

# Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

---

**Date: Monday, July 06, 2009**

**Time: 7:00 PM**

---

## **Work Sessions**

6:00 Mainland Water System Growth Plan

## **Regular Agenda**

7:00 p.m. Invocation

Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment

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

Item 3 **Presentation on the 2010 Census**

Item 4 **Public Hearing and Action** PB 87-56 Monterey Shores, Commercial Parcel 6: Preliminary Plat/Special Use Permit for a one lot commercial subdivision within an existing Planned Unit Development located at the intersection of Malia Drive and Caroline Court, Tax Map 116, Parcel 10 (Open Space), Poplar Branch Township.

Item 5 **Public Hearing and Action** PB 09-20 South Ridge Variance: Variance request from Currituck County Unified Development Ordinance section, Chapter 8, Parking and Driveways, to allow on street parking. The property is located at 120 Survey Road, adjacent to Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.

Item 6 **Public Hearing and Action** PB 07-10 South Ridge: Preliminary Plat/Special Use Permit for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated site located at 120 Survey Road, adjacent to Eagle Creek subdivision, Tax Map 15, Parcel 83, Moyock Township.

Item 7        **Discussion of Ordinance** amending the Wild Horse Ordinance to prohibit coming within 50 feet of a Wild Horse

Item 8        **Consideration and approval** Towing Ordinance

Item 9        **Appointment to Airport Advisory Board**

Item 10       **Appointment to Library Board of Trustees**

Item 11       **Appointment to Senior Citizen Advisory Board**

Item 12       **Appointments to Game Commission**

Item 13       **Consent Agenda:**

1. Resolution Surplus Property
2. Moyock Welcome Center - Change Order #1 - RPC Contracting, Inc.
3. Mainland Water System - Change Order #1 - 12" Water Line Improvements - Sanford Contractors, Inc.
4. Approval of June 15, 2009, Minutes

Item 14       Commissioner's Report

Item 15       County Manager's Report

Item 16       **Closed Session:**

1. According to 143-318.11(5) to discuss acquisition of real property, Waterside Villages

Adjourn

**CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS  
DATE: July 6, 2009  
PB 87-56 Monterey Shores PUD**

---

**ITEM:** PB 87-56 Monterey Shores, Preliminary Plat/Special Use Permit, for a 1 lot commercial subdivision within an existing Planned Unit Development.

**LOCATION:** At the intersection of Malia Dr. and Caroline Ct.

**TAX ID:** Tax Map 116, Parcel 10 (Open Space)

**ZONING** PUD Overlay - General Business

**PRESENT USE:** Vacant

**OWNERS:** Robert R. Degabrielle  
6400 SW Gator Trl.  
Palm City, FL 34990

**ENGINEER:** Coastal Engineering and Surveying Inc.  
P.O. Box 1129  
W. Kitty Hawk Rd.  
Kitty Hawk, NC 27949

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Open Space	RO1
<b>SOUTH</b>	Open Space	RO1
<b>EAST:</b>	Future Corolla Worship Center Site – Tim Buck II	RO1 / GB
<b>WEST:</b>	Open Space	RO1

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as a **Conservation Area** within the **Corolla** subarea.

**SIZE OF SITE:** Proposed Parcel 6 – 1.030 acres plus .1 acres for an access road.

**NUMBER OF UNITS:** N/A

- PROJECT DENSITY:** N/A (no proposed development at this time), An additional SUP will be required for any future development and this SUP is for the subdivision only.
- STREETS:** There are no streets proposed. Access road construction details will be required at the time of development.
- UTILITIES:** Carolina Water Service, Inc. will accommodate the water and sanitary sewer needs of the proposed parcel
- OPEN SPACE:** Residual Open Space for Moteray Shores PUD  
131.502 acres or 36.98%

**I. NARRATIVE OF REQUEST:**

- The applicant is seeking preliminary plat/SUP approval for a single lot commercial subdivision within Monterey Shores planned unit development. This subdivision will require the construction of a new access road at the time of development. The property is located west of the Corolla Worship Center Site and the access road will begin at the intersection of Malia Dr. and Caroline Ct.
- In September of 2008 the TRC reviewed the preliminary plat and recommended approval. The application could not move forward at that time due to failure to obtain wastewater authorization from Carolina Water Service. Wastewater authorization has since been received and the developer wishes to proceed.
- The Army Corp of Engineers has indicated the site is free of any 404 wetlands.
- The Division of Water Quality has approved a reduction in the available green area for the PUD and the reconfiguration is shown on the Waste Water Treatment Plant Green Space Map GS-1 prepared by Robert G. Burgin, Jr., Inc.

**II. UNRESOLVED TRC COMMENTS:**

- Since the project was previously approved by the TRC, the new application has been reviewed by the core review team (CRT), and all have recommended approval for the subdivision only. Subsequent review will be required at the time of development in association with a new special use permit.

**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 the SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE 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. The proposed use is permissible 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. Adequate water and sewer infrastructure has been proposed.

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 subdivision is proposed within a General Business area of an existing PUD and is allowed by the UDO with a special use permit.
- b. The parcel is currently within an existing Planned Unit Development with and should be in harmony with the surrounding area.

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 Conservation area within the Corolla subarea and the proposed use is in keeping with the policies of the plan, some of which are:
  - i. Policy ES2 states " NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the groundwater table, and providing critical habitat for many plant and animal species. Currituck County supports the efforts of the U.S. Army Corp of Engineers in protecting such wetlands the section 404 permit program of the Clean Water Act, as well as Section 401

water quality certifications by the State of North Carolina. The proposed subdivision does not contain any wetlands.

- ii. Policy OB1 states “Currituck County supports the provision of infrastructure and services adequate to meet basic quality of life and public health and safety requirements of residents of the Outer Banks” The proposed subdivision has been designed with adequate water and sewer extensions.
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 (sketch plan in the case of major subdivisions).

**Suggested Findings:**

- a. The county should have adequate public facilities to service this subdivision.

**IV. STAFF RECOMMENDATION**

Since the submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends approval** of this plat/SUP with the following suggestions.

- Given that the property is located in a conservation area, staff recommends implementation of low impact development (LID) techniques for any development on the lot.

**V. PLANNING BOARD RECOMMENDATION**

Ms. Robbins motioned to **recommend approval** with staff recommendations and the following condition:

- An inventory of the trees be done before the site is cleared for the preliminary plat/special use permit for a one lot commercial subdivision within an existing Planned Unit Development.

Ms. Wilson seconded the motion. Motion carried unanimously.

**PLANNING BOARD DISCUSSION (June 9, 2009)**

Mr. Kovacs asked if the land is vegetative.

Mr. Gomez stated it has trees, but mostly overgrown.

Mr. Kovacs asked if there are any wetlands on the property.

Mr. Gomez stated no.

Mr. Kovacs stated he would like to see as many trees preserved as possible.

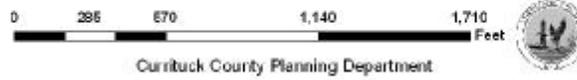
Mr. Woody stated an inventory of the trees could be done before the site is cleared.

**ACTION**

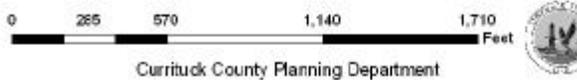
Ms. Robbins motioned to recommend approval with staff recommendations and a inventory of the trees be done before the site is cleared for the preliminary plat/special use permit for a one lot commercial subdivision within an existing Planned Unit Development. Ms. Wilson seconded the motion. Motion carried unanimously.

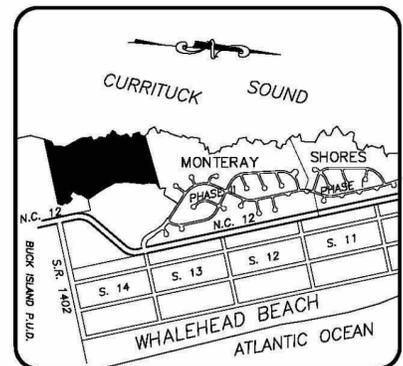
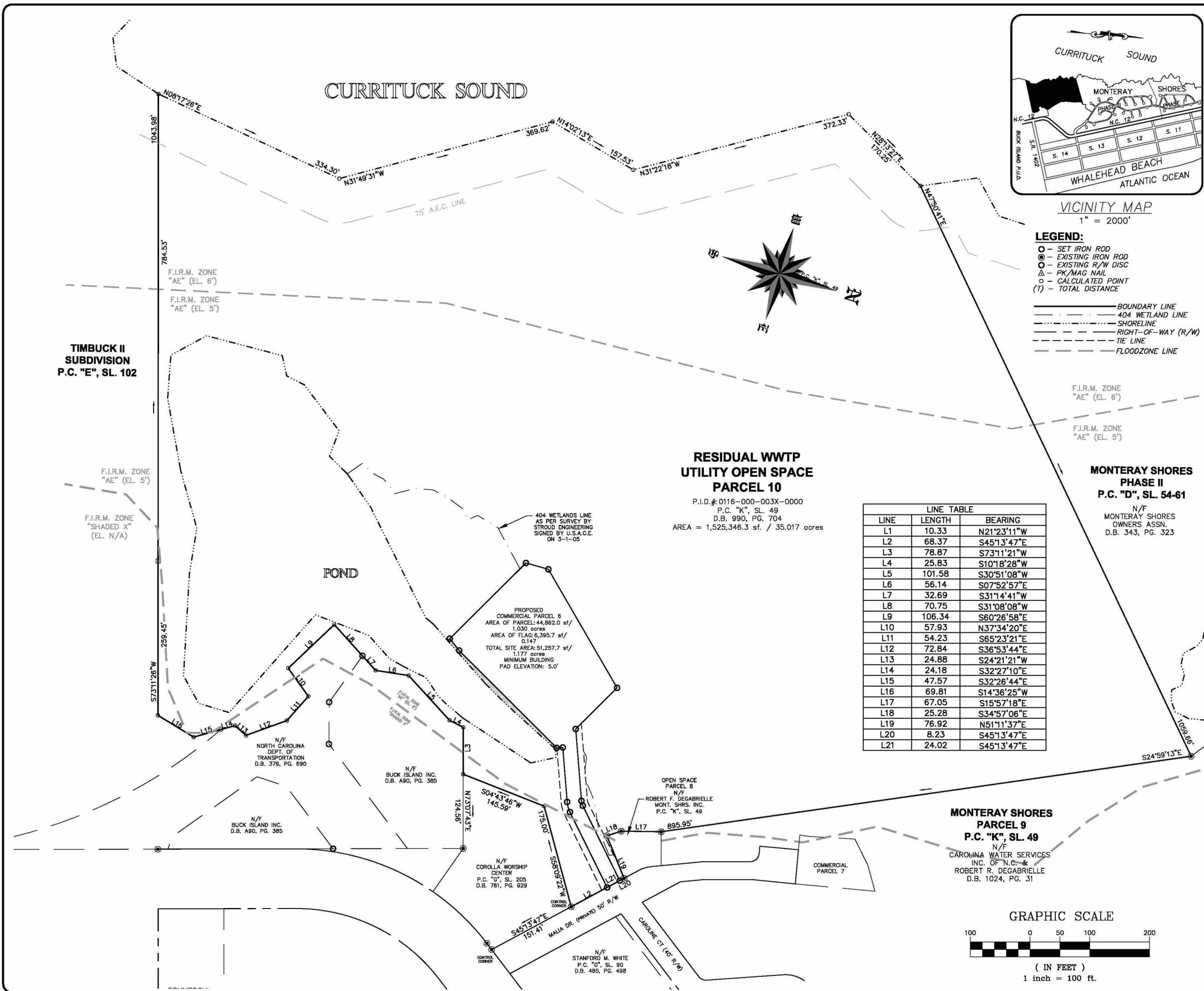


**PB 87-56 Monterey Shores  
Preliminary Plat/SUP  
Aerial Photography**



**PB 87-56 Monterey Shores  
Preliminary Plat/SUP  
Land Use Classification**





VICINITY MAP  
1" = 2000'

- LEGEND:**
- - SET IRON ROD
  - ⊙ - EXISTING IRON ROD
  - ⊗ - EXISTING R/W DISC
  - △ - PK/MAG NAIL
  - - CALCULATED POINT
  - (T) - TOTAL DISTANCE

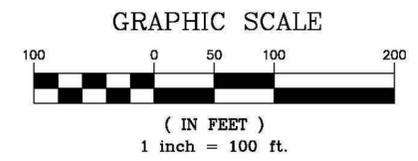
- BOUNDARY LINE
- - - - 404 WETLAND LINE
- ..... SHORELINE
- · - · - · RIGHT-OF-WAY (R/W)
- - - - TIE LINE
- - - - FLOODZONE LINE

**RESIDUAL WWTP  
UTILITY OPEN SPACE  
PARCEL 10**  
P.I.D.#: 0116-000-003X-0000  
P.C. "K", SL. 49  
D.B. 990, PG. 704  
AREA = 1,525,346.3 sf. / 35.017 acres

LINE	LENGTH	BEARING
L1	10.33	N21°23'11"W
L2	68.37	S45°13'47"E
L3	78.87	S73°11'21"W
L4	25.83	S10°18'28"W
L5	101.58	S30°51'08"W
L6	56.14	S07°52'57"E
L7	32.69	S31°14'41"W
L8	70.75	S31°08'08"W
L9	106.34	S60°26'58"E
L10	57.93	N37°34'20"E
L11	54.23	S85°23'21"E
L12	72.84	S36°53'44"E
L13	24.88	S24°21'21"W
L14	24.18	S32°27'10"E
L15	47.57	S32°26'44"E
L16	69.81	S14°36'25"W
L17	67.05	S15°57'18"E
L18	25.28	S34°57'06"E
L19	76.92	N51°11'37"E
L20	8.23	S45°13'47"E
L21	24.02	S45°13'47"E

**MONTERAY SHORES  
PHASE II  
P.C. "D", SL. 54-61**  
N/F  
MONTERAY SHORES  
OWNERS ASSN.  
D.B. 343, PG. 323

**MONTERAY SHORES  
PARCEL 9  
P.C. "K", SL. 49**  
N/F  
CAROLINA WATER SERVICES  
INC. OF N.C. &  
ROBERT R. DEGABRIELLE  
D.B. 1024, PG. 31



**REVISIONS**

NO.	DATE	DESCRIPTION	BY	ALC
1	9-29-08	REVISIONS PER T.R.C. COMMENTS		

MONTERAY SHORES P.U.D. COMMERCIAL PARCEL 6  
**ROBERT B. DEGABRIELLE**  
POPLAR BRANCH TWP. CURRITUCK COUNTY NORTH CAROLINA  
**PRELIMINARY/FINAL PLAT**

DATE: 5-31-07	SCALE: 1"=100'
CHECKED: CFG	DRAWN: ALC
PROJECT NO: <b>P545</b>	
CAD FILE: P545-FLAGr3	
SHEET: <b>2</b> of <b>2</b>	

**Coastal**  
ENGINEERING &  
SURVEYING, INC.

P.O. Box 1129  
934 W. Kitty Hawk Rd.  
Kitty Hawk, N.C. 27949  
(252)-261-4151  
(252)-261-1333

Civil - Structural  
Site Development

**CASE ANALYSIS FOR THE BOARD OF COMMISSIONERS**  
**DATE: July 6, 2009**  
**PB 09-20 South Ridge, PUD**  
**PUD Variance Request**

---

**ITEM:** PB 09-20 South Ridge, Planned Unit Development, variance request to allow on-street, parallel parking.

**LOCATION:** 120 Survey Road, adjacent to Eagle Creek subdivision, Moyock Township.

**TAX ID:** 0015-000-0083-0000

**ZONING**

**DISTRICT:** Residential (R) with Planned Unit Development Overlay.  
Residential (PUD Overlay): 68.67 acres  
LBH (PUD Overlay): 5.67 acres\*  
\*Rezoning/Sketch Plan approved December 3, 2007

**PRESENT USE:** Farmland

**OWNERS:** William B. Plitt and Linda P. Yendall  
5621 North 9<sup>th</sup> Road  
Arlington, VA 22205

**APPLICANT:** Chip Friedman  
3500 Virginia Beach Boulevard, Suite 528  
Virginia Beach, VA 23452

**ENGINEER:** Bissell Professional Group  
3512 North Croatan Highway  
PO Box 1068  
Kitty Hawk, NC 27949

**NARRATIVE:**

Chip Friedman has requested a variance from the Unified Development Ordinance (UDO) to allow on-street parking within a planned unit development. The proposed on-street parking spaces are provided around the pocket park located in the rear of the development. Providing on-street parking instead of a parking lot would increase green space and reduce impervious areas.

## QUESTION(S) BEFORE THE BOARD:

### **Variance Criteria and Staff Findings:**

Section 4.3.6 of the UDO indicates a variance from the PUD overlay requirements may be granted by the Board of Commissioners if it finds the proposed change:

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

#### **Suggested Findings:**

- a. Public health and safety issues including stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this request.
- b. The on-street parking spaces will not restrict the vehicular movement of any street.

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

#### **Suggested Finding:**

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

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

#### **Suggested Finding:**

- a. The proposed project is in keeping with the character of the surrounding area.

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

#### **Suggested Findings:**

- a. The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The Rural classification does not necessarily support the PUD overlay. In areas where central sewer is proposed or existing, additional services are available, and the surrounding areas support it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. 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 CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

Policy CD8: MIXED-USE DEVELOPMENTS, properly planned from the 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.

5. *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan.*

**Suggested Finding:**

- a. The county has adequate public facilities to service this subdivision.

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



**CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS**

**DATE: July 6, 2009**

**PB 07-10 South Ridge, Planned Unit Development**

---

**ITEM:** PB 07-10 South Ridge, Planned Unit Development, Preliminary Plat/Special Use Permit, for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated community facility site.

**LOCATION:** 120 Survey Road, adjacent to Eagle Creek subdivision, Moyock Township.

**TAX ID:** 0015-000-0083-0000

**ZONING DISTRICT:** Residential (R) with Planned Unit Development Overlay.  
Residential (PUD Overlay): 68.67 acres  
LBH (PUD Overlay): 5.67 acres\*  
\*Rezoning/Sketch Plan approved December 3, 2007

**PRESENT USE:** Farmland

**OWNERS:** William B. Plitt and Linda P. Yendall  
5621 North 9<sup>th</sup> Road  
Arlington, VA 22205

**APPLICANT:** Chip Friedman  
3500 Virginia Beach Boulevard, Suite 528  
Virginia Beach, VA 23452

**ENGINEER:** Bissell Professional Group  
3512 North Croatan Highway  
PO Box 1068  
Kitty Hawk, NC 27949

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Farmland	A
<b>SOUTH</b>	Farmland/Eagle Creek Subdivision	A
<b>EAST:</b>	Single Family Dwellings	A
<b>WEST:</b>	Farmland	A

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as **Rural** within the **Moyock** subarea.

**SIZE OF SITE:** 74.23 acres

**NUMBER OF UNITS:** 120 single family dwelling lots and 26 patio home lots

**PROJECT DENSITY:** 1.967 units/ acre

**STREETS:** The curb and gutter street design will be built to NCDOT design and construction standards. The developer intends to offer the streets for public dedication.

**UTILITIES:** The development will be served by county water with an anticipated use of 52,560 gallons per day. The applicant is proposing a 60,000 gallon per day advanced treatment wastewater system utilizing the integrated fixed film activation sludge (IFAS) treatment process. The treated effluent will be pumped to an infiltration pond.

**OPEN SPACE:** The required open space for South Ridge is 35% (1,131,708 SF or 25.98 acres). The proposed development plan provides 23.72 acres of open space. In addition, the developer is requesting the surplus county dedication property to be incorporated into the required open space to meet the minimum open space dedication.

25.98 acres	Required Open Space (74.23 x 35%)
<u>23.72 acres</u>	Open Space Provided and Identified.
2.26 acres	Additional Open Space Required from County Dedication (Community Facilities) Reserve Balance.

**COMMUNITY FACILITIES:**

The required community facilities dedication for 146 lots in South Ridge is 1 acre/100 lots in excess of required open space. The developer is proposing 4.01 acres of community facilities dedication. Of the 4.01 acres, 2.26 acres is requested to be used as open space for the development. If accepted by the county, the 4.01 acre tract will be encumbered with open space restrictions on 2.26 acres as well as a 50 foot utility and access easement (approximately .28 acre).

4.01 acres	County Dedication
1.00 acre	Required Dedication for Community Facilities
<u>.28 acre</u>	Approximate area of easement
2.73 acres	County Dedication Reserve Balance

**I. NARRATIVE OF REQUEST:**

- The property was rezoned from Agricultural to Residential on December 4, 2006. The PUD overlay and sketch plan was approved by the Board of Commissioners on December 3, 2007.
- The developer, Chip Friedman, is seeking approval of South Ridge, PUD, preliminary plat. The proposed development will contain 120 single family lots, 26 patio home sites, a neighborhood commercial center, and 4.01 acre county dedication site (2.26 acres encumbered by open space restrictions and easement).
- The proposed development will be constructed in four phases:

<b>Phase</b>	<b>Total Lots</b>	<b>Amenities</b>
1A	35	Lake with loop trail, playground
1B	28	Walking trail
2	57	Playground, walking trail
3	26	Playground, walking trail, pond
4		Commercial area

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

**Planning**

- A. Please remove the note “Not a Part” from preliminary plat sheet 2, Neighborhood Commercial (5.56 Acre).
- B. Please remove the RV parking lot from the construction phasing plan noted on preliminary plat sheet 2.

**NCDOT**

- A. Approved with comments (see recommendation section).

**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 R 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 Rural within the Moyock subarea. The Rural classification does not necessarily support the PUD overlay. In areas where central sewer is proposed or existing, additional services are available, and the surrounding areas support it, higher density ranging from 3-4 units per acre could be considered through the use of overlay zones. 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 CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

Policy CD8: MIXED-USE DEVELOPMENTS, properly planned from the 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.

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 (sketch plan in the case of major subdivisions).

**Suggested Findings:**

- a. The county has adequate public facilities to service this subdivision.

**IV. STAFF RECOMMENDATION:**

The submittal appears to meet all of the requirements for preliminary plat/SUP approval, **staff recommends conditional approval** of this plat/SUP subject to the findings of fact and the following conditions:

1. The plan shall meet and address all NCDOT traffic engineer comments and recommended changes.
2. Wheelchair ramps shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with NCDOT standards. Please provide a curb cut detail with the submittal pre-construction plans.
3. The UDO does not address on-street parking and a PUD variance will be necessary for this improvement, or the segmented parking areas located around the pocket park may not back directly into the public street right-of-way.
4. The pedestrian loop trail system must be located a minimum of 10 feet from all exterior property lines and shall be located such to provide safe movement.
5. General Note 13 indicates "variable width drainage easement reserved along all primary conveyance swales." Please clarify on the plan the actual width and location of the easement with the submittal of pre-construction plans and final plat. (Development Review Manual)
6. A Dominion Power encroachment agreement is required to allow roads, pedestrian trails, required landscape buffers, and wastewater treatment infiltration pond within

- their 150 foot utility easement. The agreement must be provided at the pre-construction submittal.
7. Pedestrian easements shall be provided on the final plat where the sidewalk extends beyond the street right-of-way and on private lots. (Development Review Manual)
  8. 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.
  9. Provide phasing plan for commercial development. The commercial development is planned to be the last phase of development.
  10. The development impact statement references the pedestrian related active recreation element. In the interest of providing a complete and safe active recreation system, the applicant shall provide sidewalks along Survey Road frontage, and between the proposed residential and nonresidential uses.
  11. The applicant shall provide the following information regarding the waste water treatment system at pre-construction submission:
    - a. A detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility;
    - b. State approval of the proposed system; and,
    - c. The expected life of the facility and the establishment of a reserve fund to support the continued maintenance, upkeep, and replacement of the facility.
  12. The required improvements shall be installed and accepted prior to submission of final plat approval for each phase.
  13. In accordance with the UDO, the applicant shall create a sewer district for the proposed development prior to final plat submission.
  14. The applicant shall submit a home and building design template that will be incorporated with the approval. Residential structures shall be designed with:
    - a. Variation in exterior architectural materials (siding, roofing);
    - b. Vertical and horizontal relief in buildings (roof lines, eaves, bump outs);
    - c. Variation in house styles/types;
    - d. Inclusion of front porches, projecting bays, vestibules; and,
    - e. The units shall have proportional attributes including overall height to width ratios of existing building facades, doors, windows, projecting canopies, and other architectural features with in the vernacular of the area.
  15. In keeping with Policy 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.
  16. All open space areas surrounding the lake shall be stabilized with grass, vegetation, and proposed landscaping prior to recordation of the first phase.
  17. All visual relief open space within each phase shall be stabilized and vegetated with grass and proposed landscaping buffer.
  18. Low impact development techniques should be integrated in the project to manage treatment of stormwater. (WQ3, WQ6, WQ7)
  19. Internal pedestrian circulation shall be required for all commercial areas through the use of clearly defined walkways. (CD8, CD9)

20. In commercial areas, parking located between a commercial building and street rights-of-way shall be screened with a Type B Bufferyard. (CA3, CD7, CD8)
21. Dumpsters or similar solid waste receptacles, HVAC equipment, commercial mechanical units, or similar appurtenances shall be screened from view using a combination of solid landscaping or opaque fencing. (LUP CA3)
22. Landscape islands shall be incorporated into the commercial parking areas. (LUP CD7, CD8, CA3)
23. In commercial areas pedestrian plazas or similar shaded outdoor seating areas shall be provided. (LUP CD7, CD8, CD9)
24. Neighborhood serving commercial development shall integrate pedestrian scale and design (proportional relationship of buildings and spaces to pedestrians). Retail, office, and entertainment uses shall be appropriately designed, small-scale businesses. (LUP CD1, CD5, CD6, CD7, CD8, CD9).

**V. NCDOT TRAFFIC IMPACT ANALYSIS (TIA) REVIEW COMMENTS AND RECOMMENDATION (Received 6/8/2009):**

1. At the proposed residential entrance to the development, Gerald Boulevard lines up with the old alignment of Survey Road. Survey Road was realigned several years ago. This intersection is now a T-intersection. Gerald Boulevard must be designed to line up with the current configuration of Survey Road, not the old. Another alternative for this intersection would be a roundabout. The roundabout must be designed to accommodate school busses and any service type trucks for the school and residential uses. The roundabout design, if considered, must be submitted to the District and forwarded to the Division Traffic Engineer for further review. Design questions for the roundabout should be coordinated through Chad Edge.
2. The proposed right in right out configuration for Commercial Access Drive #2 is acceptable as well as the proposed median island on Survey Road to physically prohibit left turns. If a roundabout design is proposed as mentioned earlier, this median island should be an extension of the splitter island on this approach.
3. At the proposed Commercial Drive #1, the right turn land proposed is acceptable as having 100 feet of full storage PLUS the appropriate deceleration and taper lengths as outlined in the NCDOT Driveway Manual. In addition, a left turn lane for northbound traffic should be constructed on Survey Road with a minimum of 75 feet of full storage PLUS the appropriate deceleration and taper lengths.
4. At the signalized intersection of NC 168 and Survey Road, the proposed addition of a right turn lane with 100 feet of full storage is acceptable. The appropriate deceleration and taper length will need to be included as well. The addition of this lane may require the addition of guardrail on the southeast quadrant for the traffic signal pole. In addition, for NC168 southbound the right turn lane shall be lengthen to obtain 250 feet of full storage PLUS the appropriate deceleration and taper length.

5. With regard to the internal streets, it is encouraged that interconnection between adjacent parcels and to the commercial areas be designed to minimize trips on NC 168 and Survey Road as well as provide alternative access points.
6. Design details for the above improvements must be reviewed and approved. A signing and pavement marking plan will also be required to be submitted for review and approval.

#### **VI. PLANNING BOARD RECOMMENDATION:**

Ms. Newbern motioned to **recommend approval** of the preliminary plat/special use permit for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated community facility site with staff recommendations and the following conditions added by Mr. Kovacs:

1. consider putting in the maximum amount of aeration devices for the ponds;
2. 2 vehicle deep parking for the driveways;
3. consideration of the slope of ponds; and,
4. cluster mailboxes.

Mr. Clark seconded the motion. Ayes: Ms. Newbern, Mr. Bell, Mr. Clark, Ms. Robbins, Ms. Wilson, Mr. Kovacs, Mr. Midgette. Nays: Mr. West.

## **PLANNING BOARD DISCUSSION (June 9, 2009)**

Mr. Midgette asked Mr. Bissell if he was in agreement with the 24 conditions.

Mr. Bissell stated that are pretty much in agreement with the conditions. Condition number 3 is new and they thought it would be a nice feature to have on-street parking around the park area. Condition number 18 is new and a good condition to have low impact development techniques to manage the treatment of stormwater.

Mr. Clark asked Mr. Bissell to explain how the integrated fixed film activation sludge (IFAS) treatment process works and are there any similar systems located in the immediate area.

Mr. Bissell stated it is similar to an activated sludge plant, but it uses a fixed film media where you actually get a lot of surface area that you can get both aerobic and anaerobic treatment within the same chamber. Mr. Bissell stated the technology for this system is European and the closest one is located in Wilmington.

Mr. Clark asked who will maintain the stormwater pond.

Mr. Bissell stated the state requires that it be maintained through the homeowner's association.

Ms. Wilson asked about the treated effluent that will be pumped to the infiltration pond.

Mr. Bissell stated that with this type of system you want to make sure that the water going into the infiltration pond is pure.

Mr. West asked what the price range will be.

Mr. Bissell stated the range is between \$229,000 to \$250,000.

Mr. Clark asked if they had a plan in place to maintain the wastewater treatment system.

Mr. Bissell stated they had a license operator that will make daily visits to make sure the system is operating properly. The utility commission will over see the rate structure to ensure it is adequate. In addition, the utility commission requires the posting of a bond and the purpose of this bond is if the system falls into disrepair they can hire their own company to come in a make repairs. As another safety net, the county requires that a sewage district be set up.

Ms. Wilson stated she would like Mr. Bissell to convey to the contractor to replace part of the impervious surface with pervious surface.

The board discussed agencies not providing comments/recommendations to the Technical Review Committee.

Mr. Woody stated he will follow up with staff to make sure the agencies are receiving the email.

Mr. Kovacs asked if the walkway around the pond will be paved.

Mr. Bissell stated yes.

Mr. Kovacs stated the playground area is not adequate for a development this size.

The board discussed the grade/degree of slope to the ponds, number of aeration devices to the ponds, no wetlands on property, the proposed phasing of the development, cluster mailboxes, and driveways being 2 cars deep for parking.

### **ACTION**

Ms. Newbern motioned to recommend approval with staff recommendations of the preliminary plat/special use permit for 146 single family lots, 5.56 acres of commercial, and a 4.01 acre county dedicated community facility site. Mr. Kovacs added the following conditions: consider putting in the maximum amount of aeration devices for the ponds; 2 vehicle deep parking for the driveways; consideration of the slope of ponds; and, cluster mailboxes. Mr. Clark seconded the motion. Ayes: Ms. Newbern, Mr. Bell, Mr. Clark, Ms. Robbins, Ms. Wilson, Mr. Kovacs, Mr. Midgette. Nays: Mr. West.

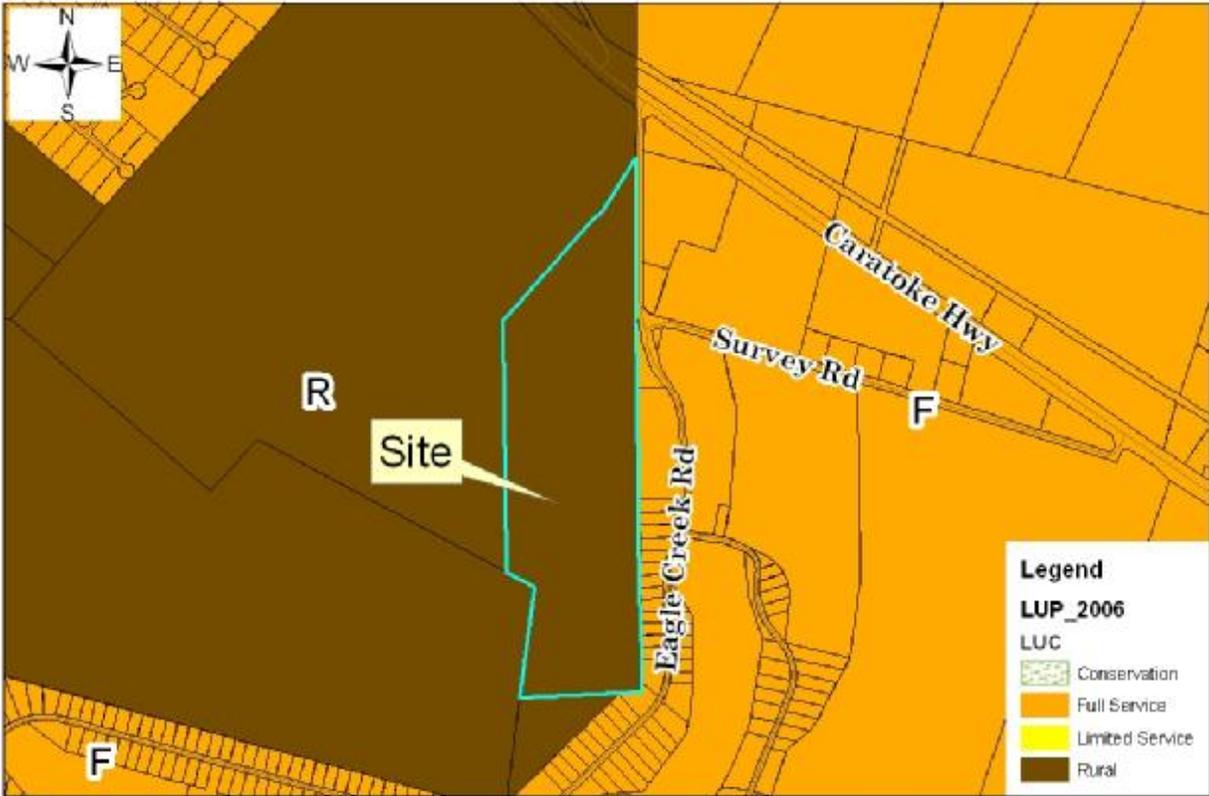


PB 07-10 South Ridge PUD

0 280 520 1,040 1,560 2,080 Feet

Cumtuck County Planning Department



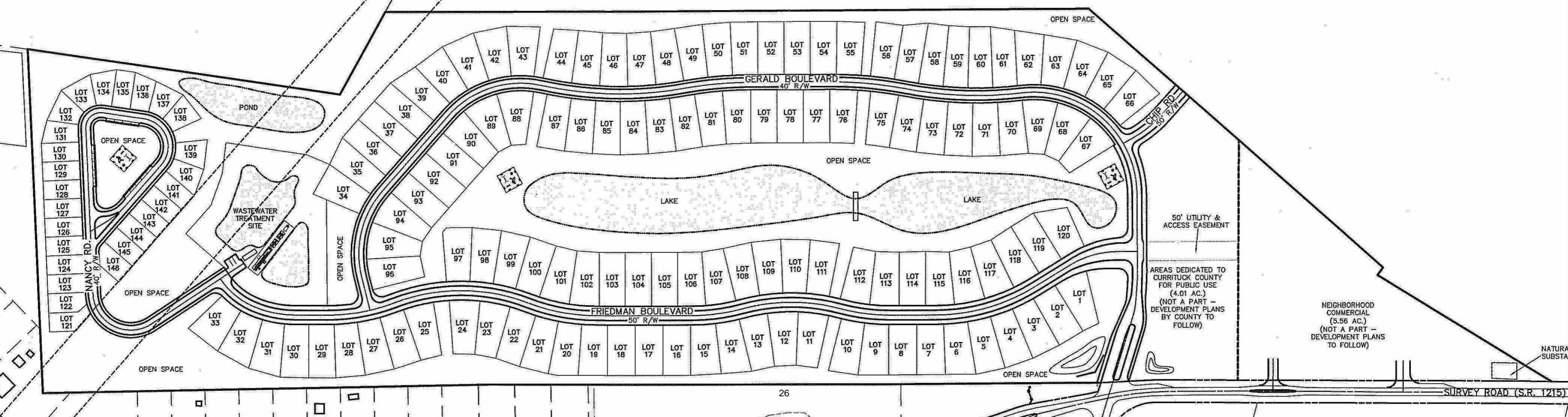


PB 07-10 South Ridge PUD  
Land Use Plan Class



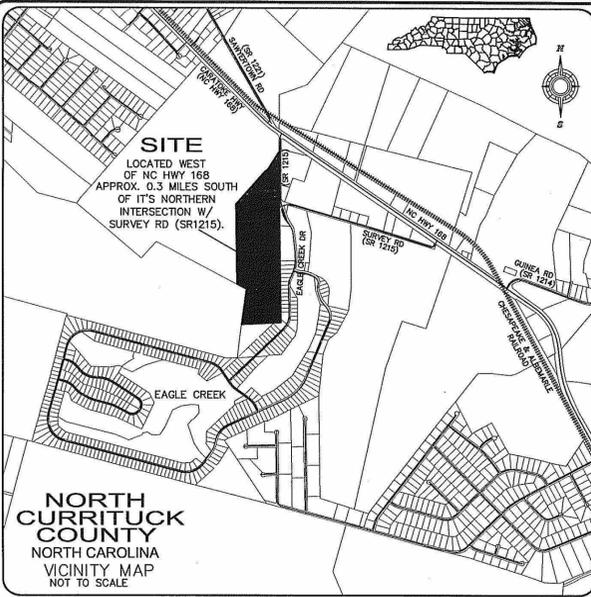
Cumtuck County Planning Department





# SOUTH RIDGE

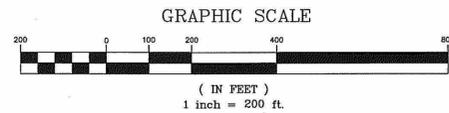
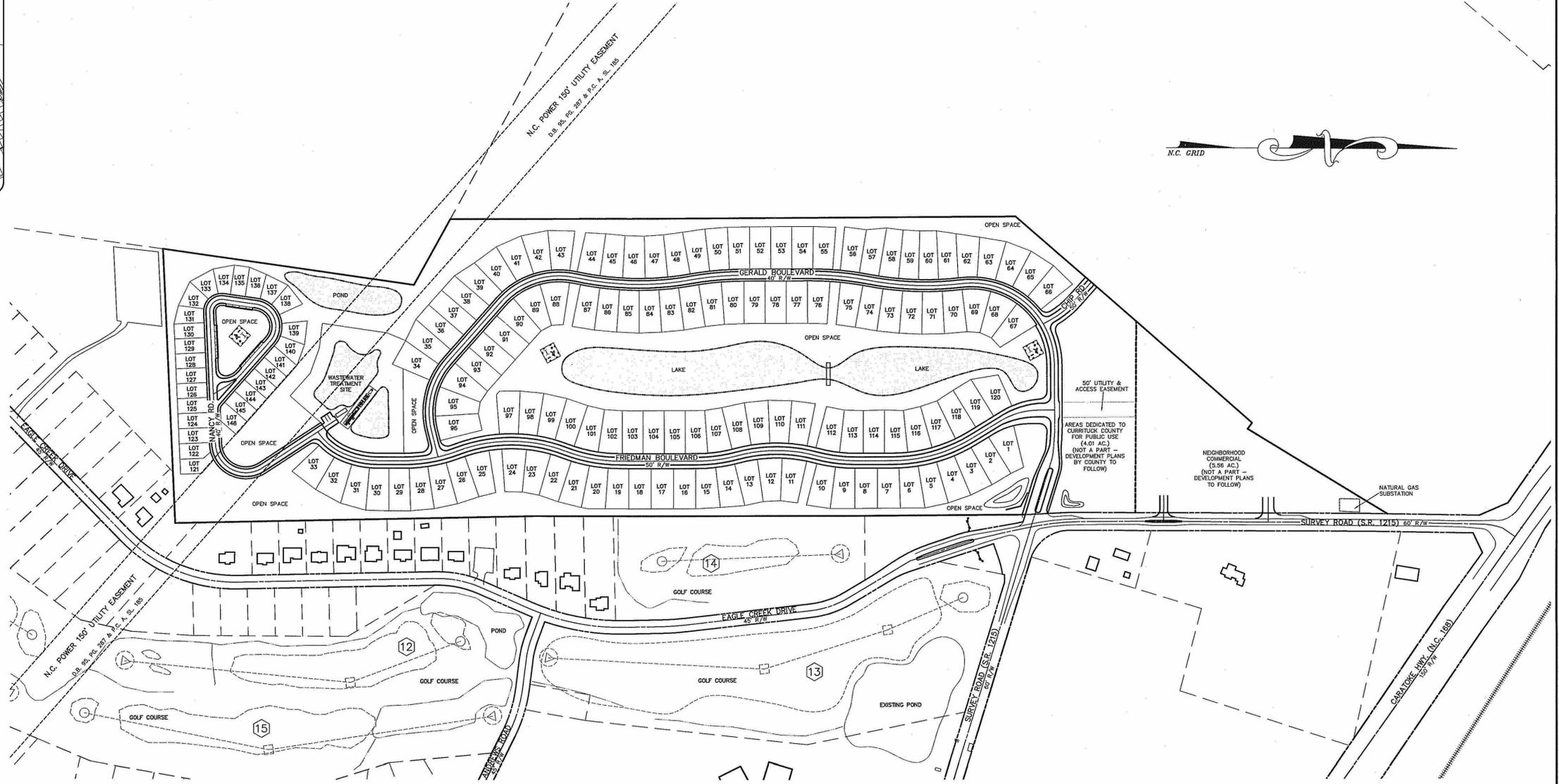
## PLANNED UNIT DEVELOPMENT MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA



- GENERAL NOTES:**
- PROJECT NAME: SOUTH RIDGE PLANNED UNIT DEVELOPMENT CURRITUCK COUNTY, NORTH CAROLINA
  - PROPERTY ADDRESS: 120 SURVEY ROAD MOYOCK, NC 27958
  - OWNER: LINDA P. YENDALL & WILLIAM B. PLITT 5621 NORTH 9TH ROAD ARLINGTON, VA 22205
  - DEVELOPER: CHIP FRIEDMAN 3500 VIRGINIA BEACH BLVD. SUITE 528 VIRGINIA BEACH, VA 23452
  - THIS PROPERTY IS IDENTIFIED ON THE CURRITUCK COUNTY TAX MAP #15. THE P.I.M. NUMBER IS: 0015-000-0083-0000
  - EASTERN NC NATURAL GAS VALVE SITE EASEMENT RECORDED IN D.B. 591, PG. 236 FOR 3,749.57 SQ.FT.
  - VIRGINIA ELECTRIC AND POWER COMPANY OVERHEAD POWERLINE EASEMENT RECORDED IN D.B. 95, PG. 287 & P.C. A, SL. 185
  - TOTAL PROJECT AREA: 74.23 AC.
  - F.I.R.M. ZONE: ZONE X COMMUNITY PANELS: #370078 8031 J REVISION DATE: DECEMBER 16, 2005
  - PROPOSED RIGHT-OF-WAY WIDTH COLLECTOR ROADS: 50 FT. LINEAR FEET OF COLLECTOR ROADWAY: 3,442 FT. PROPOSED RIGHT-OF-WAY WIDTH LOCAL ROADS: 40 FT. LINEAR FEET OF LOCAL ROADWAY: 4,128 FT. PROPOSED ROADWAY WIDTH (EOP) THROUGHOUT DEVELOPMENT: 23 FT. TOTAL LINEAR FEET OF ROADWAY: 7,570 FT.
  - 10' DRAINAGE AND UTILITY EASEMENT HEREBY RESERVED ALONG ALL SIDE PROPERTY LINES. 15' DRAINAGE AND UTILITY EASEMENT HEREBY RESERVED ALONG ALL REAR PROPERTY LINES. 15' UTILITY AND DRAINAGE EASEMENT HEREBY RESERVED ALONG ALL RIGHT OF WAYS.
  - PROPERTY ZONING: 'R' (RESIDENTIAL)

<b>DEVELOPMENT SUMMARY:</b>	
PROJECT AREA:	3,233,452 SF 74.23 AC
RESIDENTIAL AREA:	2,363,344 SF 54.25 AC
COMMERCIAL AREA:	242,001 SF 5.56 AC
COUNTY DEDICATION AREA:	174,799 SF 4.01 AC
RIGHT OF WAY AREA:	335,896 SF 7.71 AC
WASTEWATER TREATMENT SITE:	117,412 SF 2.70 AC
<b>P.U.D. DEVELOPMENT SUMMARY:</b>	
TOTAL P.U.D. AREA:	3,233,452 SF 74.23 AC
TOTAL LOT AREA:	1,330,390 SF 30.54 AC
PROPOSED STANDARD LOTS:	120 LOTS
PROPOSED PATIO LOTS:	26 LOTS
TOTAL PROPOSED LOTS:	146 LOTS
DEVELOPMENT DENSITY:	1.967 UNITS/ACRE
<b>COUNTY DEDICATION AREA SUMMARY:</b>	
COUNTY DEDICATION AREA REQUIRED:	63,598 SF 1.46 AC
COUNTY DEDICATION AREA PROVIDED:	174,799 SF 4.01 AC
SURPLUS COUNTY DEDICATION AREA:	111,201 SF 2.55 AC
<b>COMMERCIAL DEVELOPMENT SUMMARY:</b>	
COMMERCIAL AREA ALLOWED (10%):	323,345 SF 7.42 AC
COMMERCIAL AREA PROPOSED:	242,001 SF 5.56 AC
<b>OPEN SPACE SUMMARY:</b>	
OPEN SPACE AREA REQUIRED (35%):	1,131,708 SF 25.88 AC
OPEN SPACE AREA PROVIDED:	1,033,399 SF 23.72 AC
SURPLUS COUNTY DEDICATION AREA:	111,201 SF 2.55 AC
TOTAL OPEN SPACE AREA PROVIDED:	1,144,590 SF 26.28 AC
ACTIVE OPEN SPACE AREA REQUIRED:	232,000 SF 5.30 AC
ACTIVE OPEN SPACE AREA PROVIDED:	295,866 SF 6.79 AC
PASSIVE OPEN SPACE AREA PROVIDED:	848,724 SF 19.48 AC

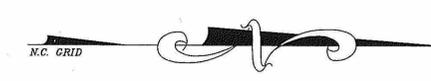
SHEET	SHEET INDEX	DESCRIPTION
1 of 6	COVER SHEET AND SITE LOCATION	
2 of 6	EXISTING FEATURES OVERVIEW	
3 of 6	RESIDENTIAL SITE DEVELOPMENT OVERVIEW	
4 of 6	UTILITY PLAN	
5 of 6	GRADING AND DRAINAGE PLAN	
6 of 6	LANDSCAPING PLAN	



THE FOLLOWING PERMITS ARE REQUIRED PRIOR TO PROJECT CONSTRUCTION

PERMIT	AGENCY	ISSUANCE DATE	REFERENCE NUMBER
SEDIMENTATION AND EROSION CONTROL PERMIT	N.C.D.E.N.R. DIVISION OF LAND RESOURCES		
STORMWATER MANAGEMENT LOW DENSITY PERMIT	N.C.D.E.N.R. DIVISION OF WATER QUALITY		
WATERLINE EXTENSION CONSTRUCTION AUTHORIZATION	N.C.D.E.N.R. PUBLIC WATER SUPPLY		
DRIVEWAY PERMIT & ENCROACHMENT AGREEMENTS	N.C. DEPARTMENT OF TRANSPORTATION		
WASTEWATER TREATMENT & DISPOSAL NON-DISCHARGE PERMIT	N.C.D.E.N.R. DIVISION OF WATER QUALITY		

SOUTH RIDGE P.U.D. WAS GRANTED A SPECIAL USE PERMIT/AMENDED SKETCH PLAN BY THE CURRITUCK COUNTY BOARD OF COMMISSIONERS ON DECEMBER 5, 2007



**LEGEND**

	ROADWAY CENTERLINE
	RIGHT OF WAY
	PROPERTY LINE
	PROPOSED LOT LINE
	ADJOINING PROPERTY
	PROPOSED SHORELINE
	UTILITY EASEMENT
	RAILROAD TRACK

**COVER SHEET**  
SITE LOCATION

**SOUTH RIDGE - P.U.D.**  
CURRITUCK COUNTY  
MOYOCK TOWNSHIP  
NORTH CAROLINA

**PRELIMINARY SITE DEVELOPMENT PLAN**

PROJECT NO. 431900B1

SHEET 1 OF 6

PROJECT NO. 4319

Bissell Professional Group  
200 Bessie Lane, Suite 108  
Cary, NC 27513  
(919) 252-2000  
FAX (919) 252-2001

THIS DOCUMENT IS THE SOLE PROPERTY OF BRG, INC. OF RITTY HAVEN, NORTH CAROLINA. NO REPRODUCTION OR TRANSMISSION IS TO BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF BRG, INC. BISSSEL, PRINCIPAL OF BRG, INC. COPYRIGHT 2005.

Engineers, Planners, Surveyors  
and Environmental Specialists

NO.	DATE	DESCRIPTION	BY	CHK
1	12-16-07	ISSUED FOR COUNTY COMMENTS		

DESIGNED: BPG  
DRAWN: DMK  
CHECKED: MSB  
APPROVED: BPG

DATE: 12/16/07  
SCALE: AS SHOWN  
CADD FILE: 431900B1



## COUNTY OF CURRITUCK

### BOARD OF COMMISSIONERS

J. Owen Etheridge, Chairman  
S. Paul O'Neal, Vice-Chairman  
O. Vance Aydlett, Jr.  
Gene A. Gregory  
Barry C. Nelms  
John D. Rorer  
Janet L. Taylor

153 Courthouse Road / Post Office Box 39  
Telephone (252) 232-0300 / Fax (252) 232-3551  
State Courier # 10-69-17

DANIEL F. SCANLON, II, CPA  
County Manager

DONALD I. MCREE, JR.  
County Attorney

GWEN H. KEENE, CMC  
Clerk to the Board

### MEMORANDUM

TO: Board of Commissioners

FROM: Ike McRee, County Attorney

DATE: July 1, 2009

RE: Amendment to Code of Ordinances; Wild Horse Ordinance

Two weeks ago I met with Corolla Wild Horse Fund's Karen McAlpin and Lieutenant Jason Banks regarding concerns that people were intentionally coming up to wild horses to take photographs, place children next to the wild horses and even walking in the middle of a herd. As currently drafted the Code of Ordinances does not prohibit such acts unless the person has lured or in some manner enticed the wild horse to approach them.

The proposed ordinance will make unlawful any person intentionally coming within 50 feet of a wild horse. Law enforcement, animal control, wild horse sanctuary officers and veterinarians rendering treatment to a wild horse would be exempt from the 50 foot limit.

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**  
2 **AMENDING THE CURRITUCK COUNTY CODE OF ORDINANCES TO MAKE**  
3 **UNLAWFUL THE ACT OF INTENTIONALLY COMING WITHIN 50 FEET OF A**  
4 **WILD HORSE**

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.

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

13 PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting  
14 Section 3-31 of the Code of Ordinances to read as follows:

15 Sec. 3-31. Luring, enticing, seizing.

16 It shall be unlawful for any person to lure or entice a wild horse out of a wild horse  
17 sanctuary, or to seize and remove a wild horse from a wild horse sanctuary, except for the  
18 purpose of treatment under the care and supervision of a licensed veterinarian or to remove a  
19 shunned colt from a wild horse sanctuary when the shunned colt from a wild horse sanctuary  
20 when the shunned colt is certified by the animal control officer to be a nuisance or dangerous to  
21 persons or property. It shall further be unlawful for any person to lure, attract or entice a wild  
22 horse to come within 50 feet of any person or for any person, other than an animal control  
23 officer, law enforcement officer, wild horse sanctuary officer or veterinarian rendering treatment  
24 to a wild horse, to intentionally come within 50 feet of a wild horse.

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

27 PART III. This ordinance is effective upon adoption.

28  
29 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

30  
31 \_\_\_\_\_  
32 J. Owen Etheridge, Chairman

33 ATTEST:

34 \_\_\_\_\_  
35 Gwen H. Keene, Clerk to the Board

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

APPROVED AS TO FORM:

\_\_\_\_\_  
Donald I. McRee, Jr., County Attorney

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

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

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

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



## COUNTY OF CURRITUCK

### BOARD OF COMMISSIONERS

J. Owen Etheridge, Chairman  
S. Paul O'Neal, Vice-Chairman  
O. Vance Aydlett, Jr.  
Gene A. Gregory  
Barry C. Nelms  
John D. Rorer  
Janet L. Taylor

153 Courthouse Road / Post Office Box 39  
Telephone (252) 232-0300 / Fax (252) 232-3551  
State Courier # 10-69-17

DANIEL F. SCANLON, II, CPA  
County Manager

DONALD I. MCREE, JR.  
County Attorney

GWEN H. KEENE, CMC  
Clerk to the Board

### MEMORANDUM

TO: Board of Commissioners

FROM: Ike McRee, County Attorney

DATE: July 1, 2009

RE: Amendment to Code of Ordinances; Tow Operators

Early this Spring county staff and Commissioner Aydlett met to discuss concerns regarding tow operations within the county and problems experienced last Summer as visitors on the Currituck Outer Banks were in some instances mistreated by “amateur” towers. Also in attendance at the meeting was Larry Weaver of A-1 Towing who provided information regarding reporting, insurance and training requirements for professional tow operations.

In addition to staff and Mr. Weaver, representatives of the Sheriff’s Department attended the meeting and expressed their support for an ordinance. Law enforcement also related concerns regarding “amateurs” on the mainland that sought to tow cars for pay but that did not appear to have appropriate equipment or apparatus for towing, did not appear to prepare and keep records of cars towed, ownership of the cars and did not maintain an impound yard conveniently accessible for persons seeking to retrieve their motor vehicles.

Following the meeting the attached ordinance was drafted to address concerns expressed by members of the public and professional tow operations. The ordinance is intended to provide protection for consumers and assure that persons in need of a tow receive

services from a properly credentialed and trained professional. As drafted, the ordinance requires that persons intending to perform tow operations in the county be permitted after showing they meet minimum standards such as a properly state registered wrecker and insurance.

1       **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**  
2       **AMENDING THE CURRITUCK COUNTY CODE OF ORDINANCES TO REGULATE**  
3       **TOW SERVICE OPERATORS**

4  
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-134 a county may by ordinance regulate  
9 and license occupations, businesses, trades, and professions; and

10       WHEREAS, citizens and visitors to the county that require tow service should receive  
11 tow service rendered in a professional, trained and nonpredatory manner.

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

14       PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding to  
15 Chapter 8 a new Article IV. Tow Service Operations to read as follows:

16  
17                               **ARTICLE IV. TOW SERVICE OPERATIONS**

18  
19       **Sec. 8-86. Definitions.**

20               The following words, terms and phrases, when used in this article, shall have the  
21 meanings ascribed to them in this section, except where the context clearly indicates a different  
22 meaning:

23               Hook-up means the application and first connection of a chain hook from the tow service  
24 truck to the towed motor vehicle.

25               Tow service means the business of a towing service, whereby motor vehicles are towed  
26 at the direction of private citizens or removed at the direction of officers of a law enforcement  
27 officer by the use of a wrecker or motor vehicle designed for that purpose.

1 **Sec. 8-87. Permit and license required.**

2 No tow service shall engage in the business of towing vehicles without first obtaining a  
3 permit from the county's manager or manager's designee.

4 **Sec. 8-88. Permit.**

5 (a) Application. Application for a permit issued hereunder shall be notarized and shall  
6 be made upon blank forms prepared and made available by the county's manager or manager's  
7 designee and shall contain:

8 (1) The name, home address and proposed business address of each owner, part  
9 owner or partner, silent or active;

10 (2) The business address, business telephone number, telephone number for night  
11 calls, location and telephone number for storage area;

12 (3) A description of the size and capacity of all tow trucks used by the tow truck  
13 operator;

14 (4) A description and location of the storage area for towed vehicles;

15 (5) A copy of the registration card issued by the state division of motor vehicles for  
16 each tow truck used by the tow truck operator, indicating that each tow truck is  
17 registered as a wrecker as defined in chapter 20 of the General Statutes;

18 (6) The application shall be signed by each owner, part owner or partner, silent or  
19 active;

20 (7) The application shall be accompanied by copies of all insurance policies required  
21 by state law.

22 (b) Investigation of applicant. Within five business days after receipt of each  
23 application, the county's manager or manager's designee shall cause an investigation to be made  
24 of the applicant and of his proposed operation. Such investigation shall be made for the purpose  
25 of verifying the information in the application and ensuring compliance with the provisions of  
26 this article.

27 (c) Issuance. The county's manager or manager's designee shall issue a tow service  
28 permit when the county's manager or manager's designee finds that:

29 (1) The tow service business location and its storage facility shall be located within  
30 the county or county contiguous to the county;



June 17, 2009

To: Currituck Regional Airport Advisory Board

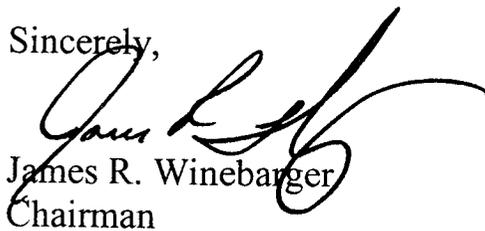
Since its' formation, the Currituck Regional Airport Advisory Board has played a key role in the airport's growth. However, since the last election, changes have occurred resulting in many items that prior boards participated in now absorbed into county operations.

Over the last six months, affable treatment toward airport patrons has been replaced with dictatorial grasp. The abusive and outlandish attitude displayed and subsequently published has resulted in loss of customer base, loss of revenues, and more importantly, loss of respect.

In my opinion, this board no longer serves any meaningful purpose other than a vehicle for some to obfuscate political ambitions and associations and a \$50 check for the members who attend meetings.

I refuse to condone and will not be part of an ongoing affront toward customers and citizens who are part of the fabric of our community and have given so much of themselves for so many years. Simply put, I do not wish to be associated with this group. Therefore, effective immediately, I resign my position on the Currituck Regional Airport Advisory Board.

Sincerely,



James R. Winebarger  
Chairman

CC: County Commissioners  
County Manager



**APPLICATION FOR ADVISORY BOARDS & COMMITTEES**

Date: 3/5/05

Name: J.G. ( Jerry ) Malesky

Address: 299 Green View Rd

Moyock, NC. 27958-9297

Phone: 252-435-2774

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

✓ Please check

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

Qualifications and reasons you would like to serve:

Retired City of Virginia Beach, 30 years service, Police Supervisor Special Operations.

As such served as liaison for different citizen and city committees and boards.

Service to my community and Help future growth and development

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

AIRPORT ADVISORY BOARD  
3 Year Terms

<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>
Gary Bryan	District 1			January 2009	January 2010
John Snowden	District 2			February 2009	December 2009
<b>James Winebarger*</b>	District 3				December 2009
Ed Ish	District 4			March 2008	January 2011
Denise Hall	District 5			February 2009	January 2010
David Messina	At-Large			March 2008	March 2011
Marion Gilbert	At-Large			February 2009	January 2010

**\*Resigned**

LIBRARY BOARD OF TRUSTEES  
4 Year Terms

<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>
Stephanie Miller	District 1			5/18/2009 (2 Yr)	2nd 6/30/2011
Dr. Norman Dahm	District 2			5/18/2009 (2 Yr)	2nd 6/30/2011
<b>Ramona Humphries **</b>	<b>District 3</b>			<b>(3 Yr)</b>	<b>2nd 6/30/2009</b>
<b>Marita Powell*</b>	<b>District 4</b>			<b>(3 Yr)</b>	<b>1st 6/30/2009</b>
Lisa Rose	<b>District 5</b>			6/15/2009 (1 Yr)	1st 6/30/2010
George Gregory	At-Large			5/18/2009 (1 Yr)	1st 6/30/2010
Rhonda Cheek	At-Large				2nd 6/30/2010
Marion Thorn					2nd 6/30/2012
Dr. Alison Boone-Heyder					1st 6/30/2012

\* **COMPLETING FIRST TERM - ELIGIBLE FOR REAPPOINTMENT**

\*\* **COMPLETING SECOND TERM - NOT ELIGIBLE FOR REAPPOINTMENT**

SENIOR CITIZEN ADVISORY BOARD  
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Martha Burns	District 1			6/15/2009	1st 1/19/2011
Jo Stepp	District 2				1st 7/12/2009
William Freethy	District 3				2nd 1/14/2010
<b>Audrey Simmons*</b>	District 4				2nd 4/12/2009
Rosalie Rose	District 5				1st 1/1/2011
Shirley Falls	At-Large				2nd 1/11/2012
Gerri Andrews	At-Large			6/15/2009	1st 4/15/2011
Peggy Stewart					Unexpired Term 10/11/2009
Grace Yingling					1st 7/12/2009

\* COMPLETING SECOND TERM - NOT ELIGIBLE FOR REAPPOINTMENT



GAME COMMISSION  
2 Year Terms

<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>
Mike Cason	District 1			6/1/2008	6/1/2010
Janet Ross	District 2			5/19/2008	6/1/2010
Larry Beasley	District 3			5/19/2008	6/1/2010
<b>Paul Bradley *</b>	District 4			5/21/2007	6/1/2009
<b>Charles Eley *</b>	District 5			5/21/2007	6/1/2009
<b>Vacant **</b>	At-Large			7/6/2009	7/1/2011
<b>Vacant **</b>	At-Large			7/6/2009	7/1/2011

- \* Term expires
- \*\* New appointment

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

SESSION LAW 2009-70  
HOUSE BILL 955

AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE COMMISSION, AND TO PROVIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 5 of Chapter 1436 of the 1957 Session Laws, as amended by Chapter 622 of the 1981 Session Laws and by Section 1 of S.L. 2003-16, reads as rewritten:

"Sec. 5. A Game Commission of Currituck County is hereby created which Commission shall consist of ~~five~~ seven members, each of whom shall be thoroughly acquainted with migratory water fowl shooting both ashore and afloat. The Game Commission shall be selected and appointed by the Board of County Commissioners of Currituck County, but no member shall be removed except upon the unanimous vote of all the members of the board of commissioners. ~~One member shall be chosen from each of the four townships of Currituck County and one member~~ One member shall be chosen from each of the five county commissioner residency districts, and two members shall be appointed to serve at large. In the event of a vacancy, successors to the members of the Commission shall be similarly appointed.

The members of said Game Commission shall be appointed by the board of county commissioners on the first Monday in July, 1957 and thereafter on the first Monday of June of each year as terms expire, and shall hold their offices for terms of two years, or until their successors are appointed and qualified, provided the terms of those appointed on the first Monday of July, 1957, shall expire on the first Monday of June, 1959, and provided that present members serving on date of ratification shall finish their terms.

The said Game Commission acting with the North Carolina Wildlife Resources Commission shall have charge of the enforcement of this and all migratory wild fowl game laws in Currituck County, and the said Game commission acting with the North Carolina Wildlife Resources Commission shall have the power and authority to prescribe rules and regulations for the enforcement of such game laws and the protection of wild fowl life in said county, not inconsistent with the provisions of this Act. It is expressly provided that said Game Commission may establish sanctuaries or rest areas in which no wild fowl may be shot, hunted or disturbed."

**SECTION 2.** Section 18 of Chapter 1436 of the 1957 Session Laws, as rewritten by Section 9 of Chapter 622 of the 1981 Session Laws and by Section 3 of S.L. 1997-163, reads as rewritten:

"Sec. 18. The Game Commission of Currituck County is empowered to pay the necessary fees of attorneys, surveyors, and accountants; the costs of printing license forms for hunting blind licenses to be furnished to the clerk to the Game Commission; and other necessary expenses of carrying out the duties imposed by this act. Each member shall be paid a per diem of ten dollars (\$10.00) and travel expenses of ~~fifteen cents (15¢) per mile~~ the allowable business standard mileage rate as set by the Internal Revenue Service while engaged in official business of the Game Commission. ~~the~~ The Chairman of the Game Commission shall be paid ~~one thousand dollars (\$1,000)~~ one thousand five hundred dollars (\$1,500) per year in addition to per diem and travel for the fulfillment of his duties as chairman, in such installments as the Commission may direct. Each Game Commission member shall ~~be paid five hundred dollars (\$500.00)~~ receive an annual salary of one thousand dollars (\$1,000) per year in addition to per diem and travel in such installments as the Game Commission may direct. The clerk to the



Game Commission shall receive an annual salary of ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000) for the performance of his duties for the Game Commission in addition to his fees for issuing licenses.

In addition, the Game Commission may disburse excess funds generated from fees to an organization established as a nonprofit corporation under North Carolina law for the purpose of conservation, habitat enhancement, and waterfowl protection in Currituck County. The board of directors of this corporation shall be appointed by the Currituck County Board of Commissioners and shall include a representative designated by the Wildlife Resources Commission as a nonvoting member.

Prior to the beginning of the Game Commission's fiscal year it shall file a copy of its budget for that year with the North Carolina Wildlife Resources Commission. Within 30 days following receipt of the audit report made after the close of a fiscal year, the Game Commission shall file a copy of the audit report with the Wildlife Commission."

**SECTION 3.** Section 20 of Chapter 1436 of the 1957 Session Laws, as amended by Section 10 of Chapter 622 of the 1981 Session Laws, reads as rewritten:

"Sec. 20. Every blind of any kind shall be located not less than five hundred (500) feet from any blind of any kind. No float blinds shall be tied within 300 yards of any residence.

This section shall not apply to blinds closer together than five hundred (500) yards on the effective date of this Act, but shall be applicable to any such blinds as, and when, one of said blinds becomes vacant."

**SECTION 4.** This act becomes effective July 1, 2009.

In the General Assembly read three times and ratified this the 8<sup>th</sup> day of June, 2009.

s/ Walter H. Dalton  
President of the Senate

s/ Joe Hackney  
Speaker of the House of Representatives



**APPLICATION FOR ADVISORY BOARDS & COMMITTEES**

Date: FEB 3, 2009

Name: Willie A. Austin Jr.

Address: 142 ROWLAND Creek ROAD  
Moyock NC 27958

Phone: (252) 619-5168

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

✓ Please check

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

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

Qualifications and reasons you would like to serve:

life long Hunter in Currituck.  
Interest in providing Hunting Rights  
AS WELL AS Wildlife PRESERVATION in Currituck

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



**APPLICATION FOR ADVISORY BOARDS & COMMITTEES**

Date: 2-22-07

Name: MICHAEL FLOYD M'ECARTER

Address: PO Box 862 GRANDY NC 27939

125 EDGEWATER DR. GRANDY NC 27939

Phone: 252-207-6858

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

Please check

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

Qualifications and reasons you would like to serve:

THE MAN IN MY DIST. HAS BEEN ON THE  
BOARD MORE THAN 2 YRS. AND I WOULD LIKE TO  
HAVE A CHANCE TO SERVE

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



**APPLICATION FOR ADVISORY BOARDS & COMMITTEES**

Date: 7-1-04 - 12-4-06  
Name: Gary Bared  
Address: 656 Shankow Rd  
Shankow, NC 27973  
Phone: 252-2180

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

Please check

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

Qualifications and reasons you would like to serve:

Life long resident interested in the growth  
of the county - retired

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

**APPLICATION FOR ADVISORY BOARDS & COMMITTEES**

Name: Stuart Innes

Date: 3/5/07

Address: 136 Pat's Way

Phone: 252 453 4300

(P.O. Box 116) Vance, NC 27917

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

- ABC Board
- Airport Advisory Authority
- Economic Development Board
- Jury Commission
- Library Board
- Planning Board
- Social Services Board
- Recreation Advisory Board
- Workforce Development Board
- Agricultural Advisory Board
- Board of Adjustment
- Game Commission
- Land Transfer Tax Appeals Board
- Nursing Home Advisory Committee
- Senior Citizens Advisory Board
- Tourism Advisory Board
- Whalehead Preservation Trust

Qualifications and reasons you would like to serve:  
Please see attached!

Return form to: County Manager's Office, P.O. Box 39, Currituck, NC 27929.  
Applications may also be obtained by visiting the County's website, [currituckgovernment.com](http://currituckgovernment.com).  
Call the County Manager's office with questions or comments at 232-2075, ext. 222.

# APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Name: Angie (Andrea) Kight-Bradley Date: 1-15-09

Address: PO 33 (Travis Ct) Raleigh, NC 27619 Phone: 252 453 4041

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

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

Qualifications and reasons you would like to serve:

# one - honest and Devoted to Wildlife, Currituck Sound and Preservation of our Hunting Heritage. Lived in Currituck since 1972 - I have worked at 'Gunnis Club' for 9 years - I have my own Duck Blind and have devoted to the birds.

## **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 July 6, 2009, authorized the following, pursuant to GS 160A and 270(b), that the identified property described below, be disposed of at a public auction:

Asset # 2553, 1992 Ford E350 Van, VIN: 1FBJS31H8NHA49092

**WHEREAS, the aforesaid property is to be donated to the not-for-profit organization** Animal Lovers Assistance League to for the sole purpose of facilitating the transportation of euthanized animals to the disposal location.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the County of Currituck, hereby agree to donate said vehicle to the Animal Lovers Assistance League in lieu of said vehicle going to public auction.



## MEMORANDUM

To: Board of Commissioners

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

Ref: Change Order # 1 - Unsuitable Soil Removal  
RPC Contracting, Inc.  
Moyock Welcome Center

Date: June 26, 2009

Construction at the Moyock Welcome Center consists of the building addition and site work. RPC is doing the site work.

The total contract amount for RPC is \$90,960. Under the contract, RPC is responsible for preparation of the pad for the new building addition. Excavation of the soils under the building addition revealed unsuitable soil material which had to be removed and replaced with suitable soil which is the bulk of this change order. Another part of the change order is to remove additional damaged asphalt not foreseen in the original bid.

The total amount of this change order request for RPC is \$14,535. There are sufficient contingency funds in the project budget to cover this change order.

# CHANGE ORDER

RPC Contracting, Inc  
PO Box 333  
Kitty Hawk, NC 27949

Date: 6/25/09  
Number: 1

To: County of Currituck  
PO Box 39  
Currituck NC, 27929  
Attn: Eric Weatherly, County Engineer

Job Name: Moyock Welcome Center  
Job #: 2009002

We hereby agree to make the changes specified below:

- A) Unsuitable Soil Removal and Replacement @ new Building Pad Area**
- |  |          |               |              |
|--|----------|---------------|--------------|
| Undercut & Backfill for New Building Pad     | 458 CY @ | \$ 24.00 / CY | \$ 10,992.00 |
| Geotechnical Testing for Undercut & Backfill | 1 LS @   | \$ 1,012.00   | \$ 1,012.00  |
- B) Remove and Replace broken Asphalt @ Sign Area (70'x3')** **\$ 2,531.00**
- Saw Cut & Remove existing Asphalt
  - Fine Grade existing ABC Stone
  - Install 2" SF 9.5A Asphalt Pavement

Note: This Change Order becomes part of and in conformance with the existing contract and impacts the substantial completion of the job by 10 days.

WE HEREBY agree to make the changes specified above at this price

CHANGE ORDER:	\$ 14,535.00
PREVIOUS CONTRACT AMOUNT:	\$ 90,960.00
REVISED CONTRACT TOTAL:	\$ 105,495.00

  
\_\_\_\_\_  
AUTHORIZED SIGNATURE (CONTRACTOR)

ACCEPTED: The above prices and specifications of this Change Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

Date of Acceptance \_\_\_\_\_

Signature \_\_\_\_\_  
County of Currituck



## MEMORANDUM

To: Board of Commissioners

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

Ref: Mainland Water System Upgrades

Change Order # 1 - 12" Water Line  
Improvements for Tulls Creek Rd and  
Caratoke Hwy

Sanford Contractors, Inc.

Date: June 29, 2009

Construction of 12" water main improvements in the Moyock area has been completed by Sanford Contractors, Inc. The project consisted of 8000' of water mains along Tulls Creek Road and along Highway 168.

The contract amount for Sanford Contractors, Inc. was \$422,623.80. Attached is a final adjusting change order which will release the final pay request. The change order increases the final total by \$3347.35. The change order is to cover remobilization fees as a result of easement issues the county had to resolve and adjustment to the unit quantities on the bid document.

We concur with this change order request. Ample funds are available in the Mainland Water System Upgrades project.

**FINAL ADJUSTING CHANGE ORDER**

<b>PROJECT:</b> 12" Water Line Improvements for Tulls Creek Road and Caratoke Highway	
<b>Date of Issuance:</b> June 23, 2009	<b>Effective Date:</b> June 23, 2009

<b>OWNER:</b> Currituck County
<b>ENGINEER:</b> McDowell & Associates, P.A.
<b>CONTRACTOR:</b> Sanford Contractors, Inc.

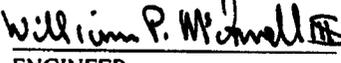
The following changes have been incorporated into the Contract Documents:

**Description:** Demobilizing and remobilization due to right of way acquisition

- Reason for Change Order:**
1. (\$6,000.00 Increase) Contractor had to move out of the area in June 2008 due to the County not having the necessary easements. These easements were not obtain until September 2008. Contractor then had to move equipment back to area to finish project.
  2. (\$2,652.65 Decrease) Differences in quantities bid and installed

- Attachments:** (List documents supporting change):
1. Proposal dated June 9, 2009 from Sanford Contractors, Inc.
  2. Summary Spreadsheet

CHANGE IN CONTRACT PRICE		CHANGE IN CONTRACT TIME	
Original Contract Price	\$422,623.80	<b>Original Contract Times</b>	
Net changes from previous Change Order	\$0.00	Substantial Completion:	August 30, 2008
Net increase of this Change Order	\$3,347.35	Final Completion	Septemer 17, 2008 (include days or dates)
Adjusted Contract Price with all approved Change Orders	\$425,971.15	Net increase (decrease) of this Change Order	92 days
		Adjusted Contract Time with all Approved Change Orders	
		Substantial Completion:	December 1, 2008
		Final Completion:	June 18, 2009

**RECOMMENDED BY:**  
  
**ENGINEER**  
 (Authorize Signature)

6/26/09  
 Date

**ACCEPTED BY:**  
  
**CONTRACTOR**  
 (Authorized Signature)

6-23-09  
 Date

**APPROVED BY:**  
 \_\_\_\_\_  
**OWNER**  
 (Authorized Signature)

\_\_\_\_\_  
 Date



628 Rocky Fork Church Road  
Sanford, NC 27332

919.775.7882 o  
919.775.4772 f  
www.sanfordcontractors.com

June 9, 2009

Mr. William P. McDowell, III, P.E.  
McDowell & Associates, P.A.  
P.O. Box 391  
Elizabeth City, NC 27907-0391

RE: Proposed 12" Water Line Improvements for Tulls Creek Road (SR 1222)  
And Caratoke Highway (NC 168), Currituck County, NC

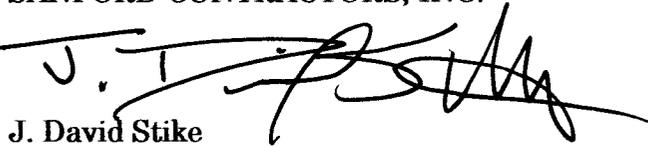
Dear Mr. McDowell:

We have requested Change Order No. 1 in the amount of six thousand dollars (\$6,000.00) with our Final Pay Application. This change order was requested for compensation for re-mobilizing and demobilization for a second time due to right of way acquisition and additional supervision and overhead costs.

Please advise if you have any questions or require any additional information.

Sincerely,

SANFORD CONTRACTORS, INC.

  
J. David Stike  
Vice President

**TULLS CREEK WATER LINE IMPROVEMENTS  
SUMMARY  
(Sanford Contractors)**

ITEM NO.	ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	INSTALLED BY SANFORD		Difference
						Quantities	Amounts	
1	Mobilization, Bonds, Insurance, Etc.	1	LS	\$10,000.00	\$10,000.00	1	\$10,000.00	\$0.00
2	12" SDR 21 PVC Water Line	7916	LF	\$20.25	\$160,299.00	8033	\$162,668.25	\$2,369.25
3	12" Gate Valve	10	EA	\$1,630.00	\$16,300.00	7	\$11,410.00	-\$4,890.00
4	6" Gate Valve	1	EA	\$650.00	\$650.00	0	\$0.00	-\$650.00
5	10" Tapping Sleeve & Gate Valve	1	EA	\$5,000.00	\$5,000.00	1	\$5,000.00	\$0.00
6	12" Tapping Sleeve & Gate Valve	1	EA	\$5,900.00	\$5,900.00	2	\$11,800.00	\$5,900.00
7	10" > 12" Increaser	1	EA	\$375.00	\$375.00	1	\$375.00	\$0.00
8	24" Casing w/ 12" DIP Class 52 for Rail Road Dry Bore and Jack	200	LF	\$244.00	\$48,800.00	180	\$43,920.00	-\$4,880.00
9	Trenchless 12" HDPE SDR 11	1300	LF	\$80.00	\$104,000.00	1300	\$104,000.00	\$0.00
10	Fire Hydrant with Hydrant Tee & GV	4	EA	\$3,000.00	\$12,000.00	4	\$12,000.00	\$0.00
11	Relocate Fire Hydrant and GV	1	EA	\$1,800.00	\$1,800.00	0	\$0.00	-\$1,800.00
12	New Service Connection	1	EA	\$1,440.00	\$1,440.00	0	\$0.00	-\$1,440.00
13	Concrete Driveway Cut Repair	66	LF	\$46.00	\$3,036.00	108	\$4,968.00	\$1,932.00
14	Gravel Driveway Cut Repair	92	LF	\$14.00	\$1,288.00	50	\$700.00	-\$588.00
15	Asphalts Cuts Repair	147	LF	\$80.00	\$11,760.00	181	\$14,480.00	\$2,720.00
16	Seed, Mulch & Fertilizer	1.8	AC	\$2,900.00	\$5,220.00	1.25	\$3,625.00	-\$1,595.00
17	Erosion Control	1	LS	\$4,800.00	\$4,800.00	1	\$4,800.00	\$0.00
<b>ADDITIONAL COSTS (Alternates)</b>								
18	12" SDR 21 PVC Water Line	7916	LF	\$2.30	\$18,206.80	8033	\$18,475.90	\$269.10
19	12" DDPE SDR 11 Directional Bore	1300	LF	\$3.53	\$4,589.00	1300	\$4,589.00	\$0.00
20	Supervision Costs and Out of Town Expense Due to Award Delay	5	Week	\$1,432.00	\$7,160.00	5	\$7,160.00	\$0.00
<b>SUB- TOTAL (Quantities Installed)</b>					<b>\$422,623.80</b>			<b>-\$2,652.65</b>
	Change by Sanford for Remobilization due to not having Easements	1	LS	\$6,000.00	\$6,000.00	1	\$6,000.00	\$6,000.00
<b>TOTAL</b>					<b>\$428,623.80</b>		<b>\$425,971.15</b>	<b>\$3,347.35</b>

Original Contract	\$422,623.80
Final Adjusting Change Order	\$3,347.35
<b>Adjusted Contract Price</b>	<b>\$425,971.15</b>
Pay Request 1 - 7	\$398,972.59
Pay 8 - FINAL	\$26,998.56
<b>TOTAL BILLED BY SANFORD</b>	<b>\$425,971.15</b>

CURRITUCK COUNTY  
NORTH CAROLINA  
June 15, 2009

The Board of Commissioners met at 6:00 p.m. with Planning Staff to review the Multi-Family Overlay.

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, Nelms, and Gregory. Commissioner Aydlett was absent.

### **Invocation and Pledge of Allegiance**

Commissioner O'Neal presented the invocation. Moyock Boy Scout Troop 169 led the Pledge of Allegiance.

- Item 1            **Approval of Agenda**
- Item 2            **Public Comment**  
*Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.*
- Item 3            **Presentation of Meritorious Award to Deputy Brian Dudley and Deputy Garland Akers**
- Item 4            **Presentation on NC FlyPorts Program**
- Item 5            **Presentation on Currituck Sound Study**
- Item 6            **Public Hearing and Possible Action of FY 2010 Budget**
- Item 7            **Public Hearing and Action PB 09-03 Wild Horse Adventure Tours: Request for a Special Use Permit for outdoor recreation (wild horse tours). The property is located at 600 Currituck Club Drive, Corolla, Tax Map 126, Parcel 3D, Poplar Branch Township.**
- Item 8            **Public Hearing and Action Currituck County Solid Waste Management Plan**
- Item 9            **Approval of Economic Development Board Rules & Procedures and letter requesting input on developments**
- Item 10           **Appointments to Senior Citizen Advisory Board**
- Item 11           **Appointment to ABC Board**
- Item 12           **Appointments to Library Board of Trustees**
- Item 13           **Consent Agenda:**
  - 1. Resolution in support of application to NC DENR-DWQ for ARRA-CWSRF FUNDING for Moyock Central Sewer Force Main
  - 2. Budget Amendments
  - 3. Resolution opposing Public Health Improvement Plan
  - 4. Lease with ITT Corp. for ADSB Radio Station site at Airport
  - 5. Resolution Declaring Parcel ID 110B00400360000 as Surplus Property

6. Resolution Authorizing the Upset Bid Process for Sale of Parcel ID 110B00400360000
7. Amendment to Code of Ordinances: General Penalty
8. Resolution Surplus Property Water Department
9. Amendment to Concession License agreement for Flight Instruction at airport
10. Approval of June 1, 2009, Minutes
11. Resolution of Appreciation for C. Michael Warren
12. Moyock Library Change Order 003-Parking Lot Undercut
13. Airport Hangar C - Change Order for Fire Hydrant and Project Close Out

Item 14 Commissioner's Report

Item 15 County Manager's Report

Item 16 **Closed Session:**

1. According to 143-318.11(5) to discuss acquisition of real property, the Historic Jarvisburg School

**Adjourn**

**Special Meeting**

**Tourism Development Authority**

**Call to Order**

**Public Hearing and Action on FY 2010 Budget**

**Adjourn**

**Approval of Agenda**

Commissioner O'Neal moved to amend the agenda by deleting Items 3, 5, and 9 and adding Item 3A, Recognition of Tourism Department; add to the consent agenda Resolution for the ABC Board. Commissioner Taylor seconded the motion. Motion carried.

**Public Comment**

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

Chairman Etheridge opened the public comment period.

Rowena Rody, Elizabeth City, thanked the Board for all their support on the renovations of the Historic Jarvisburg Colored School.

Vivian Simpson, thanked the Board for their continued support of the Historic Jarvisburg Colored School.

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

**Presentation of Meritorious Award to Deputy Brian Dudley and Deputy Garland Akers**

Continued

**Recognition of Tourism Department**

Chairman Etheridge recognized Diane Nordstrom and Veronica Brown for the awards they received in marketing.

Ms. Nordstrom thanked the Board for the additional funding.

**Presentation on NCFlyPorts Program**

Shelly Reams, reviewed the services offered by NCFlyports for the area rural airports. The program is supported by the NCDOT Division of Aviation.

**Presentation on Currituck Sound Study**

continued

**Public Hearing and Possible Action of FY 2010 Budget**

Dan Scanlon, County Manager, stated this was a follow-up for adoption of the budget that was presented at their last meeting.

Commissioner O’Neal stated that he received a call from a citizen questioning the 2% cost of living increase for employees. Mr. Scanlon stated that this increase would just cover the increase in health insurance.

Commissioner Nelms moved to adopt. Commissioner Taylor seconded the motion. Motion carried.

**COUNTY OF CURRITUCK  
BUDGET ORDINANCE  
For the Year Ending June 30, 2010**

BE IT ORDAINED by the Board of Commissioners, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2009 and ending June 30, 2010.

**SECTION 1. GENERAL FUND**

A. Estimated Resources:

Ad Valorem Taxes	\$	25,360,499
Other Taxes and Licenses		5,033,405

Restricted Intergovernmental Revenues	3,576,621
Unrestricted Intergovernmental Revenues	406,500
Permits and Fees	1,391,000
Sales and Services	765,450
Investment Earnings	700,000
Miscellaneous	<u>3,027,083</u>
	40,260,558
Transfers In	1,642,600
Fund Balance Appropriated	<u>4,465,763</u>
TOTAL ESTIMATED RESOURCES	<u><u>\$ 46,368,921</u></u>

## B. Appropriations:

Administration	\$ 462,653
Legal	342,546
Governing Body	156,329
Elections	154,732
Finance	344,166
Information Technology Services	573,856
Human Resources	161,950
Public Information	184,334
Tax	490,792
Public Works	1,413,426
Wastewater	158,361
Register of Deeds	566,879
Court Facilities	195,999
Agency Appropriations	36,200
Central Services	682,135
Sheriff	5,256,654
Detention Center	2,001,182

Animal Control	386,657
Jury Commission	2,350
Emergency Medical Services	5,262,019
Emergency Management	220,763
Communications	805,642
Inspections	501,824
Fire Services	115,471
Moyock Volunteer Fire Department	225,540
Crawford Volunteer Fire Department	225,540
Lower Currituck Volunteer Fire Department	225,540
Corolla Volunteer Fire and Rescue Squad	225,540
Carova Beach Volunteer Fire Department	225,540
Knotts Island Volunteer Fire Department	225,540
Medical Examiner	10,000
Airport	549,113
Inter-County Transportation	184,901
Soil Conservation	137,456
Forestry	80,264
Cooperative Extension	490,363
Support Our Students	80,000
Economic Development	225,243
Planning	879,723
Health Administration	127,000
Mental Health	62,172
Social Services Administration	2,564,069
Public Assistance	1,464,345
County Assistance	57,500
Smart Start - Eat Smart, Move More	9,470
Juvenile Crime Prevention Control Recreation	107,457

	691,780
4-H Cultural Life Center	310,000
Library	581,212
Senior Centers	326,159
Debt Administration	3,180,310
Transfers Out	<u>2,389,670</u>
	<u>36,338,367</u>
School Local Current Expense	8,855,554
School Capital Outlay	1,100,000
Community College	<u>75,000</u>
	<u>10,030,554</u>
TOTAL APPROPRIATIONS	<u><u>\$ 46,368,921</u></u>

**SECTION 2. TOURISM DEVELOPMENT AUTHORITY**

A. Estimated Resources:

Other taxes and licenses	<u>\$ 8,198,608</u>
TOTAL ESTIMATED RESOURCES	<u><u>\$ 8,198,608</u></u>

**SALARY AND COMPENSATION RESOLUTION  
FOR THE 2009-2010 FISCAL YEAR**

BE IT RESOLVED by the County Commissioners that the following salaries and other compensation are established for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

**SECTION 1 - BOARDS**

Board of Adjustments

Members \$50. per meeting

Airport Advisory Board

Members \$50. per meeting

Board of Commissioners

Chairman \$1300. per month

Members	\$1200. per month
<u>Stormwater Advisory Board</u>	
Members	\$50. per meeting
<u>Economic Development Board</u>	
Members	\$50. per meeting
<u>Tourism Development Authority</u>	
Members	\$50. per meeting
<u>Board of Elections</u>	
Chairman	\$75. per month plus \$8.00 per meeting hour plus travel reimbursement at per diem rate
Members	\$25. per month plus \$8.00 per meeting hour plus travel reimbursement at per diem rate
Chief Judge	\$150. on election day, \$20. on canvass day, \$15. on instruction day plus travel reimbursement at per diem rate
Judge	\$100. on election day, \$15. on instruction day plus travel reimbursement at per diem rate
Assistants	\$85 on election day, \$15. on instruction day plus travel reimbursement at per diem rate
<u>Board of Equalization</u>	
Members	\$100. per day; \$50. per half day
<u>Land Transfer Tax Appeals Board</u>	
Members	\$50. per meeting
<u>Library Board of Trustees</u>	
Members	\$50. per meeting
<u>Other</u>	
Jury Commission	\$50. per day
<u>Planning Board</u>	
Members	\$50. per meeting
<u>Social Services Board</u>	
Members	\$50. per meeting
Chairman	\$75. per meeting
<u>Parks and Recreation Board</u>	
Members	\$50. per meeting
<u>Fire And EMS Board</u>	
Members	\$50. per meeting

SECTION 2 - PAYMENTS TO BOARDS

Payments made to board members (except the Board of Commissioners) are considered fees for the payment of all expenses incurred while serving in a voluntary capacity unless additional compensation is provided for in the enacting ordinance.

SECTION 3 - NEW APPOINTMENTS

Compensation

The County Manager is authorized without further approval to enroll new personnel at a grade level not to exceed that of step 3; however, no new position may be established or salaries increased without the approval of the County Board of Commissioners.

Minimum Wage

Notwithstanding the above, the County Manager may raise the salary of any employee to the Federal minimum wage level without further approval from the County Board of Commissioners.

SECTION 4 - PART-TIME AND TEMPORARY EMPLOYEE BENEFITS

County employee benefits, including but not limited to vacation leave, holiday leave, sick leave, retirement, 401k, and health insurance, shall not be provided for part-time and temporary employees unless otherwise provided for by the Board of Commissioners.

PART-TIME PAY RATES

- EMT B \$13.15
- EMT I \$ 14.86
- EMT P \$18.30
- Telecommunicator Trainee \$14.01
- Telecommunicator \$14.86
- Library Asst. \$12.29
- Library Assoc. \$14.01
- Deputy I \$16.59
- Deputy II \$17.45
- Detention Officer \$ 13.15
- Referee- cert. \$18 per game
- Referee non-cert. \$14 per game
- Scorekeepers \$7.25
- Camp Counselors \$7.25-\$10
- SOS Site Coordinators \$9
- Visitor Relations Associate \$12.29

SECTION 5 - TRAVEL

Per Diem Rate

Subject to the approval of their department head, employees are entitled to travel reimbursement for use of a personal vehicle while transacting County business at the current standard mileage rate allowed by the Internal Revenue Service.

**Public Hearing and Action PB 09-03 Wild Horse Adventure Tours: Request for a Special Use Permit for outdoor recreation (wild horse tours). The property is located at 600 Currituck Club Drive, Corolla, Tax Map 126, Parcel 3D, Poplar Branch Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**LOCATION:** 600 Currituck Club Drive, Corolla

**ZONING DISTRICT:** Limited Business - Hotel Allowed (LBH)

**TAX ID:** 0126000003D0000

**OWNER:** James Holdings  
88 E Main Street, #202  
Mendham, NJ 07945

**APPLICANT:** Richard Brown  
600 Currituck Club House Drive  
Corolla, NC 27927

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Commercial	Zoned LBH
<b>SOUTH:</b>	Residential	Zoned LBH
<b>EAST:</b>	Open Space	Zoned R01
<b>WEST:</b>	Residential	Zoned LBH

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as **Full Service** within the **Corolla** sub-area.

**NARRATIVE:**

1. According to the application "The proposed use of the SUP is to provide a tour service to the northern beaches to see the Corolla Wild Horses. Tours go out with a guide in Suburbans and/or Jeeps. Tour drivers are familiar with the areas and knowledgeable of the rules and regulations of the 4x4 beaches. Typical activities include booking and taking out tours, and small scale sales at the gift shop and art gallery."
2. In-season hours/days of operation are Sunday - Saturday from 8 am. - 7 pm.  
Off-season hours/days of operation are Sunday - Saturday from 9 am. - 5 pm.
3. Ample parking is available via the Shoppes at the Currituck Club of which Wild Horse Adventure Tours is a tenant.

4. The Special Use Permit application only pertains to the property located at 600 Currituck Club Drive. Associated activities that may occur off-site are not covered by the issuance of the Special Use Permit as it is parcel specific.
5. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
  - a. POLICY ED1: new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
  - b. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.
  - c. POLICY OB2: So as to minimize Commercial Strip Development and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC12.

It appears this request as presented is consistent with the policies and objectives of the Land Use Plan. The Planning Department is particularly encouraged to see a growing emphasis on eco-tourism industries that expose the general public the natural resources of Currituck County.

**QUESTION(S) BEFORE THE BOARD:**

**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:

1. COMPLETENESS OF THE APPLICATION  
**Suggested Findings:**
  - a) The application is complete.
2. COMPLIANCE WITH ORDINANCE REQUIREMENTS  
**Suggested Findings:**
  - a) The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.
    - i. The proposed use **will not** materially endanger the public health or safety for the following reasons:  
**Suggested Findings:**

1. According to County Tax Maps, nearest residential dwellings to the tract are 250 feet from the proposed use. The parcel is currently a well established commercial area which includes retail shops.
- ii. The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:  
Suggested Findings:  
 1. The Unified Development Ordinance indicates that the operation of an outdoor recreation facility is a permitted land use with a Special Use Permit in an Limited Business Hotel (LBH) zoning district.
- iii. The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.  
Suggested Findings:  
 1. The parcel is currently in a well established commercial area which includes retail shops and is therefore in keeping with the character of the surrounding area.
- iv. The proposed use **will** be in general conformity with the Land Use Plan, and any other plan officially adopted by the Board of Commissioners.  
Suggested Findings:  
 1. The 2006 Land Use Plan classifies this site as Full Service and the proposed use is in keeping with the policies of the plan.
- v. The proposed use **will not** exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in.  
Suggested Findings:  
 Approval of this request should have no impact upon public facilities.

**TECHNICAL REVIEW COMMENTS:**

There are no outstanding TRC comments.

**STAFF RECOMMENDATION**

The proposal appears to meet the criteria for granting a Special Use Permit for the property at 600 Currituck Club Drive and staff recommends **APPROVAL** with the following conditions:

1. When not in use, all horse tour vehicles shall be parked in a properly marked space toward the rear of the building in order to improve traffic flow and preserve roadside aesthetics.
2. Each side of horse tour vehicles shall be labeled with decals that clearly display the company name. The decal shall be of

a size that is clearly legible (minimum of four inches in height).

**PLANNING BOARD RECOMMENDATION**

The Planning Board recommends **APPROVAL** with staff recommendations and the following condition:

1. All tours must be accompanied by a guide. The independent rental of jeeps shall be prohibited.

Chairman Etheridge opened the public hearing.

Richard Brown, owner, was present to answer questions.

There being no further comments, the public hearing was closed.

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

Commissioner Nelms directed staff to amend the UDO to treat all horse tours the same. Commissioner Nelms seconded the motion. Motion carried.

**Public Hearing and Action Currituck County Solid Waste Management Plan**

Dan Scanlon, County Manager, reviewed the plan.

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

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

**RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE MANAGEMENT PLAN OF 2009 - 2019 FOR CURRITUCK COUNTY**

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Currituck County recognizes its role in the encouragement of recycling markets by purchasing recycle products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste;

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, the Currituck County Public Works Department has undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

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

That Currituck County's 2009 - 2019 Ten Year Comprehensive Solid Waste Management Plan is accepted and endorsed and placed on file with Clerk to the Board on this \_\_\_\_ day of \_\_\_\_\_, 2009.

**Economic Development Board Rules & Procedures and letter requesting input on developments**

deleted

**Appointments to Senior Citizen Advisory Board**

Commissioner O'Neal appointed Gerri Andrews. Commissioner Taylor seconded the motion. Motion carried.

Commissioner Gregory appointed Martha Burns. Commissioner O'Neal seconded the motion. Motion carried.

Commissioner O'Neal stated that he would like for all boards to have only 7 members.

**Appointment to ABC Board**

Chairman Etheridge appointed Horace Bell. Commissioner Gregory seconded the motion. Motion carried.

**Appointments to Library Board of Trustees**

Commissioner Taylor appointed Lisa Rose. Commissioner Nelms seconded the motion. Motion carried.

Commissioner Nelms moved to table other two appointments. Commissioner Gregory seconded the motion. Motion carried.

**Consent Agenda:**

1. Resolution in support of application to NC DENR-DWQ for ARRA-CWSRF FUNDING for Moyock Central Sewer Force Main
2. Budget Amendments
3. Resolution opposing Public Health Improvement Plan
4. Lease with ITT Corp. for ADSB Radio Station site at Airport
5. Resolution Declaring Parcel ID 110B00400360000 as Surplus Property
6. Resolution Authorizing the Upset Bid Process for Sale of Parcel ID 110B00400360000
7. Amendment to Code of Ordinances: General Penalty
8. Resolution Surplus Property Water Department
9. Amendment to Concession License agreement for Flight Instruction at airport
10. Approval of June 1, 2009, Minutes
11. Resolution of Appreciation for C. Michael Warren
12. Moyock Library Change Order 003-Parking Lot Undercut
13. Airport Hangar C - Change Order for Fire Hydrant and Project Close Out
14. ABC Board resolution

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

**RESOLUTION IN SUPPORT OF APPLICATION TO NC DENR-DWQ FOR ARRA-CWSRF FUNDING FOR MOYOCK CENTRAL SEWER FORCE MAIN**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in

financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, drinking water treatment works, and/or drinking water distribution system), and

WHEREAS, The County of Currituck has need for and intends to construct a wastewater collection system project described as Phase I, Moyock Central Sewer Force Main, and

WHEREAS, The County of Currituck intends to request state grant and loan assistance for the project, as authorized by the American Recovery and Reinvestment Act of 2009

**NOW THEREFORE BE IT RESOLVED, BY THE (GOVERNING BODY) OF THE County of Currituck:**

That the County of Currituck, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the County of Currituck to make scheduled repayment of the loan, to withhold from the County of Currituck any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Daniel F. Scanlon II, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 15<sup>th</sup> day of June, 2009 at Historic Currituck County Courthouse, North Carolina.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50790-590000	Furniture & Fixtures	\$ 15,000	
50790-596100	Professional Services	\$ 14,069	
50790-594500	Contract Services	\$ 227,316	
50380-481000	Investment Earnings		\$ 256,385
		\$ 256,385	\$ 256,385

**Explanation:** Moyock Library Construction (50790) - Increase appropriations for the construction of the Moyock Library to bring in three phase power to the site, change order number 3 for McKenzie and consulting fees for additional undercut of the parking lot, reimbursable expenses and additional furnishings for the display room.

**Net Budget Effect:** County Governmental Construction Fund (50) - Increased by \$256,385.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10330-430200	Adoption Assistance		\$ 48,000
10760-532900	Foster Care Supplement	\$ 48,000	
		\$ 48,000	\$ 48,000

**Explanation:** County Assistance (760) - Adjust line item to reflect additional Special Child Adoption funds received from the state.

**Net Budget Effect:** Operating Fund (10) - Increased by \$48,000.

<b>Debit</b>	<b>Credit</b>
Decrease Revenue	Increase Revenue

<u>Account Number</u>	<u>Account Description</u>	or	
		<u>Increase Expense</u>	<u>Decrease Expense</u>
10550-545000	Contract Services	\$ 28,280	
10550-590000	Capital Outlay		\$ 22,500
10550-506000	Insurance Expense		\$ 5,780
		<u>\$ 28,280</u>	<u>\$ 28,280</u>

**Explanation:** Airport (10550) - To transfer funds to provide bird proofing construction for airport hangars A and B as outlined in estimate from Mid-Atlantic Garage Doors dated 5/16/2009.

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
52330-448100	Canal #2 Salinity Study	\$ 37,900			
52410-561000	Professional Services			\$ 37,900	
		<u>\$ 37,900</u>		<u>\$ 37,900</u>	

**Explanation:** Canal #2 Salinity Study (52410) - To close out grant funding for the Canal #2 Salinity Study that is no longer active.

**Net Budget Effect:** Multi-year Grant Fund (52) - Decreased by \$37,900.

**RESOLUTION OPPOSING THE “PUBLIC HEALTH IMPROVEMENT PLAN” AS CONTAINED IN SENATE BILL 202**

**Whereas**, Section 10.26 of Senate Bill 202 contains a provision entitled “Public Health Improvement Plan”, and

**Whereas**, the Public Health Improvement Plan was proposed with no input from local government officials or local and State public health professionals, and

**Whereas**, the plan sets out an unreasonable timeline for such reform of the current public health system, and

**Whereas**, the plan calls for no additional public health funding, rather a redistribution of the existing, insufficient funds with no defined distribution formulas, and

**Whereas**, the plan calls for the creation of a Public Health Improvement Plan Task Force which is a duplication of the existing Public Health Task Force, and

**Whereas**, many Northeastern North Carolina counties are in the process of re-building the Mental Health infrastructure requiring greater contributions of local funds, and

**Whereas**, the same Northeastern North Carolina counties can ill afford alteration of the public health infrastructure requiring greater local funding to provide core public health services,

**Now therefore be it resolved;** that Currituck County is opposed to Section 10.26 of Senate Bill 202 or any other budget provision entitled Public Health Improvement Plan and stands opposed to any efforts to reform public health absent appropriate planning and input from local government officials and local public health professionals.

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

**WHEREAS**, Currituck County obtained title to parcel 110B00400360000 located in the Poplar Branch Township through a property tax foreclosure; and

**WHEREAS**, this parcel is not currently serving a governmental use or purpose; and

**WHEREAS**, this parcel holds only a nominal value to Currituck County, and the County would be better served if this parcel was returned to the County tax roll.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Currituck County, North Carolina, during its regularly scheduled meeting held on June 15, 2009, authorized that parcel 110B00400360000, located in Poplar Branch Township, recorded in Deed Book 384, page 465 is declared as surplus property, pursuant to North Carolina General Statute Section 160A-265.

**RESOLUTION AUTHORIZING UPSET BID PROCESS**

**WHEREAS**, The County of Currituck owns certain property, PIN 1110B00400360000, 182 Michael Street, Lot 36, Block 4, Albemarle Sound Beach Estates, Jarvisburg, NC, located within Poplar Branch Township; and

**WHEREAS**, North Carolina General Statute 160-269 permits the county to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$7,500.00, submitted by D. Stephen Clinton, Livingston, Texas.

WHEREAS, D. Stephen Clinton has paid the required five percent (5%) deposit on this offer;

THEREFORE, THE COUNTY COMMISSIONERS OF CURRITUCK COUNTY RESOLVE THAT:

1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269.
2. The County Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the County Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period the County Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the County Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that
  - the County Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
  - The buyer must pay with cash at the time of closing.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby

accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to D. Stephen Clinton.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING CHAPTER 1, SECTION 1-8 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO PROVIDE FOR GENERAL PENALTIES FOR CODE VIOLATIONS**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-123 a county may provide for fines and penalties for violation of its ordinances and may by ordinance provide that violation of a county ordinance subjects the offender to a civil penalty to be recovered by the county in a civil action in the nature of a debt; and

WHEREAS, it is necessary and advisable to provide civil penalties as an alternative to criminal penalties for the enforcement of county ordinances.

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

**Part I. Section 1-8. General penalty; continuing violation** of the Currituck County Code of Ordinances is rewritten to read as follows:

Sec. 1-8. General penalty; continuing violations.

(a) Wherever in this Code or in any ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or an infraction or a misdemeanor, where no specific penalty is provided therefor the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 30 days for each separate violation; provided, that no fine shall exceed \$50.00 unless the ordinance expressly states that the maximum fine is greater than \$50.00. Each day any violation of this Code or any ordinance shall continue shall constitute a separate offense, unless otherwise specified.

(b) In addition to any criminal penalty set out in this section, violations of this Code shall subject the offender to a civil penalty upon the issuance of a citation for such violation as hereinafter provided. The civil penalty, if not paid to the county finance officer within 15 days of the issuance of a citation, may be recovered by the county in a civil action in the nature of debt. Unless otherwise provided by a specific provision of this Code, such civil penalties shall be no more than \$500.00 for each violation, and each day any single violation continues shall be a separate violation.

(c) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other county ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not

be a defense to the application of the county for equitable relief that there is an adequate remedy at law.

(d) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other county ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the county may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(e) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that:

- (1) Buildings or other structures on the property be closed, demolished or removed;
- (2) Fixtures, furniture or other movable property be removed from buildings on the property;
- (3) Grass and weeds be cut;
- (4) Improvements or repairs be made; or
- (5) Any other action be taken that is necessary to bring the property into compliance with this Code or such ordinance.

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(f) The provisions of this Code and any other town ordinances may be enforced by one all or a combination of the remedies authorized and prescribed by this section; except that any provision the violation of which incurs a civil penalty shall not be enforced by criminal penalties.

(g) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other town ordinance shall be a separate and distinct offense.

(h) A violation of this Code, the penalty for which is a civil penalty, shall be enforced as provided in subsections (i), (j), and (k) of this section.

(i) Upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the county shall cause a warning citation to be issued to the violator, setting out the nature of the violation, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating a reasonable period of time in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty. The initial issuance of a warning citation upon a violator as provided above shall not be required for the immediate imposition of civil penalties for a determination of a violation of any of the following provisions:

(1) Chapter 3, Section 3-36;

(2) Chapter 9, Section 9-4, Section 9-7, Section 9-33;

(3) Chapter 10, Section 10-58, Section 10-59, Section 10-61, Section 10-62(b), Section 10-62(c), Section 10-63(c), Section 10-64, Section 10-104;

(4) Chapter 12, Section 12-62;

(j) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the town and either served directly on the violator or his duly designated agent, or registered agent if a corporation, in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the town, or obtained from the violator at the time of the issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear before the town treasurer, located in the town hall, within 15 days of the date of the citation or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated. Within a 12-month period, any repeat violation for which a notice of violation, warning citation, or civil citation has been issued shall be considered a continuation of the original violation.

(o) If the violator fails to respond to a citation within 15 days of its issuance and pay the penalty prescribed therein, the county may institute a civil action in the nature of debt in the appropriate division of the state general court of justice for the collection of the civil penalty.

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

PART IV. This ordinance is effective upon its adoption.

**RESOLUTION  
SURPLUS PROPERTY**

WHEREAS, The Board of Commissioners of Currituck County, North Carolina during it is regular meeting held on June 15, 2009 authorized the following property listed below, be disposed of; and

WHEREAS, the mainland water department has two vehicles and the Detention Center Wastewater System has a generator to be declared surplus property.

1995 Ford F250 asset number 3102  
 1999 Ford Explorer asset number 4353  
 Generator is an ECCO 120/208 volt, three phase with 25 KVA

The above listed items will be auctioned.

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK  
COUNTY, NORTH CAROLINA AMENDING THE SCHEDULE OF AIRPORT  
FEES**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-102 a board of commissioners may fix the fees charged by the county;

WHEREAS, it is desirable to modify certain fees charged for use of the Currituck County Airport facilities.

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

Section 1. The Schedule of Fees for the Currituck County Airport is amended as follows:

	<u>No. of Units</u>	<u>Square Footage</u>	<u>Current Monthly Rent</u>	<u>Proposed Monthly Rent</u>	<u>Corporate Incentives 3 Payment in Adv. year term</u>
<b>Hangar A</b>					
	7	936	175	175	
	1	2,172	350	400	
	1	2,340	328	420	

**Hangar B**

	7	1,014	175	175		
	1	2,704	324	400	380	360
	1	2,704	324	400	380	360
<b>Hangar C</b>						
	4	3,299	0	475	450	425
	1	3,830	0	550	525	500

**Concession Agreements**

**Hang Gliding:**

7,000 per  
year

**Flight Lessons:**

- ~~300 per year with no aircraft based at Currituck Regional Airport~~
- ~~150 per year with one aircraft based at Currituck Regional Airport~~
- ~~75 per year with two or more aircraft based at Currituck Regional Airport~~

Tie Down Fees will stay the same \$10 per month

Section 2. This resolution is effective upon its adoption.

**RESOLUTION  
OF  
APPRECIATION**

**WHEREAS**, C. Michael Warren came to Currituck County in 2003 as superintendent of the Currituck County Schools; and

**WHEREAS**, Mr. Warren is an honorable and respectable man, dedicated and hardworking, and an outstanding citizen in his community; and

**WHEREAS**, Mr. Warren has excelled in his dedication and loyalty in being committed to student achievement; and

**WHEREAS**, under his leadership, Currituck County Schools are ranked in the top fifteen percent of all school districts in the state, epitomizing their slogan, "A Beacon for Excellence in Education;" and

**WHEREAS**, Mr. Warren will be retiring from Currituck County Schools effective July 1, 2009, after a long career in education;

**NOW, THEREFORE, BE IT RESOLVED**, the Currituck County Board of Commissioners commends Mr. Michael Warren and extends best wishes upon his retirement to one who has worked so faithfully and given so generously of his time and talents to make Currituck County a better place to live.

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA AUTHORIZING THE CURRITUCK COUNTY ABC BOARD TO RETAIN A PORTION OF PROFIT DISTRIBUTION FOR CAPITAL EXPENDITURE**

WHEREAS, the Currituck County ABC Board is contemplating the improvement or replacement of its Moyock, North Carolina facility; and

WHEREAS, the Currituck County ABC Board has requested that it be allowed to retain up to 85% of the amount of profit normally distributed to Currituck County in order to fund the costs for the capital expenditure required to improve or replace its Moyock, North Carolina facility.

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

Section 1. The Currituck ABC Board is authorized to retain up to 85% of the amount of profit normally distributed to Currituck County for the purpose of financing the improvement or replacement of its Moyock, North Carolina facility but shall continue distribution of other statutorily required distribution of profits.

Section 2. This resolution shall remain effective until June 30, 2015 or upon repeal by the Board of Commissioners whichever shall first occur.

Section 3. This resolution is effective upon its adoption.

**Commissioner's Report**

Commissioner Rorer reminded the public of a food drop-off at Hardees in Grandy.

Chairman Etheridge commented on the 150 year celebration of the Coinjock Canal.

**County Manager's Report**

Dan Scanlon, County Manager, stated that the boat ramp at Shingle Landing is now open; The RO Water Plant will be on line by the end of the week.

He also updated the Board on the Turnpike Authority regarding the Mid-Currituck Bridge and other options instead of the barrier wall in Coinjock.

**Closed Session:**

1. According to 143-318.11(5) to discuss acquisition of real property, the Historic Jarvisburg School and Knotts Island Fire Department.

Chairman Etheridge moved to go into closed session as stated above. Commissioner O'Neal seconded the motion. Motion carried.

**Adjourn**

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.

**Special Meeting**

**Tourism Development Authority**

**Call to Order**

Chairman Etheridge called the meeting to order.

**Public Hearing and Action on FY 2010 Budget**

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

**CURRITUCK COUNTY TOURISM DEVELOPMENT AUTHORITY  
BUDGET ORDINANCE**

For the Year Ending June 30, 2010

BE IT ORDAINED by the Currituck County Tourism Development Authority, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2009 and ending June 30, 2010.

**SECTION 1. OCCUPANCY TAX - PROMOTION**

A. Estimated Resources:			
Occupancy Tax		8,198,608	
		8,198,608	
TOTAL ESTIMATED RESOURCES		\$	8,198,608
B. Appropriations:			
Occupancy Tax - Promotion	\$	2,701,730	
Occupancy Tax - Tourist related		5,496,878	
		8,198,608	
TOTAL APPROPRIATIONS		\$	8,198,608

The information above is presented in summary form. Complete detailed information is on file with the Finance Director.

**SECTION 2. SPECIAL APPROPRIATIONS AND RESTRICTIONS**

The Budget Officer is hereby authorized to transfer appropriations within the funds as contained herein under the following conditions.

- a. He may transfer amounts within the same department within the same fund up to Ten Thousand dollars (\$10,000) providing an official report on such transfers at a regular meeting of the Board of Commissioners on a quarterly basis.
- b. He may transfer amounts between departments within the same fund up to One Thousand dollars (\$1,000) providing an official report on such transfers at the next regular meeting of the Board of Commissioners.
- c. He may appropriate fund balance to salaries and benefits in order to increase salaries of employees who have met requirements to increase certifications required by the County providing an office report on such transfers at the next regular meeting of the Board of Commissioners.
- d. He may make interfund loans for a period of not more than sixty days (60).
- e. He may not transfer any amounts between funds or from any contingency line items within any funds.

**SECTION 29. CONTRACTUAL OBLIGATIONS**

The County Manager or the County Attorney are hereby authorized to execute contractual documents under the following conditions:

- a. They may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. They may award contracts, reject bids, re-advertise for bids, waive bid bonds or bid deposit requirements, and waive performance and payment bond requirements for all formal bids of apparatus, supplies, materials and equipment as stated in G. S. 143-129.

- c. They may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- d. They may execute grant agreements to and from public and nonprofit organizations which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.
- e. They may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

### **SECTION 30. MEMORANDA**

- A. Officers:  
Daniel F. Scanlon II CPA is the Budget Officer  
Donald Ikerd McRee is the County Attorney  
Sandra L. Hill CPA is the County Finance Director
- B. Facsimile Signatures:  
The use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts is hereby authorized; however, off-line checks and pre-audit certification requires in the minimum of one original authorizing signature. The Finance Director is hereby charged with the custody of all facsimile machines, stamps, plates or other devices.
- C. Official Depositories:  
The Official depositories of the Tourism Development Authority are:  
The Bank of Currituck, North Carolina  
The East Carolina Bank, Currituck, North Carolina  
Bank of America, North Carolina  
Bank of the Commonwealth, North Carolina  
Branch Bank and Trust, North Carolina  
Gateway Bank, North Carolina  
North Carolina Cash Management Trust, Charlotte, North Carolina  
Wachovia Bank, North Carolina  
Wells Fargo Bank, North Carolina
- D. Daily Deposits:  
Daily deposits are required by all departments when the amount of money held on hand sums to Two Hundred Fifty dollars (\$250).
- E. Returned Check or Electronic Funds Transfer Fees:  
The Tourism Development Authority will assess a returned check charge consistent with G. S. 25-3-512 on all checks or electronic funds transfers returned to the County due to insufficient or unavailable funds, except for the payment of taxes. The returned check fee will be \$25.00 per item returned. This fee will also be charged for ACH or credit card transactions that are not paid due to insufficient funds. The penalty for returned checks and electronic funds transfers for payment of taxes are governed by G. S. 105-357(2).
- F. Policy on Appropriations:  
The Tourism Development Authority will not consider supplemental appropriations

for any service, function, purpose or activity that could have been reasonably considered during the budget process.

**SECTION 31. USE OF BUDGET ORDINANCE**

The Budget Officer and the Finance Director shall use this budget ordinance for administration of the budget and for the accounting system.

**Adjourn**

There being no further business, the meeting adjourned.