines asked how the county can be assured that the 47.72 acres will be dedicated to nature conservation.

Mr. Woody stated it will be a requirement for plan approval. Before they start getting building permits the developer will have to accomplish this. Mr. Woody stated the intent is to never develop this property.

Mr. Raines also asked what the 1 acre will be used for which will be dedicated to the county.

Mr. Woody stated for every 100 lots that the county be given 1 acre. This is a requirement of the Unified Development Ordinance.

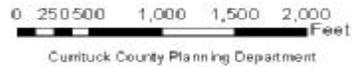
Mr. West stated that basely the 47 acres is wetlands and they have to stay at its natural state.

**ACTION**

Mr. Kovacs motioned to recommend approval with staff recommendations for a preliminary plat/special use permit for a 140 unit planned unit development as presented. Mr. West seconded the motion. Motion carried unanimously.



Nicholson's Point Planned Unit Development



Nicholson's Point Planned Unit Development



## MEMORANDUM

To: Richard H. Duncan, Jr., Engineering Services, Inc.  
N.C. Rose LC  
James N. & Becky W. Owens

From: Donna Voliva, Planner II

Date: October 14, 2009

Subject: UPDATED TRC COMMENTS  
Nicholson's Point, PUD Preliminary Plat

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The following comments were received for the October 21, 2009 TRC meeting. Additional comments may be received at the meeting, and comments are valid for six months from the TRC meeting date.

The necessary revisions listed below must be submitted to me by October 26, 2009 in order to remain on the November 10, 2009 Planning Board agenda.

### Planning, Donna Voliva

#### Resubmit

#### *Outstanding Conditions of Special Use Permit issued October 15, 2007*

1. Indicate the size of each open space parcel in a table. The current plan is not clear which lines are wetland lines and which lines are property lines. Fifty percent of the open space is required to be uplands. *Staff comment: The open space table is provided but does not include open space conservation areas. It appears the entire 132.67 acre tract was rezoned to a PUD overlay district; however portions are excluded from the open space area (i.e. conservation areas). Please provide information regarding this exclusion.*
2. Indicate a schedule of amenities on the plan. At least 50 percent of the open space should be dedicated to active or passive recreation. *Staff comment: The recreational areas indicated on the approved sketch plan were removed. Pocket parks are illustrated on the construction plans, but should be clearly noted on the preliminary plat. Please provide recreational amenities on the preliminary plat consistent with the approved sketch plan.*
3. The street connections shall be paved to the property lines.
4. The note for the county dedicated parcel on page 2 shall be corrected to indicate that Brabble Street right-of-way shall be dedicated for public use, and not county ownership. Currituck County cannot own any road right-of-ways. *Staff comment: The preliminary plat does not illustrate the Brabble Street right-of-way.*
5. A landscape plan shall be submitted in conjunction with the preliminary plan showing the location, spacing, caliper dimension, and species of the proposed landscaping materials. *Staff comment: The landscape plan submitted with the preliminary plat does not appear to be complete and does not address the conditions of the permit.*

### *Required Plan Corrections*

1. The preliminary plat indicates several modifications to the approved sketch plan. Please provide a description for the following proposed changes:
  - a. Relocation of the commercial area.
  - b. Pedestrian walkway to the amenity site.
  - c. 20' ingress/egress easement to parcel 38.
  - d. Removal of boat and recreational vehicle parking.
  - e. Site area calculation table modifications.
2. Please provide individual property line measurements and proposed lot development (i.e. single family, patio, duplex) on the property line data sheet.
3. The single family lots within the PUD must maintain a minimum 65 foot lot width.
4. It is not apparent if the wetland area located on lots 101-105 is open space or part of the proposed lot. Clearly illustrate property lines on lots 101-105. Lots shall not have a depth greater than four times the width measured at the front building setback line.
5. Please provide the smallest lot size on the preliminary plat.
6. Please provide verification from NC Division of Coastal Management the existence of CAMA wetlands within the proposed development. CAMA wetlands may not be included in any open space calculation.
7. Please provide a construction detail of the walking trail with the pre-construction plans.
8. Utilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development. Utilities shall be located and constructed so that extensions can be made conveniently to adjacent properties.
9. Please provide the location and type of site identification signs, traffic control signs, street name signs, and directional signs on the construction plans.
10. Please provide a detailed phasing plan with the preliminary plat.
11. Fire hydrants shall be located such that every proposed lot is within 500 feet of a fire hydrant. This is a general statement verification will be made with the submittal of the pre-construction plan stage of development.
12. Please provide surface material for stabilized access road.
13. Please demonstrate compliance with the UDO package tertiary wastewater treatment requirements and the use of conventional type septic drainfields. If permitted as a method of disposal, provide reserve utility open space calculations to the county engineer.
14. Please provide drainage and utility easement information on the preliminary plat.
15. Please provide flood zone data on the preliminary plat. The information is contained on the construction plans but should be included on the preliminary plat.
16. Please provide soils data on the preliminary plat.
17. Property line swales are required by the UDO for all major subdivisions. The development style of the development may not accommodate the drainage pattern. Please discuss.
18. Please illustrate the entire tract on the preliminary plat, including county dedication, conservation open space, parks, improved open space areas, and right-of-way dedication of Brabble Street.
19. Identify all commercial properties with the Limited Business-Hotel (LBH) zoning district.
20. Please provide a narrative for residential parking.
21. Accessory apartments are subject to the UDO maximum area requirements (Chapter 17, Definitions)

22. The Mill Landing right-of-way appears to extend to the northern property line; please clarify.
23. Please correct Open Space 1 on Sheet 7 of the Construction Plans to reflect the Sanitary Sewer Pump Station Parcel.
24. Trees are not provided along all proposed streets. Please provide rationale for the proposed tree placement.
25. The proposed development is located within the Rural Classification of the Maple-Barco Small Area Plan. The sketch plan was approved by the Board of Commissioners prior to the adoption of the Maple-Barco Small Area Plan and is considered a vested project (SB181).

*Suggested Plan Modifications*

1. Natural features of the site including significant existing vegetation should be preserved (Water Quality Policies).
2. When developing within 300 feet of the shoreline, please consider "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. (Conserve Environmentally Sensitive Areas Policies and Natural Hazard Area Policies)
3. Please consider limiting vehicular areas between buildings and NC 168 where possible, and using landscape islands to reduce the impact of large parking areas. (Commercial Development Policies and Community Appearance Policies)

County Engineer, Eric Weatherly

Approved with corrections.

1. Please provide the sewer plans and note section 9.2.7.1.C. of the UDO.
2. Please provide copies of the sewer permit application and permit.
3. Please provide lot and finish floor elevations on the plans to comply with section 9.6.E. and F. of the UDO.
4. Property line swales are required to comply with section 9.6.G. of the UDO.
5. Drainage easements are required to comply with section 9.6.G. and H. of the UDO.
6. The pre/post storage requirement for the BMP pond are to be sized based on a 10-year -- 24 hour storm event.
7. Special embedment should be considered for SDR 35 or use of a stronger pipe for burial depths greater than 12'.
8. Provide NCDOT, erosion control, watermain, sewer and stormwater permits.

NCDENR, Land Quality, Pat McClain

Approved

1. An erosion and sedimentation control plan must be submitted to and approved by the Land Quality section prior to commencing any land disturbing activity.

Utilities, Pat Irwin

Approved

GIS, Harry Lee

Approved

1. Address assignment sheet forwarded to Donna Voliva.

Fire Marshal, James Mims

Approved with corrections

1. Must have documentation on plans for every structure to be sprinklered.

Soil and Water, Mike Doxey

Approved

Currituck County Schools, Bruce McDonald

Approved

1. Reviewed, we appreciate the existence of curb and gutter along with sidewalks for this subdivision.

Albemarle Regional Health Services, Joe Hobbs

Resubmit

1. ARHS is working with Mike Robinson, PE (consulting engineer) to determine if any existing private wells are located less than 500 feet from proposed septic system. As of October 12, 2009 ARHS has not received an application for a site evaluation. Please contact ARHS (David Sweeney, R.S.) at 252-338-4470 as soon as possible.

NCDOT, Roger Ward

Approved

1. Right turn lane should be 100 feet full width and 200 foot taper.
2. Any pavement markings replaced/installed shall be polyurea material.
3. Stop sign for Nicholson and NC 168 shall be 36 inches Hi intensity sheeting.
4. Commercial properties along Nicholson Point Road shall not have driveways closure than 100 feet from NC 168 right-of-way.
5. NC 168 is a Strategic Highway Corridor and future access to this site may have restricted movements as part of future roadway improvements.
6. All internal roads noted as private were not reviewed.

NC Division of Coastal Management, Charlan Owens

1. If this proposal requires any other state permit (land disturbance, US Army Corps, Sedimentation and Erosion Control) a Major Permit will be required. The two current Major Permits associated with this property include pier, boating facility, shoreline stabilization, and dredging activities.
2. Please have the applicant submit a detailed scope of work proposed within the 75 foot Area of Environmental Concern (AEC) to Ron Renaldi, DCM Field Representative 252-264-3901.

NC State Archaeology, Lawrence Abbot

Approved.

1. All cultural resource issues have been addressed via conditions set on applicant's CAMA permit. No additional concerns.

Currituck County Building Inspections, Spence Castello

Approved

The following agencies did not provide a recommendation for this project:

Currituck County Sheriff Department, Susan Johnson  
Currituck County Parks and Recreation, Jason Weeks  
Crawford Volunteer Fire Department, Chris Daily  
NCDENR Environmental Management, Roger Thorpe  
NCDENR Public Water, Siraj Chohan  
US Army Corps of Engineers, Tom Steffens  
Embarq, Hester Jones  
Charter Communications, Sam Scilabba  
Dominion Power, Troy Lindsey

Resubmittal Items:

- 3 - full size copies of plans.
- 10 - 11"x17" copies of the preliminary plat.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents.

CURRITUCK COUNTY, NORTH CAROLINA

2010-2011 OCEAN RESCUE SERVICE CONTRACT

**THIS AGREEMENT** made and entered into this \_\_\_\_\_ day of October 2009 by and between the County of Currituck, a body corporate and politic existing under the laws of the State of North Carolina (the "COUNTY"), and Corolla Fire and Rescue, Inc., a non-profit corporation organized pursuant to Chapter 55A of the North Carolina General Statutes and existing under the laws of the State of North Carolina, hereinafter referred to as "CONTRACTOR":

**WITNESSETH**

**WHEREAS**, the COUNTY deems it in the public interest and as a provision for public safety and welfare to furnish the ocean lifeguard and water rescue services at certain public beach access points.

**WHEREAS**, the CONTRACTOR is in the business of providing ocean lifeguard services and furnishing beach rescue services and desires to contract with the COUNTY for such purposes;

**NOW, THEREFORE**, by and in consideration of the mutual covenants and conditions herein contained, the parties do covenant to and with each other as follows:

1. That beginning as of January 1, 2010, the CONTRACTOR shall provide and perform for the COUNTY the services described in the contract specifications for beach services attached hereto as Exhibit "A", and incorporated as part of this Agreement as if fully set forth verbatim herein.
2. That all personnel furnished by the CONTRACTOR shall be employees of the CONTRACTOR, and the CONTRACTOR shall pay all salaries and expenses of, and all federal social security taxes, federal and state unemployment taxes, and any similar payroll taxes relating to such employees, and will carry workmen's compensation insurance for such employees in the amounts set out herein. The CONTRACTOR shall be considered for all purposes hereunder as an independent CONTRACTOR, and shall not at any time directly or indirectly act as an agent, servant or employee of the COUNTY, or make any commitment or incur any liabilities on behalf of the COUNTY without its express written consent.
3. The CONTRACTOR shall provide the insurance coverage with limits not less than those set forth below and deliver to the COUNTY certificates of insurance upon request:

- a. Comprehensive Liability Bodily injury for which the CONTRACTOR is responsible of \$1,000,000.00 per occurrence. Property damage for which the CONTRACTOR is responsible of \$2,000,000.00.
- b. Workmen's Compensation Coverage \$100,000.00 to cover claims of the CONTRACTOR'S employees.

4. The CONTRACTOR shall provide all proper safeguards and shall assume all risks incurred in performing its services hereunder.

5. A copy of the CONTRACTOR'S operational rules and regulations along with a statement of the CONTRACTOR'S current chain of command shall be filed with the Chief of Emergency Medical Services.

6. Without limiting the responsibility of the CONTRACTOR for the proper conduct of its personnel and the performance of the contract and service, the conduct of the personnel hereunder is to be guided by rules and regulations as agreed upon from time to time between the COUNTY and the CONTRACTOR and such additional special written instructions as may be issued by the COUNTY to the CONTRACTOR from time to time through its designated agent.

7. The CONTRACTOR is responsible for the direct supervision of its personnel through its designated representative and such representative will, in turn, be available at all reasonable times to report and confer with the designated agents of the COUNTY with respect to services rendered.

8. The CONTRACTOR covenants and agrees with COUNTY as follows:

- a. That the services to be provided hereunder shall be performed by qualified, careful and efficient employees in strict conformity with the best practices and highest applicable standards, and that it will remove from service any of its employees who in the sole opinion of COUNTY and the CONTRACTOR are guilty of improper conduct or are not qualified to perform the work assigned to them.

- b. That any and all supplies and materials necessary to perform the services provided herein shall be without cost to the COUNTY except as otherwise provided within this agreement.

- c. That all EMS services provided by the CONTRACTOR shall be under the COUNTY EMS provider number.

- d. That all EMS services provided by the CONTRACTOR will follow all COUNTY EMS protocol.

- e. Any and all EMS patient care reports will be placed in the County electronic database system.

- f. Appropriate training and use of the Incident Command System, and accountability system compatible to the County Fire-EMS system will be used for safety and tracking of resources and personnel on all working incidents.

9. It is agreed by the parties hereto that all changes mutually agreed upon shall be in writing and signed by the parties of the Contract. Any agreements not signed as heretofore indicated shall be considered null and void.

10. This Agreement shall continue in effect until and including December 31, 2011 unless sooner terminated by either party upon giving thirty (30) days written notice by registered mail addressed to the other party. Upon mutual agreement of the parties hereto and agreement as to price and other terms, the contract may be renewed at the end of the term hereof for an additional term of one year. Nothing herein contained, however, shall be construed to prohibit or in any way limit the choice of the COUNTY to request new bid proposals for the services to be performed at the end of the term hereof.

11. This Agreement contains the entire Agreement and understanding between the COUNTY and the CONTRACTOR. There are no oral understandings, terms or conditions, and neither have relied upon any representation, express or implied, not contained in this Agreement.

- a. In exchange for performance of services hereunder the COUNTY shall make payment to the CONTRACTOR for services rendered hereunder as follows: 2010- \$596,525.00 (FIVE HUNDRED NINETY SIX THOUSAND FIVE HUNDRED TWENTY FIVE AND 00/100 DOLLARS,) AND 2011- \$620,776 (SIX HUNDRED THOUSAND SEVEN HUNDRED EIGHTY AND 00/100 DOLLARS) Each billing will be submitted on or before the 4th day of the month. In no event shall advance payments be made for work to be performed. In the event the COUNTY should desire a change in the services performed or in the areas subject to this Agreement (see Addendum "A"), it shall notify the CONTRACTOR in writing. Any additional services or changes in areas to be services requested by COUNTY shall be subject to negotiation between the parties. Nothing herein contained shall be construed to prohibit in any way limit the obligation of COUNTY to request new bid proposals for any requested changes in the services to be performed, the areas subject to this Agreement and the billing rate if required by law to do so.

13. During the months of May to October, a weekly meeting between authorized representatives of the CONTRACTOR and the COUNTY, is required as a part of this Contract to review compliance with the terms herein. During the months of November to April, a monthly meeting is required as a part of this Contract to review compliance with the terms herein.

**IN WITNESS WHEREOF** both parties have set their hands and seal and have caused this Agreement to be executed as of the first above written in duplicate originals, one of which is retained by each of the parties hereto.

CURRITUCK COUNTY

ATTEST:

By: \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

CONTRACTOR

By: \_\_\_\_\_  
President, Corolla Fire and Rescue, Inc.

ATTEST:

\_\_\_\_\_

Addendum A- General Requirements

1 . Ocean lifeguard and beach rescue services shall include, but is not limited to, close observation of surf and swimmers with the primary intent to prevent accidents, injuries, or death; warnings of identified hazards or hazardous conditions; posting of red flags during periods of adverse surf conditions; providing public information and assistance to the public including lost persons.

2. The CONTRACTOR shall provide sixteen lifeguard stations for the 2010-11 season, at the locations specified below which are the stations designated by the COUNTY as its sole responsibility insofar as public beach access points are concerned and the most populated areas of the beach as designated by the CONTRACTOR at such locations where the highest beach populations are or most potentially problematic areas dictate. The CONTRACTOR'S principle obligation is to the specified locations, any response outside the specified locations is at the sole discretion of the CONTRACTOR. Each ocean lifeguard location provided for in this Agreement shall be staffed by an approved and certified ocean lifeguard, whose competencies and certifications are on file.

- REGION A: Approximately a one hundred yard area encompassing the North Beach Access Ramp at Ocean Hill
- REGION B: Approximately a one hundred yard area encompassing the Lighthouse Ramp
- REGION C: Approximately a one hundred yard area encompassing Shad Street and the Corolla Light Pool Deck
- REGION D: Approximately a one hundred yard area encompassing Sturgeon Street
- REGION E: Approximately a one hundred yard area encompassing Herring Street
- REGION F: Approximately a one hundred yard area encompassing Bonito Street
- REGION G: Approximately a one hundred yard area encompassing Sailfish Street
- REGION H: Approximately a one hundred yard area encompassing Buck Island Public Access
- REGION I: Approximately a one hundred yard area encompassing Crown Point
- REGION J: Approximately a one hundred yard area encompassing Section P of Ocean Sands

- REGION K: Approximately a one hundred yard area encompassing Section O of Ocean Sands
- REGION L: Approximately a one hundred yard area encompassing Section F of Ocean Sands
- REGION M: Approximately a one hundred yard area encompassing Section D of Ocean Sands
- REGION N: Approximately a one hundred yard area encompassing the Currituck Public Bathhouse access
- REGION O: Approximately a one hundred yard area encompassing the Pine Island Hampton Inn Beach Access
- REGION P: Approximately a one hundred yard area encompassing Section B of Ocean Sands.

3. The CONTRACTOR shall provide no less than seven roving patrols encompassing regions of the Currituck South Beach that the CONTRACTOR deems most strategically advantageous to ensuring the safest beach environment possible. The CONTRACTOR'S principle obligation is to the specified areas, any response outside the specified areas is at the sole discretion of the CONTRACTOR. Each ocean lifeguard provided for in this Agreement shall be an approved and certified ocean lifeguard.

4. Ocean lifeguards shall meet or exceed the following qualifications:

- a. be at least 18 years of age
- b. shall have successfully completed ocean rescue and ocean lifeguard training programs conducted by CONTRACTOR and shall meet and maintain minimum physical qualifications for running, swimming and general fitness as determined by standard test.
- c. have corrected vision of 20/20 and uncorrected vision of at least 20/80, and normal hearing

5. The ocean lifeguard station and ocean lifeguard shall be equipped with the following equipment:

- a. fixed ocean lifeguard stands at each position at least ten feet in height whereby establishing the lifeguard in a sitting position twelve feet in height.
- b. law enforcement grade whistle audible for at least 300 feet.
- c. hand held communications equipment approved by Currituck County.
- d. surgical gloves.
- e. information board attached to stand.
- f. approved recognized, unique uniform with "Corolla Ocean Rescue" lettered on back.
- g. binoculars.
- h. rescue buoy or paddle board.

i. swim fins.

6. The CONTRACTOR agrees to perform all work outlined in this Agreement in such a manner as to meet all accepted standards for safe practices, and further agrees to accept the sole responsibility for complying with all federal, State, County, or other legal requirements including, but not limited to, full compliance of the terms of the applicable O.S.H.A. regulations so as to protect all persons, including CONTRACTOR'S employees, agents of the County, vendors, members of the public, or others from foreseeable injury, or damage to their property.

7. The CONTRACTOR shall provide sufficient personnel to perform all work in accordance with the specifications set forth herein.

8. The CONTRACTOR shall operate daily on one of three levels during the regular season: Alpha level, Bravo level, and Charlie level.

- Alpha level shall be the default level from the Saturday of Memorial Day weekend until the third Sunday in October, and will be defined as:
  - For the season of Memorial Day until August 15<sup>th</sup>, all contractually obligated positions filled; all stands manned and all necessary roving patrols active.
  - After August 15<sup>th</sup>, and before Labor Day weekend, Alpha level will indicate that beach is staffed to highest possible capacity as allowed by contract. The Division Chief will notify the Chief of EMS as to the daily staff numbers.
- Bravo level will be defined as only roving patrol positions occupied; towers will be unmanned as a result of incimate weather.
- Charlie level will be defined as Ocean Rescue available by pageout only due to extremely hazardous or incimate weather or beach conditions. Charlie level will be the default level of service after the third Sunday in October.

These levels as well as indications of Red Flags or any changes in status should be communicated verbally to Currituck County Communications. Further more, the CONTRACTOR shall make the COUNTY and all appropriate departments (Public Safety/Tourism) aware of The posting of red flags.

(B-1)

ADDENDUM B: SPECIFIC REQUIREMENTS

1 . The CONTRACTOR shall designate one person to supervise, direct, and uphold the expectations set forth in this agreement. That person shall have the title of Division Chief. The Division Chief (or qualified designee thereof) shall operate out of a Mobile Ocean Lifeguard Response Unit, which shall patrol the beach, support any rescue, search, or medical emergency and have first line supervision of services provided. The individual designated as the Division Chief shall meet the following qualifications:

- a. Be at least 21 years of age
  - b. Have five years experience as an ocean lifeguard, three of which should be with the CONTRACTOR
  - c. Should possess identified leadership experience.
  - d. Meet the requirements of lifeguards as set out in item one of the agreement.
  - e. Hold, or be in the process of obtaining, a current NC EMT-I or higher certification.
  - f. Be a competent and licensed operator of vehicles
  - g. Be well-versed in ocean and sound rescue, beach conditions, coordination of activities, communication and public relations.
  - h. Completed incident command courses ICS 100, 200, 700, 800 and ICS 300 level
2. Each ocean lifeguard station shall be equipped and manned during the hours of 9:30 a.m. to 5:30 p.m. each day of the week from the Saturday prior to Memorial Day extending through and including Labor Day
  3. Each roving patrol shall be equipped and operating during the hours of 9:30 a.m. to 5:30 p.m. weather permitting, each day of the week beginning the Saturday prior to Memorial Day extending through and including Labor Day, with no less than seven roving patrols to continue through the third weekend of October. The CONTRACTOR will continue to provide page-out response for the remainder of the year.
  4. After August 15<sup>th</sup>, manned hours may decrease by as much as one half until the Monday following Labor Day.
  5. All vehicles on the beach shall have additional first aid supplies, communications, emergency lights and siren, binoculars, portable oxygen tank, backboard, and will be marked with "COROLLA OCEAN RESCUE."
  6. All vehicles shall be equipped with paddleboards or other comparable water vessel capable of ocean or sound launching. Each supervisor shall be experienced in its launching and operations and be able to train any employee on the proper procedure of such.
  7. The primary function of the CONTRACTOR under this Agreement is to provide ocean lifeguard, beach, and sound rescue services related to the beach and sound and members of the public utilizing all water accesses for swimming, sunning, walking, and other purposes. Any emergency activities of the sheriff, fire, EMS or emergency services other than beach rescue shall be performed in accordance with the rules and regulations in effect between the sheriff, fire and EMS departments of

Currituck County and CONTRACTOR shall have no primary responsibility for such additional duties.

8. CONTRACTOR shall be responsible for providing, locating, and maintaining all required communications equipment. Communications equipment shall have the capability to monitor the Currituck County Fire and EMS frequency. Other communications shall be carried on CONTRACTOR'S frequency and on telephone lines or cell phones. The CONTRACTOR shall respond when dispatched by Currituck Central.
9. CURRITUCK COUNTY shall have the right to publicize and notify the general public of those areas which are subject matter of this Agreement and those areas where such service is provided for the benefit of the public.
10. All other costs relating to providing this service for the COUNTY shall be included in the total cost. All equipment shall be kept in good running order in order that the CONTRACTOR can fulfill the terms of this Agreement. The CONTRACTOR shall keep the same flag and poster warning system, continue to keep the beach access areas where stands are located cleaned in the morning and afternoon. Uniforms and stands shall be plainly visible and marked accordingly. Each guard shall be in clean uniforms and groomed accordingly.
11. CONTRACTOR covenants and agrees that it shall put into service the following equipment, which equipment shall be wholly owned by the CONTRACTOR:
  - Two reliable water craft capable of surf launching.
  - ATV 4-wheelers to accommodate this contract
  - Portable radios to accommodate this contract
  - Two reliable 4-wheel drive trucks.
  - One reliable sound rescue boat.
  - One emergency transport utility vehicle to accommodate patient removal off the beach.
12. The CONTRACTOR agrees that should it default in the performance of this Agreement (i.e. providing life guard service at the designated areas and times for a period of 48 continuous hours, except as prohibited from providing this service by weather conditions or other acts of God, or in providing the other non-seasonal services required by this Agreement), then and in that event the COUNTY may terminate this agreement, at the discretion of the Board of Commissioners.
13. CONTRACTOR shall, upon request, submit to the COUNTY reports regarding beach population counts, activity summaries, operation reports and incident reports through the Currituck County Director of Emergency Services or his designee.
14. The CONTRACTOR shall provide the COUNTY with a feasible and workable plan of communications, it being necessary the COUNTY be able to contact the CONTRACTOR at all times.
15. All complaints, submitted to the CONTRACTOR from the COUNTY, shall be remedied within a reasonable time span, to be dictated by the Chief of Emergency Medical Services.
16. The CONTRACTOR shall provide rescue services to all adjacent areas in the Currituck Sound.
17. The CONTRACTOR shall provide a response to any beach emergency occurring during the off-hours year-round.

18. The CONTRACTOR shall provide inter-agency assistance when requested.
19. The CONTRACTOR shall provide and install galvanized steel flag poles at approximately 1/3 mile intervals from the North Beach Ramp to the Virginia line from which red 'no swimming' flags will be flown and visible from all along the beach as dictated by beach conditions. An additional red flag would be flown from the Carova Beach Fire Station.
20. The CONTRACTOR shall provide patrols on the North Beach with two roving lifeguards beginning the Saturday prior to Memorial Day weekend and extending through Labor Day weekend. One lifeguard will be at the NC EMT-Basic level in an EMT- Basic OEMS licensed emergency vehicle. This emergency vehicle would be outfitted with a light bar, siren, mobile radio, basic EMS supplies, backboard, difibrillator, oxygen, etc. This response vehicle, if available, would also first respond to all EMS calls on the North Beaches, if not already on an Ocean Rescue call. The second patrol would continue to monitor the beach. All communication will be in plain language as per NIMS/ ICS.



**MEMORANDUM**

TO: Board of Commissioners  
FROM: Ben Woody, AICP  
Planning Director  
DATE: November 4, 2009  
SUBJECT: Board of Adjustment Term Expirations

The following Board of Adjustment member's term will expire December 31, 2009. We asked that these members be reappointed.

**DISTRICT 1**

Larry Etheridge  
152 Brumley Road  
Knotts Island NC 27950  
(252) 429-3313

Appointed 2004 - 2006  
Reappointed 2007-2009  
Second Term Under UDO  
Years Served: 6  
Fruitville Township

**AT LARGE**

**DISTRICT 4**

Bryan Bass  
196 Mariners Way  
Moyock NC 27958  
(252) 435-6910  
bbass@drydenllc.com

Appointed 2007-2009  
First Term Under UDO  
Years Served: 3  
Crawford Township

Also, the following reappointments/replacements were continued by the Board of Commissioners in January 2009 and still need to be addressed.

**MOYOCK**

Ralph Jones  
(2006-07 Alternate, Switched to  
Regular Member 2008)  
149 Richard Shaw Rd  
Moyock NC 27958  
(252) 435-6764

Appointed 2006-2008  
First Term Under UDO  
Years Served: 4

**POPLAR BRANCH**

Donald Ferebee  
7422 Caratoke Hwy  
Jarvisburg NC 27947  
(252) 491-2677

Appointed 2006-2008  
First Term Under UDO  
Years Served: 4

If you have any questions, please call me at 232-6029.

Cc: Board of Adjustment

BOARD OF ADJUSTMENT

<b>Incumbent</b>	<b>Nominated by</b>	<b>New Appointee</b>	<b>Nominated by</b>	<b>Date of Appointment</b>	<b>End of Term</b>
<b>Larry Etheridge (1)*</b>	<b>District 1</b>				<b>12/31/2009</b>
<b>Donald Ferebee (2)*</b>	<b>District 2</b>				<b>12/1/2008</b>
Earl Wemer (1) (Alternate)	District 3				12/31/2010
Paul Beaumont (4)	District 4				12/31/2010
<b>Ralph Jones (5)*</b>	<b>District 5</b>				<b>12/1/2008</b>
<b>Bryan Bass (4)*</b>	<b>At-Large</b>				<b>12/31/2009</b>
Tom Roddy (5) (Alternate)	At-Large				12/31/2010

**\* May Be Reappointed**

1       **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**  
2               **AMENDING SECTION 10-55 OF THE CURRITUCK COUNTY CODE OF**  
3       **ORDINANCES TO PROHIBIT USE OF HORSES ON THE NORTHERN CURRITUCK**  
4               **OUTER BANKS**

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

8               WHEREAS, pursuant to N.C. Gen. Stat. §§153A-127 and 153A-131 a county may by  
9 ordinance define and prohibit the abuse of animals and regulate, restrict or prohibit the  
10 possession or harboring of animals which are dangerous to person or property; and

11              WHEREAS, the Board of Commissioners for Currituck County finds and determines that  
12 humans and Corolla Wild Horses are at risk for injury when mixed with domesticated horses and  
13 further that Corolla Wild Horses are at risk from exposure to Equine Infectious Anemia and  
14 parasitic infection that may be introduced into the Corolla Wild Horse home range by  
15 domesticated horses.

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

18       PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting  
19 Section 10-55 of the Code of Ordinances to read as follows:

20       Sec. 10-55. Locations where use prohibited.

21              (a) No vehicles, mopeds, motorcycles or motor vehicles shall be operated ~~and no horses~~  
22 ~~shall be used~~ on the Outer Banks except on a cartway, a neighborhood public road, a dedicated  
23 right-of-way, the foreshore or beach strand or any other public vehicular area.

24              (b) This section shall not apply to vehicles, ~~horses~~, mopeds, motorcycles, or motor  
25 vehicles operated on private property with the permission of the owner. The owner must be  
26 present or written evidence of the owner's permission furnished.

27              (c) It shall be unlawful for any person to keep, harbor, maintain, possess, ride, walk or  
28 bring a horse into or upon that area of the county on the Outer Banks from the terminus of the  
29 paved portion of N.C. State Highway 12 to the Virginia state line. Notwithstanding the  
30 foregoing, a horse may be used on private property with written evidence of the owner's  
31 permission or on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore  
32 or beach strand or any other public vehicular area in that area of the county on the Outer Banks  
33 from Dare County to the terminus of the paved portion of N.C. State Highway 12.

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

3 PART III. This ordinance is effective upon adoption.

4

5 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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\_\_\_\_\_  
J. Owen Etheridge, Chairman

9

ATTEST:

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\_\_\_\_\_

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Gwen H. Keene, Clerk to the Board

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APPROVED AS TO FORM:

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\_\_\_\_\_

16

Donald I. McRee, Jr., County Attorney

17

18

Date adopted: \_\_\_\_\_

19

20

Motion to adopt by Commissioner \_\_\_\_\_

21

Second by Commissioner \_\_\_\_\_

22

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

23

1       **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**  
2               **AMENDING SECTION 10-55 OF THE CURRITUCK COUNTY CODE OF**  
3       **ORDINANCES TO PROHIBIT USE OF HORSES ON THE NORTHERN CURRITUCK**  
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32 or beach strand or any other public vehicular area in that area of the county on the Outer Banks  
33 from Dare County to the terminus of the paved portion of N.C. State Highway 12.

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

3 PART III. This ordinance is effective upon adoption.

4

5 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

6

7

8

\_\_\_\_\_  
J. Owen Etheridge, Chairman

9

ATTEST:

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\_\_\_\_\_

11

Gwen H. Keene, Clerk to the Board

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14

APPROVED AS TO FORM:

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\_\_\_\_\_

16

Donald I. McRee, Jr., County Attorney

17

18

Date adopted: \_\_\_\_\_

19

20

Motion to adopt by Commissioner \_\_\_\_\_

21

Second by Commissioner \_\_\_\_\_

22

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

23



## MEMORANDUM

To: Board of Commissioners

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

Ref: Recommendation of Award for the Moyock Sewer Force Main  
and Pump Station – Phase I

Date: November 24, 2009

### Background

This project consists of the construction of a force main from the Welcome Center to the Moyock Commons wastewater treatment facility. A pump station will be constructed at the Welcome Center to replace the existing on-site sewer system. A force main will extend 700' along Moyock Landing Drive to allow connection by the proposed Assisted Living Facility. The project also includes a force main along Newtown Road and Lazy Corner Road to allow the future connection by the Newtown Sewer System when capacity becomes available.

This force main will serve the Welcome Center and the Assisted Living Facility with treatment provided by the existing Moyock Commons wastewater treatment facility. Allowing for the projected build-out flows of Moyock Commons and the Currituck Commercial Center, there will be no additional connections until additional treatment capacity is available.

### Recommendation

The low bid in the amount of \$1,096,585.55 did not meet the requirements of the contract. The second low bidder, George Raper & Son, Inc., provided a responsive bid in the amount of \$1,110,725.00. See attached recommendation letter and bid tabulation sheet from the consultants, Arcadis. We concur with the recommendation of award the project to George Raper & Son. With your approval of the award, the County Manager will execute the contracts for construction of the project.



Eric T. Weatherly, P.E.  
Currituck County Engineer  
P.O. Box 38  
153 Courthouse Road  
Currituck, NC 27929

ARCADIS G&M of North Carolina,  
Inc.  
801 Corporate Center Drive  
Suite 300  
Raleigh  
North Carolina 27607  
Tel 919.854.1282  
Fax 919.854.5448  
www.arcadis-us.com

Subject:  
Recommendation of Award for the Moyock Sewer Force Main  
and Pump Station- Phase 1

WATER RESOURCES

Dear Mr. Weatherly:

Date:  
November 19, 2009

On October 27, 2009, six sealed bids were received for the construction of the Moyock Sewer Force Main and Pump Station – Phase 1 project. A certified tabulation of these bids is attached. The low bid was submitted by Hatchell Concrete, Inc of Manteo, NC with a Total Base Bid amount of \$1,096,585.55.

Contact:  
David S. Briley

Phone:  
919.854.1282

After a careful review of the bid submitted by Hatchell Concrete, Inc., we determined that the bid documents were incomplete. As a Corporation, Hatchell Concrete, Inc. was required to complete a portion of sheet BD-7, which clearly requests the Bidder's representative to attach evidence of their authority to sign. This evidence was not included in the bid documents, and therefore, their bid was considered non-responsive.

Email:  
david.briley@arcadis-us.com

Our ref:  
NCCURR01.0008

Since we were not familiar with the qualifications of Hatchell Concrete, Inc., we requested that Hatchell Concrete, Inc. submit qualifications and references for Hatchell Concrete, Inc. and its Subcontractors. After careful review, we concluded that Hatchell Concrete, Inc. has a lack of experience completing similar projects. In order for the Bidder to proficiently complete the job, the majority of work would have to be performed by Sub-Contractors. This, however, is not allowed in accordance with Article 6.06 A, which states that the Contractor shall not award work to Subcontractors in excess of 50 percent of the contract amount.

In summary, ARCADIS recommends that Currituck County accept the lowest, responsive bid, and award a contract to Geo. Raper & Son, Inc. of Elizabeth City, NC in the contract amount of \$1,110,725.00.

Imagine the result

Because we care  
100% recycled paper produced by wind power energy

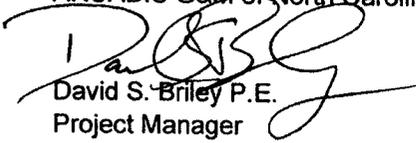
ARCADIS

Mr. Weatherly  
November 19, 2009

Please let me know if you have any questions or need further information. We look forward to working with the County on this project.

Sincerely,

ARCADIS G&M of North Carolina, Inc.



David S. Briley P.E.  
Project Manager

Copies:

Pat Irwin, Currituck County  
Dan Scanlon, Currituck County

Jeremy Allen, ARCADIS  
Hunter Carson, ARCADIS

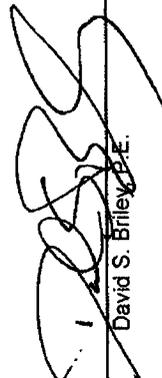
**Bid Tabulation**

Currituck County  
 Moyock Sewer Force Main - Phase 1  
 ARCADIS Project No. NCCURR01.0008  
 Bid Opening: 10/27/09

Name	NC License Number	Bid Bond	Acknowledge All Addendums	Total Bid Price
Geo. Raper & Son, Inc.	7375	5%	Yes	\$1,110,725.00
Inner - View, LTD.	12924	5%	Yes	\$1,678,000.00
Vico Construction Corporation	29855	5%	Yes	\$1,760,660.00
Suburban Grading & Utilities, Inc.	5290	5%	Yes	\$1,994,320.65
Hatchell Concrete Inc	34205	5%	Yes	\$1,096,585.55 *
Precon Construction Company	29278	5%	Yes	\$1,599,675.00 *

\* Bid was considered non-responsive

This Bid Tabulation is certified to be true and correct.  
 ARCADIS G&M of North Carolina, Inc.

By  \_\_\_\_\_  
 Date 11/19/09

CURRITUCK COUNTY  
NORTH CAROLINA  
November 16, 2009

The Board of Commissioners met at 5:00 p.m. prior to the regular meeting to discuss the Moyock Wastewater and at 6:00 p.m. with the Wild Horse Committee.

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, Rorer, Aydlett, Gregory, and Taylor. Commissioner Nelms was absent.

### **Invocation**

#### **Pledge of Allegiance**

The Reverend David Coxson with Powells Point Christian Church was present to give the invocation.

### **Approval of Agenda**

Chairman Etheridge moved to amend the agenda by deleting Item 4 and adding to consent agenda a budget amendment for the food bank.

- 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 by East Carolina Behavioral Health**
- Item 4            **Bryant Brooks, Dominion Power Presentation - Deleted**
- Item 5            **Public Hearing and Action** PB 09-32 Currituck County Planning Board: An amendment to Chapter 2: Permissible Uses Table, Chapter 4: Overlay Districts, and Chapter 17: Definitions to prohibit domestic horses in the Outer Banks Limited Residential (RO2) zoning district.
- Item 6            **Public Hearing and Action** on Resolution for funding the Whalehead Watershed District not to exceed \$3,000,000
- Item 7            **Consideration and Action** on Ordinance regulating the use of horses on the Outer Banks
- Item 8            **Consideration of request** for funding Nightingale
- Item 9            **Appointments to Tourism Advisory Board**

Item 10

**Consent Agenda:**

1. Approval of November 2, 2009, Minutes
2. Petition to NCDOT for Addition of Douglas Court to State System
3. Approval of Records Retention and Disposition Schedule-County Sheriff's Office
4. Approval of Records Retention and Disposition Schedule Amendment for County Sheriff's Office
5. Budget Amendments:

*Cooperative Extension* increase appropriations for SHIIP Grant for insurance assistance for senior citizens.

*Southern Outer Banks Water System* transfer funds for emergency repairs to Whalehead Deep Well discharge line.

*Moyock Commons Sewer* transfer funds to replace computer for sewer operator and increase contracted services for site maintenance at Moyock Commons.

**Food Bank**  
**Nightingale Medical Helicopter**

Item 11 Commissioner's Report

Item 12 County Manager's Report

Adjourn

**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.

Mike Doxey, Soil and Water Conservation Service, made a presentation on the flooding during the recent storm. The most severe flooding was in Eagle Creek. Mr. Doxey requested the Board to address new storm water rules and regulations before we have another severe storm.

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

**Presentation by East Carolina Behavioral Health**

Mr. Ray Wilson, provided the Board with an update on services they are providing for Albemarle Mental Health.

They also provide a quarterly financial report to the Board.

**Bryant Brooks, Dominion Power Presentation**

deleted

**Public Hearing and Action PB 09-32 Currituck County Planning Board: An amendment to Chapter 2: Permissible Uses Table, Chapter 4: Overlay Districts, and Chapter 17: Definitions to prohibit domestic horses in the Outer Banks Limited Residential (RO2) zoning district.**

Ben Woody, Planning Director, reviewed the amendment.

The enclosed text amendment, requested by the Planning Board, prohibits domestic horses in the Outer Banks Limited Access Residential District (RO2). Currently the Unified Development Ordinance (UDO) allows for horseback riding, schools, and boarding in the RO2 zoning district with a special use permit. This amendment also proposes an additional subsection (E) to section 4.7.2 of Chapter 4 Overlay Districts, which further clarifies that domestic horses are prohibited in the off-road area.

The request is intended to ensure the long term safety and wellbeing of the Corolla wild horse herd and residents of the off-road area. Domestic horses may be carriers of equine diseases for which the wild horses have no immunity, and therefore pose a threat to the longevity of the herd. Additionally, inexperienced riders of domestic horses are at risk of injury if they are thrown from a horse as a result of aggressive interactions between territorial wild horses and domestic horses.

The Planning Board recommended unanimous approval at their October 13, 2009 meeting and included a definition of domestic horse.

Should you have any questions, do not hesitate to contact Jason Litteral at 453-8555, extension 233.

**PLANNING BOARD DISCUSSION**

Mr. Woody provided a definition of domestic horse which would be added to the text amendment.

Mr. West asked if this amendment would also eliminate a special use permit to have horseback riding in the RO2 zoning district.

Mr. Woody stated yes.

Ms. Wilson stated it is a safety issue as well as protecting the wild herd.

**ACTION**

Ms. Wilson motioned to recommend approval of PB 09-32 text amendment with the addition of the definition of domestic horse is included as presented. Mr. Bell seconded the motion. Motion carried unanimously.

**Currituck County Planning Board  
PB 09-32  
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Permissible Uses Table, Chapter 4: Overlay Districts, and Chapter 17: Definitions to prohibit domestic horses in the Outer Banks Limited Residential (RO2) 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 Chapter 2, Zoning Districts, Section 2.5, Permitted Uses Table is amended by deleting the following strikethrough language:

**2.5 Permitted Uses Table**

Use	LUC	Zoning Districts											Special Requirements
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
Recreation & Entertainment													
Horseback Riding, Schools, Boarding	III	C	C	C		<del>S</del>		C	C			C	C

**Item 2:** That Chapter 4: Overlay Districts, Section 4.7.2 Uses is amended by deleting the following strikethrough language and adding the following underlined language:

**4.7.2 Uses**

- C. Moped rentals, and hang gliding businesses, and horseback riding, schooling, and boarding facilities may be permitted with a special use permit provided all activities (i.e. money collection, rides, parking, etc.) occur only on the property under control of the operator either by ownership or lease. Such uses shall only be permitted in zoning districts as allowed in the Permitted Uses Table, but shall require a special use permit as opposed to a conditional use permit.
- E. Domestic horses are prohibited in the Outer Banks Limited Access Residential (RO2) zoning district.

**Item 3:** That Chapter 17: Definitions is amended by adding the following underlined language alphabetically:

**Domestic Horse**

A non-feral ungulate mammal. For the purposes of this definition, domestic horse shall include any horse that is not living and breeding in a wild state in the Fruitville Township - Outer Banks and has never been dependent on humans for survival.

**Item 4:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Chairman Etheridge opened the public hearing.

Mike Hoff, Mackay Island Refuge, supports the ordinance.

Bo Dane, Site Manager for Coastal Reserve, supports the ordinance.

Karen McCalpin, Director of the Wild Horse Fund, supports the request.

Wesley Stallings, Wild Horse Herd Manager, supports the ordinance.

Kimberlee Hoey, President Wild Horse Fund, supports the ordinance.

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

Commissioner Aydlett moved to approve as presented by staff due to its consistency with the policies of the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Commissioner O'Neal seconded the motion. Motion carried.

**Public Hearing and Action on Resolution for funding the Whalehead Watershed District not to exceed \$3,000,000.**

Commissioner O'Neal moved to adopt the following resolution. Commissioner Aydlett seconded the motion. Motion carried.

**RESOLUTION**

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the County of Currituck, North Carolina desires to construct the Whalehead Subdivision Drainage Improvements – Phase I (the “Project”) to better serve the citizens of Whalehead Watershed Service District, Corolla, NC; and

WHEREAS, The County of Currituck desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Currituck, North Carolina, meeting in regular session on the 16<sup>th</sup> day of November, 2009, make the following findings of fact:

1. The proposed contract is necessary or expedient to correct drainage deficiencies within the Whalehead Watershed Service District.
2. The proposed contract is preferable to a bond issue for the same purpose because the County desires to borrow an amount not to exceed \$3,000,000, which would be bank qualified debt, for fifteen (15) years and it is more economical for the County to do an installment purchase contract for this amount rather than increase the borrowing costs with the costs associated with a bond referendum and issuing bonds.
3. The cost of financing under the proposed contract is comparable to the cost of issuing general obligation bonds. The process of having a bond referendum and going through the approval process would delay the project by six to eight months and therefore the County desires to move forward with the installment purchase contract.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the County has established a service district with a tax rate of four cents per One Hundred Dollars of property valuation, which will meet the debt obligations for this installment purchase agreement.
5. The County of Currituck’s debt management procedures and policies are good because the County has identified revenue sources to make debt payments and invests and monitors all funds to assure that debt payments are made when due.
6. The County does not anticipate increasing taxes for this new debt. The County anticipates that this service district tax generated will be sufficient for future debt payments for the life of this debt.
7. The County of Currituck is not in default in any of its debt service obligations.
8. The attorney for the County of Currituck has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to act on behalf of the County of Currituck in filing an application with

the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

**Consideration and Action on Ordinance regulating the use of horses on the Outer Banks**

Ike McRee, County Attorney, reviewed the ordinance.

Commissioner Aydlett moved to adopt the ordinance.  
Commissioner Rorer seconded the motion. Motion carried.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-55 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO PROHIBIT USE OF HORSES ON THE NORTHERN CURRITUCK OUTER BANKS**

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

WHEREAS, pursuant to N.C. Gen. Stat. §§153A-127 and 153A-131 a county may by ordinance define and prohibit the abuse of animals and regulate, restrict or prohibit the possession or harboring of animals which are dangerous to person or property; and

WHEREAS, the Board of Commissioners for Currituck County finds and determines that humans and Corolla Wild Horses are at risk for injury when mixed with domesticated horses and further that Corolla Wild Horses are at risk from exposure to Equine Infectious Anemia and parasitic infection that may be introduced into the Corolla Wild Horse home range by domesticated horses.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 10-55 of the Code of Ordinances to read as follows:

Sec. 10-55. Locations where use prohibited.

(a) No vehicles, mopeds, motorcycles or motor vehicles shall be operated ~~and no horses shall be used~~ on the Outer Banks except on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area.

(b) This section shall not apply to vehicles, ~~horses~~, mopeds, motorcycles, or motor vehicles operated on private property with the permission of the owner. The owner must be present or written evidence of the owner's permission furnished.

(c) It shall be unlawful for any person to keep, harbor, maintain, possess, ride, walk or bring a horse into or upon that area of the county on the Outer Banks from the terminus of the paved portion of N.C. State Highway 12 to the Virginia state line. Notwithstanding the foregoing, a horse may be used on private property with written evidence of the owner's permission or on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area in that area of the county on the Outer Banks from Dare County to the terminus of the paved portion of N.C. State Highway 12.

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

PART III. This ordinance is effective upon adoption.

### **Consideration of request for funding Nightingale**

Commissioner Aydlett moved to fund \$200,000, \$100,000 from occupancy tax and \$100,000 from general fund as a donation to help fund purchase of a new Nightingale medical helicopter. Commissioner O'Neal seconded the motion. Motion carried.

### **Appointments to Tourism Advisory Board**

Commissioner Gregory moved to re-appoint Don Cheek. Commissioner Rorer moved to appoint Lori London. Motion carried by acclamation.

### **Consent Agenda:**

1. Approval of November 2, 2009, Minutes
2. Petition to NCDOT for Addition of Douglas Court to State System
3. Approval of Records Retention and Disposition Schedule-County Sheriff's Office
4. Approval of Records Retention and Disposition Schedule Amendment for County Sheriff's Office
5. Budget Amendments:

*Cooperative Extension* increase appropriations for SHIIP Grant for insurance assistance for senior citizens.

*Southern Outer Banks Water System* transfer funds for emergency repairs to Whalehead Deep Well discharge line.

*Moyock Commons Sewer* transfer funds to replace computer for sewer operator and increase contracted services for site maintenance at Moyock Commons.

*Food Bank*- To increase appropriations to assist with establishing a food pantry in Lower Currituck. This funding will assist with rent, utilities, security and initial purchase of refrigerators and freezers.

*Nightingale Medical Helicopter* - To increase appropriations for a donation to help fund purchase of medical helicopter.

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

**Debit**

**Credit**

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
		<u>Increase Expense</u>	<u>Expense</u>
66868-516000	Repairs and Maintenance	\$ 11,000	
66868-545000	Contracted Services		\$ 5,000
66868-561000	Professional Services		\$ 6,000
		<u>\$ 11,000</u>	<u>\$ 11,000</u>

**Explanation:** *Southern Outer Banks Water System (66868)* - To transfer funds for emergency repairs to the Whalehead Deep Well discharge line.

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

<u>Account Number</u>	<u>Account Description</u>	Debit  Decrease Revenue or Increase Expense	Credit  Increase Revenue or Decrease Expense
		<u>Increase Expense</u>	<u>Expense</u>
10640-532004	Supplies - Home Economics	\$ 2,624	
10330-449900	Miscellaneous Grants		\$ 2,624
		<u>\$ 2,624</u>	<u>\$ 2,624</u>

**Explanation:** *Cooperative Extension (10640)* - To increase appropriations for the SHIP Grant from the NC Department of Insurance for insurance assistance for senior citizens.

**Net Budget Effect:** Operating Fund (10) - Increased by \$2,624.

<u>Account Number</u>	<u>Account Description</u>	Debit  Decrease Revenue or Increase Expense	Credit  Increase Revenue or Decrease Expense
		<u>Increase Expense</u>	<u>Expense</u>
65858-590441	Technology Over \$1,000	\$ 1,740	
65858-545000	Contracted Services	\$ 2,000	
65858-561000	Professional Services		\$ 3,740
		<u>\$ 3,740</u>	<u>\$ 3,740</u>

**Explanation:** *Moyock Commons Sewer (65858)* - To transfer funds to replace computer for sewer operator and to increase contracted services for site maintenance at Moyock Commons.

**Net Budget Effect:** Moyock Commons Sewer District (65) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10950-585003	Food Bank	\$ 14,700	
10320-408000	Franchise Taxes		\$ 14,700
		\$ 14,700	\$ 14,700

**Explanation:** *Agency Appropriations (10950)* - To increase appropriations to assist with establishing a food pantry in Lower Currituck. This funding will assist with rent, utilities, security and initial purchase of refrigerators and freezers.

**Net Budget Effect:** Operating Fund (10) - Increased by \$14,700.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10950-585001	Agency appropriations Appropriated Fund	\$ 100,000	
10390-499900	Balance		\$ 100,000
		\$ 100,000	\$ 100,000

**Explanation:** *Agency Appropriations (10950)* - To increase appropriations for a donation to help fund purchase of medical helicopter.

**Net Budget Effect:** Operating Fund (10) - Increased by \$100,000.

**Commissioner's Report**

Commissioner Taylor wished Commissioner Nelms congratulations on his wedding. She also attended the Veterans' Day celebration in Coinjock.

There will be a Thanksgiving Dinner for those less fortunate at the High School at 1:00 p.m. sponsored by the Etheridge family.

Commissioner Aydlett thanked Department of Transportation for their work on Knotts Island that prevented severe flooding during the last storm.

Commissioner Rorer commented on the next food drop in Grandy; he attended the Currituck Kids fundraiser and the Moyock Woman's Club fundraiser.

**Adjourn**

There being no further business, the meeting adjourned.

**North Carolina Department of Transportation  
Division of Highways  
Request for Addition to State Maintained Secondary Road System**

North Carolina

County: Currituck

Road Description: Long Lane  
Knotts Island

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Currituck requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System, and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Currituck that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

**CERTIFICATE**

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Currituck at a meeting on the 7 day of Dec., 2009

WITNESS my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Official Seal**

Clerk, Board of Commissioners  
County: \_\_\_\_\_

**PLEASE NOTE:**

Forward direct with request to the Division Engineer, Division of Highways

**R E S O L U T I O N**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on \_\_\_\_\_ authorized the following, pursuant to GS 160A and 270(b), which the property listed below, be disposed of at the local landfill.

**Pump, water. Weinman model 3KH4A s/n T1068896. Unit is beyond feasible repair.**

**ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Owen Etheridge  
Currituck County Board of  
Commissioners

ATTEST:

\_\_\_\_\_  
Gwen H. Keene, CMC  
Clerk to the Board





### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
50447-590001	Corolla Greenway	\$	931,800		
50447-590002	Pocket Park	\$	79,900		
50447-590003	Landscaping	\$	48,100		
50447-590004	Water Utilities	\$	10,000		
50447-590005	Signage	\$	10,000		
50447-590006	Land acquisition/easement	\$	1		
50447-561000	Planning fees	\$	226,758		
50447-588000	Contingency	\$	53,990		
50447-590000	Capital Outlay			\$	1,360,549
		<u>\$</u>	<u>1,360,549</u>	<u>\$</u>	<u>1,360,549</u>

**Explanation:** *Corolla Multi-use Path (50447)* - To transfer budgeted funds to allocate to specific project elements as specified in the PARTF grant.

**Net Budget Effect:** County Governmental Construction Fund (50) - no change.

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\_\_\_\_\_  
Clerk to the Board



Number 2010030

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
10550-503000	Salaries - Part time	\$	27,178		
10550-502000	Salaries				27178
10550-516000	Maintenance & Repairs	\$	8,000		
10550-532000	Supplies	\$	3,000		
10550-505000	FICA Expense			\$	514
10550-506000	Insurance Expense			\$	2,052
10550-540000	Worker's Compensation			\$	81
10380-484001	Insurance Recovery			\$	8,353
			<u>\$ 38,178</u>		<u>\$ 38,178</u>

**Explanation:** *Airport (10550)* - To transfer funds from salaries to part-time salaries for the interim Airport Manager. Also, to increase appropriations for maintenance and repairs and supplies to cover damages from the August 5, 2009 lightning strike at the airport.

**Net Budget Effect:** Operating Fund (10) - Increased by \$8,353.

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Clerk to the Board





### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
12543-540003	Volunteer Assistance			\$	14,000
12543-516103	Buildings and Grounds	\$	7,000		
12543-516003	Maintenance & Repair	\$	7,000		
		<u>\$ 14,000</u>		<u>\$ 14,000</u>	

**Explanation:** *Moyock Volunteer Fire Department (12543) - To transfer funds as requested for electrical upgrades and small cooking area at the Moyock Fire Station*

**Net Budget Effect:** Fire Services Fund (12) - No change.

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Clerk to the Board





## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10750-519503	Domestic Violence		\$ 1,197
10752-519600	Child Daycare		\$ 200,561
10752-519601	Smart Start Daycare		\$ 5,485
10752-561003	LINKS-Special	\$ 15,000	
10330-431000	DSS Admin	\$ 219,197	
10330-431700	Independent Living - LINKS		\$ 15,000
10390-499900	Fund Appropriated Balance		\$ 11,954
		<u>\$ 234,197</u>	<u>\$ 234,197</u>

**Explanation:** Social Services Public Assistance (752) - To adjust budgeted line items to State Funding Authorizations.

**Net Budget Effect:** Operating Fund (10) - Decreased by \$192,243.

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Clerk to the Board





## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of December 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
60808-590001	Capital Outlay	\$ 90,600	
60808-561000	Professional Services		\$ 35,000
60808-561001	Professional Services		\$ 30,600
60808-516001	Repairs and Maintenance		\$ 15,000
60808-545001	Contracted Services		\$ 10,000
		\$ 90,600	\$ 90,600

**Explanation:** Ocean Sands Water and Sewer System (60808) - The increase in capital outlay is to replace all the meter registers on the meters in Ocean Sands, upgrade the software, and receive new automatic meter reading devices.

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

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\_\_\_\_\_  
Clerk to the Board







