

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, June 01, 2009

Time: 7:00 PM

Work Sessions

6:00 p.m. Outer Banks Board of Realtors

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 of FY 2010 Budget**

Item 4 **Diane Nordstrom, presentation by Tourism Department**

Item 5 **Public Hearing and Action** PB 07-23 Acorn Acres: Preliminary Plat/SUP for a one lot residential subdivision locate on Tulls Creek Road across from the intersection with Dozier Road, Tax Map 49, Parcel 34U, Crawford Township.

Item 6 **Public Hearing and Action** PB 88-66 Villages at Ocean Hill, Phase 6C: Preliminary Plat/SUP for a 3 lot subdivision within an existing Planned Unit Development located on the east side of Ocean Trail approximately 250' south of the intersection of Ocean Hill Blvd. East and Windance Lane, Tax Map 114E, Parcels WELL and 98B, Poplar Branch Outer Banks Township.

Item 7 **Discussion and Consideration of license agreement fee for Flight Instruction at airport.**

Item 8 **Discussion and Consideration of Tow Operator Ordinance**

Item 9 **Appointments to Library Board**

Item 10 **Appointments to Senior Center Advisory Board**

Item 11 **Appointment to ABC Board**

Item 12 **Consent Agenda:**

1. Amendment to Code of Ordinances: General Penalty
2. Approval of May 18, 2009, Minutes
3. ABC Board-Corolla Lease Agreement
4. Resolution Authorizing Upset Bid Process for Sale of Parcel ID 110C01200250000.
5. Budget Amendments
6. Resolution to declare law enforcement dog surplus
7. Budget Amendment to purchase Stone property, building demolition and repairs at Spot Road property.
8. Resolution Declaring Parcel ID 110C01200250000 as Surplus Property

Item 13 Commissioner's Report

Item 14 County Manager's Report

Adjourn

Special Meeting

Tourism Development Authority

Call to Order

Presentation of FY 2010 Tourism Development Authority Budget

Revised Applications and Guidelines for Support of Funds Program

Adjourn

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: June 1, 2009
PB 07-23 Acorn Acres Major Subdivision**

ITEM: PB 07-23 Acorn Acres, Preliminary Plat/Special Use Permit, for a one lot subdivision.

LOCATION: On the east side of Tulls Creek Road (SR 1222) at the intersection with Dozier Road (SR 1234), Crawford Township.

TAX ID: Tax Map 49, Parcel 34U

ZONING DISTRICT: Residential (R)

PRESENT USE: Vacant Woodland

OWNERS: Countryscapes Landscaping, Inc.
336 N Gregory Road
Shawboro NC 27973

ENGINEER: Hyman and Robey, PC
PO Box 339
Camden NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Single Family Dwellings	R
SOUTH:	Woodland (RiversEdge Open Space)	R
EAST:	Single Family Dwellings	R
WEST:	Single Family Dwellings	R

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service** within the **Courthouse** subarea.

SIZE OF SITE: Total Development: 12.72 acres

NUMBER OF UNITS: One Residential Lot

PROJECT DENSITY: .08 units/ acre

STREETS: The lot fronts on Tulls Creek Road (SR 1222).

UTILITIES: The development will be served by county water. The applicant is proposing on-site wastewater systems for the lot.

OPEN SPACE: No open space is required or provided for this subdivision.

I. NARRATIVE OF REQUEST:

- The applicant is seeking preliminary plat/SUP approval for one additional lot within a proposed conventional subdivision.
- On January 4, 2007 the Board of Commissioners granted sketch plan approval for a four lot open space residential subdivision on this property.

II. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Planning

- a. Water tap fees must be paid prior to final plat approval.

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. Chapter 10 of the UDO allows a major subdivision 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 conventional major subdivision is allowed in the R zoning district with a special use permit.
 - b. The parcel is currently within a neighborhood with densities similar to those proposed and should be in harmony with that neighborhood.

6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.
Suggested Findings:
 - a. The 2006 Land Use Plan classifies this site as Full Service within the Courthouse subarea and the proposed use is in keeping with the policies of the plan, some of which are:
 - i. Policy HN1 states "Currituck County shall encourage development to occur at densities appropriate for the location." The proposed subdivision is within the densities allowed for the location.
 - ii. The Courthouse subarea policy emphasizes that the area will continue to grow as a small community center and will continue to see limited growth over the next decade. Residential densities should be limited to one to two units per acre where on-site wastewater is proposed and other county services are limited.

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.

STAFF RECOMMENDATION:

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

PLANNING BOARD ACTION

Mr. West motioned to recommend approval with staff recommendations and change the 20 ft. access to a 30 ft. access for the Preliminary Plat/Special Use Permit for a one lot residential subdivision. Ms. Newbern seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION

Mr. West asked for clarification on the number of original lots.

Mr. Woody stated that on the sketch plan it was four lots and the division of the fourth lot will create the fifth lot as the additional lot.

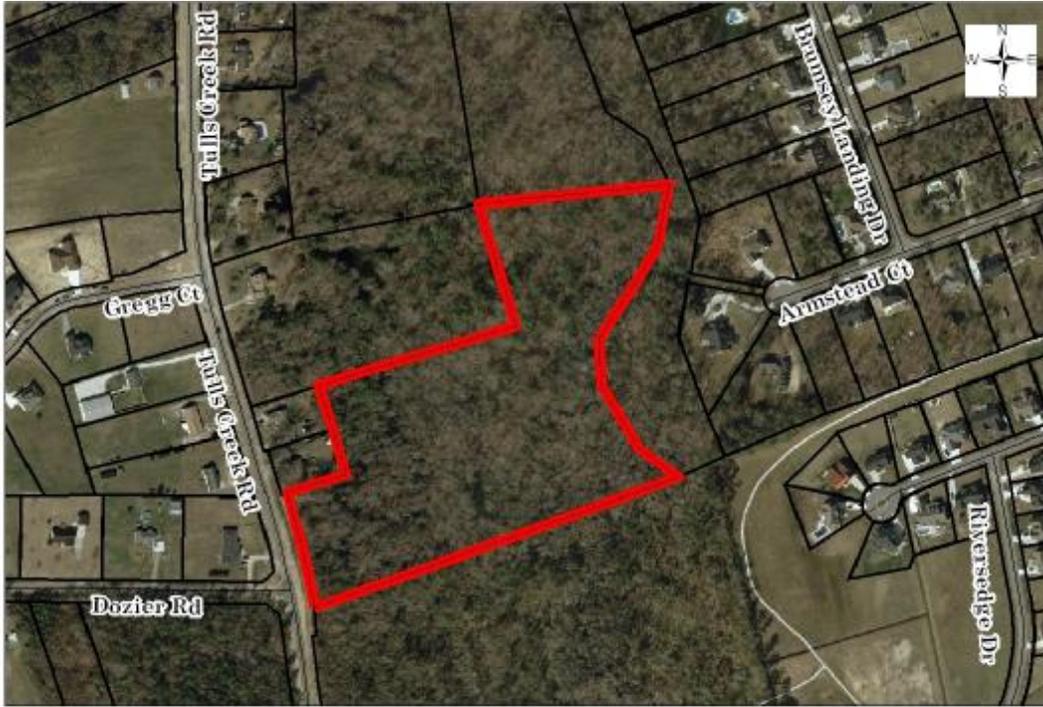
Mr. West asked if the two lots will share the access which is 20 ft. wide.

Mr. Hyman stated the shared access for this lot and the residual parcel which is a 10 acre parcel to the rear, has a cross easement that is 40 ft. wide. They don't envision access to be used by the one lot because the other lot which will come out of the parcel will be put on a cul-de-sac that will come in from Brumsey Road.

Mr. Woody stated the access for the residual parcel is 20 ft. wide.

Mr. West asked if they could make the access for the residual parcel 30 ft. wide because if the timber was ever to be cut the 20 ft. access would not be wide enough.

Mr. Hyman stated he can make this change. Mr. Hyman stated the wetlands have been delineated.



**PB 07-23 Acorn Acres
Aerial Photography**



Currituck County Planning Department



**PB 07-23 Acorn Acres
Zoning Map**



Currituck County Planning Department





APPROXIMATE LOCATION:
 OVERHEAD UTILITIES
 EXISTING WATER MAIN

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
DATE: June 1, 2009
PB 88-66 Villages at Ocean Hill Phase 6C**

ITEM: PB 88-66 Villages at Ocean Hill, Preliminary Plat/Special Use Permit, for a 3 lot subdivision within an existing Planned Unit Development.

LOCATION: On the east side of Ocean Trail approximately 250' south of the intersection of Ocean Hill Blvd. East and Windance Ln.

TAX ID: Tax Map 114E, Parcels: WELL and 98B

ZONING DISTRICT: Residential (RO1)

PRESENT USE: Well and Vacant

OWNERS: Midlantic Builders
c/o Jim Bickford
P.O Box 2225
Kitty Hawk, NC 27949

ENGINEER: Bissell Professional Group
3512 North Croatan Highway
P.O.Box 1068
Kitty Hawk, NC 17949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential Use	RO1
SOUTH	Residential Use	RO1
EAST:	Residential Use	RO1
WEST:	Residential Use and Commercial Use	RO1 / GB

LAND USE PLAN

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

SIZE OF SITE: Villages at Ocean Hill Total - **153.5 acres**
Subject Property - **1.02 acres**

NUMBER OF UNITS: Existing units - **274**
Proposed new units - **3**
Proposed total units - **277**

PROJECT DENSITY: 1.8 units/ acre

STREETS: The streets will be built to NCDOT construction standards.

UTILITIES: The development will be serviced by Southern Outer Banks Water System and Villages at Ocean Hill Wastewater Treatment System

OPEN SPACE: Open space has been previously dedicated for the Villages at Ocean Hill. However, a 1,313 square foot shortage in the required minimum lot area will be rectified by dedicating 1,313 square feet of area to open space.

I. NARRATIVE OF REQUEST:

- The applicant is seeking preliminary plat/SUP approval for a 3 lot residential subdivision within an existing planned unit development. This subdivision will require the construction of a new access road named Tail Wind Ct. The property is located adjacent to Currituck County well site #3
- The original VOH sketch plan was approved by the Board of Commissioners on January 3, 1989 for 314 lots with a density of 2.04 units per net acre.
- Amended sketch plan approval was granted on February 17, 1992 reducing total number of units to 299.
- Amended sketch plan approval was granted on August 2, 1994 reducing the total number of units from 299 to 268 (1.75 units/acre) and to increase the commercial acreage from 2.0 acres to 10.76 acres (7%).
- On August 16, 1999 the BOC granted amended sketch plan approval to increase commercial area to 11.23 acres with a total density of 268 units.
- At the applicant's request, on April 16, 2001 the BOC tabled and never acted on a request to decrease the commercial areas and increase the density by five units to allow for apartments.
- On February 19, 2003, Planning Director Gary Ferguson administratively approved an additional lot by well site #3 to be off-set by creating additional open space in Phase 5. This increased the total units to 269, for a density of 1.75 units/ acre.
- On March 5, 2007 the Commissioners approved 4 lots that had previously been well sites as residential lots to bring the total approved Sketch Plan lots to 273. Previous Sketch Plans had approved 269 lots.
- On November 5, 2007, the Commissioners approved an Amended Sketch Plan to increase the density of the Villages at Ocean Hill by 1 lot. This property on Lakeside Drive appeared on previous Sketch Plans as a Homeowners Association site and a utility site.

II. UNRESOLVED TRC COMMENTS:

- a. TRC approves the preliminary plat

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 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 the RO1 portion 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 densities similar to those proposed, 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 Full Service within the Corolla subarea and the proposed use is in keeping with the policies of the plan, some of which are:
 - i. Policy HN1 states “Currituck County shall encourage development to occur at densities appropriate for the location.” The proposed subdivision is within the densities allowed for the location.
 - 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 has adequate public facilities to service this subdivision.

STAFF RECOMMENDATION:

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

PLANNING BOARD ACTION

Mr. Kovacs motioned to recommend approval with staff recommendations the Preliminary Plat/Special Use Permit for a 3 lot subdivision within an existing Planned Unit Development. Ms. Robbins seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION

Mr. Midgette asked who will maintain the two open spaces.

Mr. Kingston stated that both spaces are retention ponds which are 1.5 to 3 feet deep and water will not stay in them.

Mr. West asked if the owners of the three lots will be responsible for maintaining these retention ponds.

Mr. Woody stated it will have to specify in the deed who will be responsible for maintaining these ponds.

Mr. Kingston stated they added a third open space because the UDO states that any open space must be accessible by all lots. The one lot on the southern end was not accessible so they added the third open space.

Mr. West stated you have a unique piece of property since the county put the well in.

Mr. Woody stated the open space on NC 12 is in a good place that may be useable in the future.

Mr. Kovacs asked if Tail Wind Court will be paved.

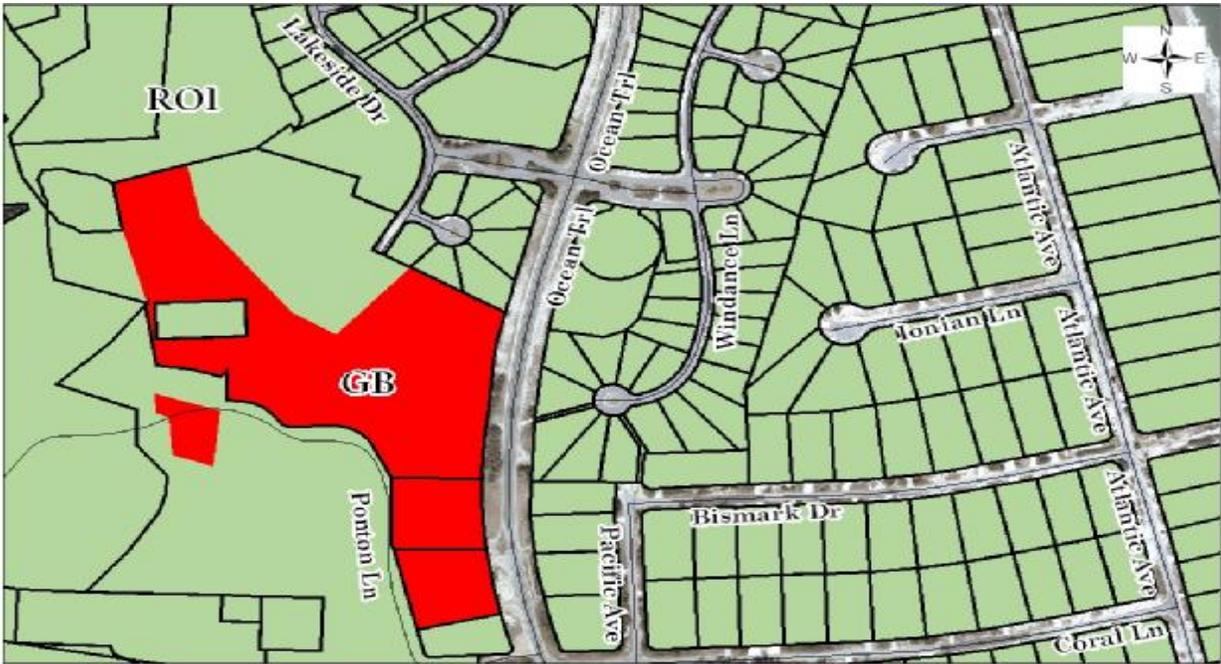
Mr. Kingston it will be paved with concrete.



**PB 88-66 VOH PHASE 6C
PRELIMINARY PLAT/SUP
AERIAL MAP**



Currituck County Planning Department



**PB 88-66 VOH PHASE 6C
PRELIMINARY PLAT/SUP
ZONING MAP**



Currituck County Planning Department



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS
Barry C. Nelms, Chairman
Gene A. Gregory, Vice-Chairman
Ernie Bowden
J. Owen Etheridge
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 Commissioner

FROM: Ike McRee, County Attorney

DATE: May 27, 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.

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;

LIBRARY BOARD OF TRUSTEES

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Stephanie Miller	District 1	Stephanie Miller	Vance Aydlett	5/18/2009	6/30/2011
Dr. Norman Dahm	District 2	Dr. Norman Dahm	Owen Etheridge	5/18/2009	6/30/2011
Ramona Humphries **	District 3				6/30/2009
Marita Powell *	District 4				6/30/2009
Paul O'Briant **	District 5				6/30/2009
Susan Vakos	At-Large	George Gregory	Paul O'Neal	5/18/2009	6/30/2010
Rhonda Cheek	At-Large				6/30/2010
Marion Thorn					6/30/2012
Dr. Alison Boone-Heyder					6/30/2012

* COMPLETING FIRST TERM - ELIGIBLE FOR REAPPOINTMENT

** COMPLETING SECOND TERM - NOT ELIGIBLE FOR REAPPOINTMENT

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

POSITION	NAME	ADDRESS	EMAIL	HOME	WORK	CELL	1 ST term	2 ND term
CHAIR	Paul O'Briant	157 Launch Landing Rd Moyock, NC 27958	paul@obriant.net	232-3444			6/05	6/09
<i>Not eligible</i>								
SECRETARY	Stephanie Miller	172 Lands End Rd Knotts Is, NC 27950	carova_girl@yahoo.com	429-9177	429-3327	757-544-1416	6/09	
MEMBER	Rhonda Cheek	1131 Gray Court Corolla, NC 27927	sunseekers@earthlink.net	453-3064		202-4772	6/06	6/10
MEMBER	Dr. Norman Dahm	P. O. Box 207 Harbinger, NC 27941	Lenorm777@juno.com	491-8339	491-8550	267-3064	6/09	
MEMBER	Ramona Humphries	P. O. Box 39 Moyock, NC 27958	Interiors- ramona@embarqmail.com	232-2158	435-6376		6/05	6/09
MEMBER	Marta Powell	1581 Caratoke Hwy Moyock, NC 27958	mpowell@currituck.k12.nc.us	232-2529	453-2700		6/09	
MEMBER	Marion Thorn	P. O. Box 430 Moyock, NC 27958	Marion_thorn@embarqmail.com	435-6323		757-630-4196	6/08	6/12
MEMBER	Dr. Alison Boone-Heyder	102 Continental Court Point Harbor, NC 27964	Alison_heyder@gmail.com	491-2550	261-7700		6/12	
VICE CHAIR	Susan Vakos	125 Foxx Lane Knotts Is, NC 27950	currituckbuilder@gmail.com	429-3141			6/05	6/09
<i>Not eligible</i>								
EX-OFFICIO	Vicky Hagemeister	115 Scotland Road Camden, NC 27921	vhagemeister@earlibrary.org	331-2026	453-8345	Fax 453-8717		
EX-OFFICIO	Nancy Bass	105 Streamdale Court Moyock, NC 27958	Nbass105@hotmail.com	453-6910				
EX-OFFICIO	Jessica Wener	P. O. Box 306 Corolla, NC 27927	ewener@embarqmail.com	457-0808				
EARL	Becky Callison	100 E. Colonial Ave. Elizabeth City, NC 27909	bcallison@earlibrary.org	335-0444	335-2511	340-4838		

Gwen Keene

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

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

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

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

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

Gwen Keene

From: Diane Bray
Sent: Wednesday, May 20, 2009 10:36 AM
To: Gwen Keene
Subject: Senior Center Advisory Board

Sue Austin resigned from the Fruitville Township---Larry Etherdige lives on Knotts Island, would like to finish Sue Austin's term on the Senior Center Advisory Board . Her term Expires 1-19-11 (1st term)

Bob Klingler resigned from the Moyock Township---Linda Jimerson lives in Moyock, would like to finish Bob Klingler term which expires on 4-15-11 (2nd term)

Audrey Simmons from the Crawford Township (Coinjock) term has expired on 4-12-09----Leona Aydlette lives in Coinjock, would like to be appointed to the Senior Advisory Board.

Gerie Andrews from Moyock would like to serve on the board. To finish the term of Bob Klingler 4-15-11

Diane Bray
Senior Center Coordinator

SENIOR CITIZEN ADVISORY BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Shirley Falls	District 1				1/11/2012
Jo Stepp	District 2				7/12/2012
William Freethy	District 3				1/14/2010
Audrey Simmons*	District 4				4/12/2009
Rosalie Rose	District 5				1/1/2011
Sue Austin**	At-Large				1/19/2011
Bob Klingler**	At-Large				4/15/2011
Peggy Stewart					10/11/2009
Grace Yirgling					7/12/2012

* COMPLETING SECOND TERM - NOT ELIGIBLE FOR REAPPOINTMENT

**RESIGNED

CURRITUCK SENIOR CENTER ADVISORY BOARD

Rosalie Rose

1869 Tulls Creek Road
Moyock, NC 27958
252.232-2520
Term Expires 1/10/11 (1st)

Grace Yingling

166 Mallard Lane
Grandy, NC 27939
252.453.4482
Term Expires 7-12-12 (2nd)

Shirley Falls

280 W. Gibbs Road
Knotts Island, NC 27930
252.435.2106
Term Expires 1-11-12 (2nd)

William Freethy

192 Narrow Shores Road
Aydlett, NC 27916
252.453.8453
Term Expires 1-14-10 (2nd)

J. Owen Etheridge

Commissioner
169 Maple Knoll Road
Shawboro, NC 27973

Bob Klingler

144 Rowland Circle Drive
Moyock, NC 27958
252.232.2753
Term Expires 4-15-11 (2nd)

Peggy Stewart

122 Narrow Shore Road
PO Box 54
Aydlett, NC 27916
252.453.0632
Term Expires 10-11-09 (unexpired term)

Jo Stepp

PO Box 115
Poplar Branch, NC 27965
252.453.3524
Term Expires 7-12-12 (2nd)

Audrey Simmons

PO Box 216
Coinjock, NC 27923
252.453.4593
Term Expires 4-12-09 (2nd)

Sue Austin

208 South End Road
Knotts Island, NC 27950
252.429.3317
Term Expires 1-19-11 (1st)

05/17/2009 21:33 FAX 252 232 7734

CURRITUCK SENIOR CENTER -> KNOTTS ISLAND

2001



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: May 19, 2009

Name: Larry Etridge

Address: 152 Brunley Road
Knotts Island N.C.

Phone: 429-3313

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

Please check

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

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

Qualifications and reasons you would like to serve:

HAVE SERVED ON MANY BOARDS THAT TRY TO IMPROVE
COMMUNITY.

ATTEND SENIORS MOST EVERY DAY.

Please return to: County Manager's Office
P.O. Box 39
Currituck, NC 21929

232-3551



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 5/19/09
Name: Linda Y Jimerson
Address: 104 Longhorn Dr.
Moyock NC 27958-9446
Phone: 252-435-0694

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

✓ Please check

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

Qualifications and reasons you would like to serve:

Seniors, their needs, likes and dislikes
are of interest - since now - I-AM-ONE
Retired teacher; worked at a non-profit org.
doing finances; foster parenting with VA Beach

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



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 5-20-09

Name: Leona Aydlette

Address: 301 Waterlily Rd
COINJOCK, NC 27923

Phone: 453-0757

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:

I was a Supervisor for Vg Power-retired after 36 yrs. I have lived in Coinjock for 19 years + would like to contribute to the community. I've been a volunteer at the Barco Library for 11 years. Senior center is a real great place to meet, learn, & enjoy fellow ship.

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

I have attended senior center from the time I arrived here. Have benefited from the trips, speakers, and health fairs and would like to contribute to seeing it continue to be a place for all seniors to enjoy.



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 5/20/09

Name: Gerri Andrews

Address: 148 Northpoint Blvd

Phone: 252-435-2519

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 checked="" 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:

Thru training and experience as an educator
and served seven years as County Librarian. I have
worked with seniors and feel I know their needs and
interests. I would also like to continue serving the
county in some capacity.

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

A B C BOARD

**After initial term expires their successors
shall be appointed for a 3 year term**

Charles Eley, Chairman
P. O. Box 293
Moyock, NC 27958

Jan. 2007 – Jan. 2010
2nd term

David Myers
1552 Waterlily Road
Coinjock, NC 27923

May 4, 2009 – May 2012
2nd term

Horace Bell, III.
122 Carotauk Drive
Currituck, NC 27929
232-3310

May 15, 2006 – May 2009
1st term

Harold Capps
188 Blue Heron Lane
Knotts Island, NC 27950
429-9026

Aug. 2007 – Aug. 2010
1st term

Dave Webber
6970 Caratoke Hwy
Jarvisburg, NC 27947
491-2494

Jan. 2007 – Jan. 2010
1st term

ABC BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Harold Capps	District 1				8/31/2010
Dave Webber	District 2				1/31/2010
David Myers	District 3				5/4/2012
Horace Bell, III	District 4				5/15/2009
Charles Eley	District 5				1/31/2010
	At-Large				
	At-Large				

CURRITUCK COUNTY ORDINANCE VIOLATION

- Prohibited Parking (Street or Road) *Sec. 12-62***
- Prohibited Parking (Foreshore) *Sec. 10-62(B)***
- Prohibited Parking (First ½ Mile) *Sec. 10-62(C)***
- Speed Limit Violation (Beach Strand) *Sec. 10-58***
- Destruction of Natural Features *Sec. 10-61***
- ATV Permit Violation *Sec. 10-64***
- Possession of Fireworks *Sec. 9-4 (A)***
- Bonfires *Sec. 10-104***
- Careless Driving *Sec. 10-59***
- Camping *Sec. 10-63(C)***
- Urination in Public *Sec. 9-7***
- Wild Horse (Feed, Pet, Approach) *Sec. 3-36***
- Noise Violation *Sec. 9-33***

Other Ordinance Violation:

\$50.00 FINE

Owner / Operator / Person in Control of Vehicle

Name _____

Address _____

Location of Offense

(Must send or bring this copy with you)

Vehicle Make _____ Vehicle
Year _____
Lic. Plate _____

This County Ordinance Violation must be paid within 10 days from the time of the violation. If not paid, the County may initiate a civil action in the nature of a debt to collect the penalties prescribed herein and an additional penalty of \$50 plus the cost of court to enforce compliance.

DL # _____

Officer _____

Paid or mailed to the Currituck Co.
Sheriff's Office at:

1123 Ocean Trail or 407
Maple Rd.
Corolla, NC 27927 Maple,
NC 27956



COUNTY OF CURRITUCK

BOARD OF COMMISSIONERS
Barry C. Nelms, Chairman
Gene A. Gregory, Vice-Chairman
Ernie Bowden
J. Owen Etheridge
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 Commissioner

FROM: Ike McRee, County Attorney

DATE: May 27, 2009

RE: Amendment to Code of Ordinances; General Penalty

Since adoption of the Code of Ordinances on July 20, 1992 subsequently adopted ordinances have provided for criminal remedies, civil remedies or a combination both for correction of ordinance violations. For the most part, civil remedies are not an available enforcement option. County staff has determined that the addition of civil penalties as an enforcement mechanism may allow for more efficient and quick correction of ordinance violations. As another example, the Sheriff's Office is proposing the use of civil citations to enforce ordinance violations particularly on the Currituck Outer Banks. However, a review of the ordinance sections proposed for civil enforcement reveals that civil citations are not authorized as a remedy.

Attached for your consideration is a proposed ordinance that will allow the use of civil penalties as an enforcement option and is recommended to you for adoption. Also attached for your information a draft of the civil citation format the Sheriff's Office intends to use upon adoption of the attached ordinance.

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

4
5 WHEREAS, pursuant to N.C. Gen. Stat. §153A-123 a county may provide for fines and
6 penalties for violation of its ordinances and may by ordinance provide that violation of a county
7 ordinance subjects the offender to a civil penalty to be recovered by the county in a civil action
8 in the nature of a debt; and

9
10 WHEREAS, it is necessary and advisable to provide civil penalties as an alternative to
11 criminal penalties for the enforcement of county ordinances.

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

15
16 **Part I. Section 1-8. General penalty; continuing violation** of the Currituck County Code of
17 Ordinances is rewritten to read as follows:

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

19
20
21 (a) Wherever in this Code or in any ordinance of the county any act is prohibited or is
22 made or declared to be unlawful or an offense or a misdemeanor, or wherever in such
23 Code or ordinance the doing of any act is required or the failure to do any act is declared
24 to be unlawful or an offense or an infraction or a misdemeanor, where no specific penalty
25 is provided therefor the violation of any such provision of this Code or any such
26 ordinance shall be punished by a fine of not more than \$500.00 or by imprisonment for
27 not more than 30 days for each separate violation; provided, that no fine shall exceed
28 \$50.00 unless the ordinance expressly states that the maximum fine is greater than
29 \$50.00. Each day any violation of this Code or any ordinance shall continue shall
30 constitute a separate offense, unless otherwise specified.

31
32 (b) In addition to any criminal penalty set out in this section, violations of this Code
33 shall subject the offender to a civil penalty upon the issuance of a citation for such
34 violation as hereinafter provided. The civil penalty, if not paid to the county finance
35 officer within 15 days of the issuance of a citation, may be recovered by the county in a
36 civil action in the nature of debt. Unless otherwise provided by a specific provision of
37 this Code, such civil penalties shall be no more than \$500.00 for each violation, and each
38 day any single violation continues shall be a separate violation.

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

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

3 (d) In addition to any civil or criminal penalties set out in this section, any provision of
4 this Code or any other county ordinance that makes unlawful a condition existing upon or
5 use made of real property may be enforced by injunction and order of abatement, and the
6 general court of justice shall have jurisdiction to issue such orders. When a violation of
7 such a provision occurs, the county may apply to the appropriate division of the general
8 court of justice for a mandatory or prohibitory injunction and order of abatement
9 commanding the defendant to correct the unlawful condition upon or cease the unlawful
10 use of the property. The action shall be governed in all respects by the laws and rules
11 governing civil proceedings, including the Rules of Civil Procedure in general and Rule
12 65 in particular.

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

15 (1) Buildings or other structures on the property be closed, demolished or
16 removed;

17 (2) Fixtures, furniture or other movable property be removed from buildings on
18 the property;

19 (3) Grass and weeds be cut;

20 (4) Improvements or repairs be made; or

21 (5) Any other action be taken that is necessary to bring the property into
22 compliance with this Code or such ordinance.

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

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

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

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

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

20 (1) Chapter 3, Section 3-36;

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

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

24 (4) Chapter 12, Section 12-62;

25 (j) Upon failure of the violator to obey the warning citation, a civil citation shall be
26 issued by the appropriate official of the town and either served directly on the violator or
27 his duly designated agent, or registered agent if a corporation, in person or posted in the
28 United States mail service by first class mail addressed to the last known address of the
29 violator as contained in the records of the town, or obtained from the violator at the time
30 of the issuance of the warning citation. The violator shall be deemed to have been served
31 upon the mailing of such citation. The citation shall direct the violator to appear before
32 the town treasurer, located in the town hall, within 15 days of the date of the citation or
33 alternatively to pay the citation by mail. The violation for which the citation is issued
34 must have been corrected by the time the citation is paid; otherwise, further citations shall

1 be issued. Citations may be issued for each day the offense continues until the prohibited
2 activity is ceased or abated. Within a 12-month period, any repeat violation for which a
3 notice of violation, warning citation, or civil citation has been issued shall be considered
4 a continuation of the original violation.

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

9
10 PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby
11 repealed.

12 PART IV. This ordinance is effective upon its adoption.

13
14 ADOPTED this _____ day of _____, 2009.

15
16 _____
17 J. Owen Etheridge, Chairman
18

19 ATTEST:

20
21 _____
22 Gwen H. Keene
23 Clerk to the Board
24

25
26 APPROVED AS TO FORM:

27 _____
28 Donald I. McRee, Jr.
29 County Attorney
30

31 Date adopted: _____
32

33 Motion to adopt by Commissioner _____

34 Second by Commissioner _____

35 Vote: _____ AYES _____ NAYS
36

CURRITUCK COUNTY
NORTH CAROLINA
May 18, 2009

The Board of Commissioners met at 6:00 p.m. to discuss the Corridor Enhancement.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Etheridge, Commissioners O'Neal, Aydlett, Nelms, Rorer, Gregory and Commissioner Taylor was absent.

Invocation and Pledge of Allegiance

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

Approval of Agenda

Commissioner Aydlett moved to amend the agenda to delete Item 6 and add 6a, David Blackman, Lower Currituck Food Drop. Commissioner Gregory seconded the motion. Motion carried.

- 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 **Sheriff to Retire K-9 and Present Plaque to K-9 Handler**
- Item 4 **Public Hearing and Action** PB 09-12 Billy Barnes/Dennis Anderson: Request to rezone 1.505 acres from Agricultural (A) to General Business (GB). The property is located at 6158 Caratoke Highway, Tax Map 94, Lot 88F, Poplar Branch Township.
- Item 5 **Public Hearing and Action** PB 08-55 Christopher J. Susko: Text amendment to the UDO to allow a limousine service as a conditional use in the Agricultural zoning district and a permitted use in the General Business, Commercial, and Limited Business Hotels zoning districts.
- Item 6 **Discussion and consideration of license agreement fee for Flight Instruction at airport**
- Item 7 **Appointment to ABC Board**
- Item 8 **Appointment to Fire & EMS Advisory Board**
- Item 9 **Appointments to Library Board**
- Item 10 **Consent Agenda:**
 - 1. JCPC Funding plan for FY 2010

2. Budget Amendments
3. Approval of Contract for purchase of Stone property on Spot Road
4. Proclamation for the American Cancer Society's Relay for Life of Currituck County
5. Resolution Requesting Stimulus Funds for Construction of New Animal Shelter Building
6. Petition to NCDOT for Addition of Herring Street to State System
7. Revised JCPC Funding Plan for Current Fiscal Year
8. Barnhill Contract and CO#1 for Shawboro Elementary School
9. Approval of May 4, 2009, Minutes
10. McKenzie Change order 14 for the Shawboro Elementary School
11. Charge to Tax Collector Levy on Motor Vehicles for February Renewals

Item 11 Commissioner's Report

Item 12 County Manager's Report

Item 13 **Closed Session:**

1. To prevent the disclosure of information that is privileged or confidential pursuant Chapter 132 of the North Carolina General Statutes pursuant to G.S. 143-318.11(a)(1);
2. To consult with an attorney employed by the county in order to preserve the attorney-client privilege and to consider and give instructions concerning the handling of the matter entitled Currituck County v. Perry Construction and Holley Construction pursuant to G.S. 143-318.11(a)(3).

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.

Blanche Hailey, stated that this was the 10th anniversary for Relay for Life and invited the public to the upcoming events that will take place next Saturday, May 23.

Barbara Snowden, invited the public to the 150th anniversary of the Albemarle Chesapeake Canal Celebration June 14 at the Currituck Middle School presented by the Currituck Historical Society and the Coinjock Ruritan Club.

Ms. Snowden commented on the success of the Currituck Day at the Museum of the Albemarle.

Commissioner O'Neal moved to send a resolution to DOT, Governor Perdue, Senator Basnight, and Rep. Owens opposing the proposed jersey wall to be installed in Coinjock when the new Mid-County Bridge was to be constructed. Commissioner Nelms seconded the motion. Motion carried.

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

Sheriff to Retire K-9 and Present Plaque to K-9 Handler

Sheriff Johnson, recognized the retirement of Deputy "Buck", K-9, and presented a plaque to handler, Deputy Randy Jones.

Public Hearing and Action PB 09-12 Billy Barnes/Dennis Anderson: Request to rezone 1.505 acres from Agricultural (A) to General Business (GB). The property is located at 6158 Caratoke Highway, Tax Map 94, Lot 88F, Poplar Branch Township.

Ben Woody, Planning Director, reviewed the request.

TYPE OF REQUEST: To rezone 1.505 acres from A to GB

LOCATION: Located at 6158 Caratoke Highway

TAX ID: Tax Map 94, Parcel 88F
0094-000-088F-0000

OWNER: Dennis W. Anderson
5650 Caratoke Highway
Poplar Branch, NC 27965

APPLICANT: Billy Barnes
3823 Caratoke Highway
Maple, NC 27956

CURRENT ZONING: Agricultural (A)

PROPOSED ZONING: General Business (GB)

ZONING HISTORY: - The property was rezoned from A-30 to B-30 on September 6, 1988 with the condition that a 25 foot buffer is provided between adjacent residential uses and zones.

- The property was unintentionally mapped as Agricultural (A) when the Unified Development Ordinance was adopted in April 2, 1989.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	A
SOUTH:	Residential	GB
EAST:	Residential /Undeveloped	GB

WEST: Undeveloped A

EXISTING LAND USE: Single Family Residential

PROPOSED LAND USE: Any use permitted in the GB zoning district

COMMUNITY MEETING: A community meeting was not held.

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Full Service** within the **Grandy Sub area**.

The purpose of the Full Service Area class is to provide areas preferred for community centers. Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available to the public and/or private sectors. With nonresidential uses, it is essential that the existing community character be preserved.

The policy emphasis of the Grandy Sub-Area is to allow Grandy to further evolve as a community center. Residential development densities should be medium to high depending upon available services.

The following Land Use Plan policies are also relevant to this request:

POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.

POLICY CD4. HIGHWAY ORIENTED COMMERCIAL USES should be clustered along segments of highways and contain land uses which are mutually compatible and reinforcing in use and design; they should be designed in such a way as to minimize signage, access points, and to prevent unsightly, dysfunctional STRIP DEVELOPMENT.

PUBLIC SERVICES AND UTILITIES:

Fire protection for this area is provided by the Grandy Fire Department. Public water

is available to the site. On-site wastewater exists on the property.

FLOOD ZONE: Flood Zone X.

WETLANDS: The wetland inventory maps do not identify wetlands on the site.

SOILS: The Currituck County Soils map indicates the front portion of the lot contains suitable soils, while the rear contains soils not-suitable for development.

STAFF

RECOMMENDATION: Staff recommends **approval** of the request to establish a 1.505 acre tract from Agricultural (A) to General Business (GB) for the following reasons:

1. The proposed request is in general compliance with the Full Service designation of the 2006 Land Use Plan and the Grandy Sub-Area Policy Emphasis.
2. The property was previously approved for commercial zoning; however, due to a mapping error when the Unified Development Ordinance was adopted in 1989, the designation was changed to Agricultural (A).
3. Staff has typically discouraged additional GB zoning along the corridor due the high vacancy rate that exists and potential for exacerbating strip development (nearly 80% of land zoned GB is not actively used for commercial purposes). However, in light of the circumstances staff does feel this particular request is reasonable.

PLANNING BOARD DISCUSSION

Mr. Kovacs asked if this request should be agricultural to commercial.

Ms. White stated there is an existing residential structure on the property as well as a warehouse. Ms. White does not know the future uses of the property.

Mr. Barnes stated the property was previously approved for commercial zoning; however, due to a mapping error when the

Unified Development Ordinance was adopted in 1989, the designation was changed to Agricultural (A).

ACTION

Mr. West motioned to recommend approval to rezone 1.505 acres from Agricultural (A) to General Business (GB) which is in compliance with 2006 Land Use Plan. Mr. Bell seconded the motion. Motion carried unanimously.

Chairman Etheridge opened the public hearing.

There being no comments, the public hearing was closed.

Commissioner Nelms moved to approve and waive the fee for application. Commissioner O'Neal seconded the motion. Motion carried.

Public Hearing and Action PB 08-55 Christopher J. Susko: Text amendment to the UDO to allow a limousine service as a conditional use in the Agricultural zoning district and a permitted use in the General Business, Commercial, and Limited Business Hotels zoning districts.

Ben Woody, Planning Director, reviewed the request.

Christopher J. Susko is requesting a text amendment to the UDO to allow a limousine service as a permitted use in the Agricultural (A) zoning district. A limousine service is currently not addressed in the UDO and; therefore, is not a permitted use within Currituck County.

Initially Staff did not support allowing a taxi service business as a permitted use within the Agricultural (A) zoning district due to the potential intrusion into the residential and rural character of such areas. As an alternative, Staff proposed allowing taxi services as a permitted use in the General Business (GB), Commercial (C), and Limited Business-Hotel (LBH) zoning districts. During the Planning Board meeting, it was suggested that taxi services be permitted in the Agricultural (A) zone with a conditional use permit. Staff feels this alternative provides a reasonable compromise and subsequently supports the Planning Board's recommended changes.

While Mr. Susko submitted a generalized text amendment request, staff has proposed a more detailed version as recommended by the Planning Board which is attached hereto. Also find the Planning Board meeting minutes attached.

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

PLANNING BOARD DISCUSSION

Mr. West asked how this would work since this was a home based operation in a residential area.

Mr. Woody stated the operation could be moved or the lot rezoned.

Mr. Susko stated that this request is for a home office use and he has two limousines. Mr. Susko stated he is legal to pick up passengers and take them to Virginia. To be able to pick up passengers in Virginia, the Virginia Department of Motor Vehicles application requires rezoning compliance verification, which he must comply with and that his home base operation is where he resides.

Mr. Midgette asked why this was presented as a text amendment and not a special use permit.

Mr. Woody stated that in the Permitted Uses Table it does not address limousine or taxi service.

The board discussed a limousine service business as a permitted use within the Agricultural zoning district vs. the property being rezoned to commercial or general business. The board was concerned with a commercial or general business zoning district in an agricultural area.

Mr. Woody stated that the options are to, (1) Allow by right in an Agricultural zoning district which is what the applicant requested; (2) To only allow in a commercial district which would require the property to be rezoned; or (3) To allow in an Agricultural district with a Conditional Use Permit (CUP).

The Planning Board discussed the length of time of the CUP.

ACTION

Mr. Keel motioned to recommend approval of the text amendment to the UDO to allow a limousine service as a permitted use in the Agricultural zoning district with the addition of a Conditional Use Permit and the limit of two vehicles. Mr. West seconded the motion. Motion carried unanimously.

**PB 08-55
UDO Amendment Request
Christopher J. Susko
Taxi Service**

An amendment to Chapter 2: Zoning Districts, Chapter 3: Special Requirements. and Chapter 17: Definitions to allow a taxi service as a permitted use.

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

Item 1: That Section 2.5 Permitted Uses Table is amended by adding the following language:

Use	LUC	Zoning Districts										Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM		HM
<u>Taxi Service</u>	<u>III</u>	<u>C</u>						<u>Z</u>	<u>Z</u>	<u>Z</u>			<u>3.5.9</u>

Item 2: That Section 3.5 Office and Service Uses is amended by adding the following language:

Section 3.5 Office and Service Uses

3.5.9 Taxi Service

A. The following special requirements shall apply in the GB, C, and LBH Districts:

1. The taxi shall display no form of advertising other than that of the taxi company itself.
2. When not in service, vehicles shall be stored in a secure compound, fully enclosed with a fence and gate. The compound surface area shall be paved or graveled to not less than three inches deep and compacted and graded for proper drainage.
3. The taxi service compound shall be fully screened from adjacent rights-of-way and residentially zoned properties using a combination of opaque fencing and/or evergreen plant materials.

B. The following special requirements shall apply in the A District:

1. The use shall not disturb or intrude on the residential character of the surrounding neighborhood.
2. No more than two motor vehicles associated with the taxi service shall be permitted on the subject property.

Item 3: That Section 17.2 Definitions is amended by adding in alphabetical order the following language:

Section 17.2 Definitions

Taxi Service

Transport by vehicle (ex. taxi, limousine) for a single passenger or small group of passengers between locations of their choice.

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

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

Commissioner Aydlett moved to approve with Staff and Planning Board recommendations. Commissioner Rorer seconded the motion. Motion carried.

Discussion and consideration of license agreement fee for Flight Instruction at airport.

Deleted

David Blackman, presentation on Lower Currituck Food Drop.

The Reverend Blackman, United Methodist Church, Hebron & Mt. Zion Churches, discussed the food drop. It began 25 years ago as a church sponsored organization. The Food Bank now serves the hungry in 15 northeast counties. As of June 2008, four agencies in Currituck are eligible to receive food from the Food Bank. They are: Fellowship Baptist Church, Pilmoor Memorial Food Pantry, Foundations Child Development Center and Mobile Food Pantry.

Appointment to ABC Board

Tabled

Appointment to Fire & EMS Advisory Board

Commissioner O'Neal moved to appoint Ronnie Powell. Commissioner Gregory seconded the motion. Motion carried.

Appointments to Library Board

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

Stephanie Miller, District 1

Dr. Norman Dahm, District 2

George Gregory, At Large.

Consent Agenda:

1. JCPC Funding plan for FY 2010
2. Budget Amendments
3. Approval of Contract for purchase of Stone property on Spot Road
4. Proclamation for the American Cancer Society's Relay for Life of Currituck County
5. Resolution Requesting Stimulus Funds for Construction of New Animal Shelter Building
6. Petition to NCDOT for Addition of Herring Street to State System
7. Revised JCPC Funding Plan for Current Fiscal Year
8. Barnhill Contract and CO#1 for Shawboro Elementary School
9. Approval of May 4, 2009, Minutes
10. McKenzie Change order 14 for the Shawboro Elementary School
11. Charge to Tax Collector Levy on Motor Vehicles for February Renewals

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-516000	Maintenance & Repair	\$ 25,355	
61360-467000	Sales and materials		\$ 25,355
		<u>\$ 25,355</u>	<u>\$ 25,355</u>

Explanation: Mainland Water (61818) - To record sales of materials charged to customers for this fiscal year.

Net Budget Effect: Mainland Water Fund (10) - Increased by \$25,355.

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

66868-533800	Chemicals	\$	4,500	
66868-532000	Supplies	\$	1,000	
66868-557100	Software License Fee	\$	300	
66868-561000	Professional Services			\$ 300
66868-545000	Contract Services			\$ 5,500
			<u>5,500</u>	<u>5,500</u>
		\$	<u>5,500</u>	\$ <u>5,500</u>

Explanation: Southern Outer Banks Water System (66868) - Operating transfer needed for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10650-545000	Contract Services	\$	13,580		
10650-514800	Fees Paid to officials			\$	2,100
10650-532441	Technology < \$1,000			\$	800
10650-590441	Technology > \$1,000			\$	1,800
10650-532000	Supplies			\$	1,000
10650-526000	Advertising			\$	3,000
10650-516000	Maintenance & Repair			\$	700
10650-514500	Training & Education			\$	680
10650-514000	Travel			\$	2,500
10650-511000	Telephone & Postage			\$	1,000
			<u>13,580</u>		
		\$	<u>13,580</u>	\$	<u>13,580</u>

Explanation: Economic Development (10650) - Fees associated with foreign trade zone application.

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	
10793-532000	Supplies	\$	3		
10793-514000	Travel			\$	15
10793-511500	Printing & Binding	\$	20		
10793-514500	Training & Education			\$	8

\$	23	\$	23
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Explanation: Smart Start: Eat Smart, Mover More (10793) - To transfer funds to align with State funding approval.

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
61818-545100	Credit Card Fees	\$ 2,500	
61818-545005	Purchase Water from others	\$ 75,000	
61818-532000	Supplies	\$ 1,500	
61818-561000	Professional Services		\$ 1,500
61360-470000	Utilities Charges		\$ 77,500
		<u>\$ 79,000</u>	<u>\$ 79,000</u>

Explanation: Mainland Water (61818) - To increase appropriations for increased use of credit cards by customers and for increased use of water from Camden. Also, to transfer funds for operations for the remainder of this fiscal year.

Net Budget Effect: Mainland Water (61) - Increased by \$77,500.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-511000	Telephone & Postage	\$ 2,100	
10510-590000	Capital Outlay		\$ 2,100
		<u>\$ 2,100</u>	<u>\$ 2,100</u>

Explanation: Sheriff (10510) - To cover the cost of telephone and postage through the end of the fiscal year.

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

10535-511010	Data Transmission	\$	350		
10535-513000	Utilities	\$	150		
10535-526000	Advertising			\$	500
				<u>\$</u>	<u>500</u>
				<u>\$</u>	<u>500</u>

Explanation: Communications (10535) - To transfer funds for operations for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10750-511000	Telephone & Postage	\$	1,900		
10750-514500	Training & Education			\$	1,900
		<u>\$</u>	<u>1,900</u>	<u>\$</u>	<u>1,900</u>

Explanation: Social Services (10750) - To transfer funds for increased postage due to increase in case loads and clients.

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	
10660-532000	Supplies	\$	598		
10660-526000	Advertising			\$	598
		<u>\$</u>	<u>598</u>	<u>\$</u>	<u>598</u>

Explanation: Planning (10660) - To transfer fund for the planning annual report.

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	

10530-532000	Supplies	\$	1,850		
10380-483530	EMS Donations			\$	1,850
			<u>\$</u>	<u>1,850</u>	<u>\$</u> <u>1,850</u>

Explanation: Emergency Medical Service (10530) - To record EMS donations received this fiscal year. Funds will be used for awards and EMS week celebration.

Net Budget Effect: Operating Fund (10) - Increased by \$1,850.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10795-592000	Recreation projects	\$	800		
10795-516000	Maintenance & Repair	\$	1,000		
10795-590000	Capital Outlay	\$	1,884		
10795-576011	Adult Volleyball			\$	1,800
10795-576009	Youth Soccer			\$	1,884
			<u>\$</u>	<u>3,684</u>	<u>\$</u> <u>3,684</u>

Explanation: Recreation (10795) - Transfer funds for 1/2 cost to repair irrigation pump on ball field and for soccer goal to prepare for hosting tournament.

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	
10641-503000	Salaries - part time	\$	3,480		
10641-511500	Printing	\$	669		
10641-514300	Student Activities	\$	2,542		
10641-514500	Training & Education	\$	250		
10641-532000	Supplies	\$	2,728		
10641-502000	Salaries			\$	312
10641-506000	Insurance Expense			\$	338
10641-511000	Telephone & Postage			\$	219
10641-514000	Travel			\$	800
10641-545000	Contract Services			\$	8,000
			<u>\$</u>	<u>9,669</u>	<u>\$</u> <u>9,669</u>

Explanation: Support Our Students (10641) - To adjust funds to State allocation.

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

Debit **Credit**

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10461-532000	Supplies	\$ 300	
10461-514500	Training and Education		\$ 300
		\$ 300	\$ 300

Explanation: Public Utilities (10461) - Transfer for increased supply costs.
Net Budget Effect: Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
65858-532000	Supplies	\$ 3,000	
65858-545100	Credit Card Fees	\$ 300	
65858-561000	Professional Services		\$ 3,300
		\$ 3,300	\$ 3,300

Explanation: Moyock Commons (65858) - Transfer funds due to increased supply costs and credit card usage by customers.
Net Budget Effect: Moyock Commons Sewer Fund (65) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
60808-533201	Chemicals	\$ 5,000	
60808-532001	Supplies	\$ 2,000	
60808-545001	Contracted Services		\$ 7,000
		\$ 7,000	\$ 7,000

Explanation: Ocean Sands Water and Sewer (60808) - To transfer funds for operations.
Net Budget Effect: Ocean Sands Water and Sewer Fund (60) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10550-511000	Telephone & Postage	\$ 500	

10550-531002	Aviation Fuel	\$	50,000		
10350-464500	Aviation Fees			\$	10,500
10350-467100	Aviation Fuel Revenue			\$	40,000
			<u>\$ 50,500</u>		<u>\$ 50,500</u>

Explanation: Airport (10550) - To increase appropriations due to increase in fuel sales and increase in rental fees at the airport.

Net Budget

Effect: Operating Fund (10) - Increased by \$50,500.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50548-545000	Contract Services	\$ 7,740	
50548-588000	Contingency		\$ 7,740
		<u>\$ 7,740</u>	<u>\$ 7,740</u>

Explanation: Knotts Island Fire Station (50548) - To transfer funds from contingency for pond fountain and water parts.

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

A Proclamation for the American Cancer Society's Relay For Life of Currituck County

Whereas, Cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in premature death; and

Whereas, Cancer is predicted to strike one out of every three Americans sometime in our lifetime with an estimated 133,225 new cases of cancer diagnosed in North Carolina in 2009; and

Whereas, The American Cancer Society is the nation's largest and most respected voluntary health organization since 1913 and has funded research which has contributed to every known method for detecting cancer and techniques for treating cancer: thereby increasing the cancer survival rates from 10% to over 65%; and

Whereas, The American Cancer Society is a voluntary community-based coalition of local citizens dedicated to eliminating cancer as a major health problem through financial support and education awareness; and

Whereas, the color purple is the signature color of the American Cancer Society's Relay For Life events signifying the passion that cancer survivors and their families and loved ones feel for the eradication of this disease; and

Whereas, the **RELAY FOR LIFE** event financially benefits the American Cancer Society's research and patient support programs, and educationally benefits our local citizens; and

Whereas, the American Cancer Society's Relay For Life in Currituck County is a community event that allows an opportunity to network with businesses, associates, family and friends, with the same goal of making a difference in the battle against cancer;

Now therefore, We the Board of County Commissioners of Currituck County, North Carolina DO HEREBY PROCLAIM the week of **May23-30th, 2009 as RELAY FOR LIFE** Week throughout Currituck, North Carolina. We further urge all citizens to recognize and participate in this anticancer campaign held in our community.

**Resolution
Animal Lovers Assistance League**

WHEREAS, Currituck County has infrastructure needs, required to accommodate our growing population, since Currituck is the 82nd fastest growing County in the nation, one of the fastest growing counties in North Carolina; and

WHEREAS, Currituck County contracts the operation of the County animal shelter with a 501(C)3 cooperation, Animal Lovers Assistance League, Inc., in an outdated County owned, over-crowded building, below current North Carolina shelter standards; and

WHEREAS, jobs are needed in Currituck County, the new animal shelter could provide employment with improved potential of a better variety of jobs and higher compensation, as well as, continuing the aspect of the rural cultural heritage, and it is necessary to move the current shelter due to future development of the airport and the lack of expansion room on the site; and

WHEREAS, the County fund for capital improvements has been allocated for other projects, the need for a new animal shelter is continuing, considering the number of animals cared for by ALAL, Inc, and the need for extended educational for pre-veterinarian training, technicians in veterinary medicine, high school student introduction to veterinarian careers and in animal services and hands-on training by providing volunteer and paid labor; and

WHEREAS, this building could provide regional training experience with animals, through the local Community College for a new aspect of pre-veterinarian courses and animal services in Northeastern North Carolina, and could meet the requirements for a portion of the State's allocation of the Federal stimulus funds; and

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners support the construction of a new animal shelter building and the proposed educational projects by requesting funds that may be available through the stimulus fund.

BE IT FURTHER RESOLVED, that this resolution be forwarded to Governor Perdue, Senators Burr and Hagan, Congressman Walter B. Jones, Senator Basnight and Representative Owens.

Commissioner's Report

Commissioner Rorer encouraged the public to recycle.

County Manager's Report

Eric Weatherly, Engineer, made a presentation on the completed mainland RO Plant which would be up and running on June 1.

The Board commended Eric for his efforts and work on the water plant.

Closed Session:

1. To prevent the disclosure of information that is privileged or confidential pursuant Chapter 132 of the North Carolina General Statutes pursuant to G.S. 143-318.11(a)(1);
2. To consult with an attorney employed by the county in order to preserve the attorney-client privilege and to consider and give instructions concerning the handling of the matter entitled Currituck County v. Perry Construction and Holley Construction pursuant to G.S. 143-318.11(a)(3).

Commissioner Nelms moved to go into closed session.
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

STATE OF NORTH CAROLINA

COUNTY OF CURRITUCK

LEASE AGREEMENT

THIS LEASE AGREEMENT made and entered into this the ___ day of _____, 2009, by and between **CURRITUCK COUNTY**, a body corporate and politic existing under the laws of the State of North Carolina, hereinafter designated as Lessor, and **CURRITUCK COUNTY ABC BOARD**, hereinafter designated as Lessee.

WITNESSETH:

THAT WHEREAS, Lessor owns a certain parcel of real property and building thereon, located in Corolla, Poplar Branch Township, Currituck County, North Carolina and more particularly at 500 Hunt Club Drive (hereinafter "Building"); and

WHEREAS, approximately 2,606 square feet of the Building is not currently utilized by Lessor; and

WHEREAS, the 2,606 square feet is deemed surplus property and Lessor finds that it is desirable to lease this space for the purpose of securing an ABC store on the Currituck Outer Banks; and

WHEREAS, Lessor is authorized to execute this lease agreement with Lessee pursuant to North Carolina General Statute § 160A-272;

NOW, THEREFORE, for and in consideration of the promises and mutual obligations of the parties in this agreement, Lessor leases to Lessee for and during the term specified in this agreement a portion of the Property more particularly described as follows:

Approximately 2,606 square feet located within the Currituck County Outer Banks Visitor's Center as shown on Exhibit A attached to this Lease Agreement and incorporated by reference.

THE TERMS AND CONDITIONS OF THIS LEASE AGREEMENT ARE AS FOLLOWS:

1. Term. The term of this lease shall be for a period of five (5) years commencing on the 1st day of June, 2009 or as soon thereafter as the leased premises are ceded to the Lessee, and terminating on the 31st day of May, 2014.

2. Rent. The Lessee shall pay to the Lessor as rental for said premises the sum of TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00) dollars per annum, which sum shall be paid in equal monthly installments of \$1,000.00 dollars, said rental to be payable on the first (1st) day of each calendar month for that month. Rent for any partial month shall be paid at a daily rate equal to the rent divided by the number of days in the month for which such rent is due.

The Lessee agrees to pay the aforesaid rental to Lessor at the address specified or to such other address as the Lessor may designate by a notice in writing at least fifteen (15) days prior to the due date.

Lessor and Lessee shall retain the option to renegotiate the rental rates during the term of this Lease Agreement so long as both Lessor and Lessee agree on revised rental rates prior to the beginning of each rental term.

3. Use and Occupancy. Lessee shall use the premises only for the purposes permitted under applicable zoning ordinances and restrictive covenants. Lessee shall not use the premises for personal habitation or any unlawful or offensive purpose.

4. Alterations and Improvements. The Lessee shall have the right during the existence of this lease, with the Lessor's prior written consent, to make alterations, attach fixtures and equipment, and erect additions, structures or signs in or upon the leased premises. Such fixtures, additions, structures or signs so placed in or upon or attached to the leased premises under this lease or any prior lease of which this lease is an extension or renewal shall be and remain the property of the Lessee and may be removed therefrom by the Lessee prior to the termination of this lease or any renewal or extension thereof, or within a reasonable time thereafter. The Lessee may remove any movable improvement or fixture, but any permanent improvements become the property of the Lessor and cannot be removed. In the event Lessee elects to remove its improvements or fixtures and such removal causes damage or injury to the demised premises, Lessee will repair only to the extent of such damage or injury.

5. Maintenance by Lessee. Lessee shall keep the premises in as good order and condition as when delivered to it, excepting ordinary wear and tear, damage by fire, elements, or unavoidable casualty. The Lessor agrees to maintain the exterior of the building, including the roof, foundation, and exterior walls. The Lessor also agrees to maintain any common areas in the building. The Lessee agrees to maintain any and all areas exclusively under the control of the Lessee including but not limited to electrical, plumbing, and HVAC. Should the HVAC unit require replacement, the Lessor shall bear the cost of such replacement.

6. Compliance with Codes. All repairs, alterations, additions, or improvements made by the Lessor or Lessee shall comply with applicable building codes. Any use of the premises by the Lessee shall not constitute a fire or explosion hazard or create hazardous waste.

7. Lessee's Signs. All advertising or placement of names and logos are to be approved in writing and coordinated through the Lessor.

8. Utility Equipment and Services. Lessee shall be charged a prorated charge for utility services, including heating, air conditioning, water, and electricity used on the premises in addition to the stated rental rates. Lessee shall pay all charges for telephone installation and services to the premises.

9. Mechanic's Lien. Any mechanic's lien filed against the premises for work or materials furnished to the Lessee shall be discharged by the Lessee immediately.

10. Access by Lessor. Lessor, at reasonable times and frequency, shall have the right to enter the premises to examine the same, to show them to prospective purchasers, mortgagors or lessees and to make such repairs, alterations, improvements, or additions required. No such visits will be made without an authorized agent of the Lessee accompanying the Lessor or its agent.

11. Payment of Insurance. Lessor shall maintain fire insurance and extended coverage on the building, and the Lessee shall maintain complete insurance coverage on its contents.

12. Personal Injury and Property Damage Insurance. Lessor shall indemnify Lessee and save it harmless from and against any and all claims, liabilities, and expenses, including court costs and reasonable attorney fees for damages to any person or property outside demised premises arising out of the acts or negligence of the Lessor. Lessee shall indemnify Lessor and save it harmless from and against any and all claims, liabilities, and expenses, including court costs and reasonable attorney fees for damages to any person or property inside demised premises arising out of the acts or negligence of the Lessee. Lessee shall maintain during the term of the lease sufficient insurance as to type and amount to provide for any and all claims, liabilities, and expenses, including court costs and reasonable attorney fees for damages to any person or property occurring inside demised premises.

13. Assignment and Subleasing by Lessee. This lease shall not be assigned nor the premises sublet without the prior written consent of the Lessor.

14. Default of Lessee. If the Lessee shall neglect to make any payments of rent when due and shall remain in default for thirty (30) days, or shall breach any of the terms of this lease, the Lessor may enter the premises and expel said Lessee therefrom without prejudice to other remedies. Notice to quit possession and every other formality is hereby expressly waived in case of default. Rent payments received later than the first of the month must be accompanied by a five percent (5%) late fee.

15. Non Waiver of Default. Waiver of any breach of the terms, conditions, or covenants of this lease or the nonperformance of the same for any particular time shall not be construed as a waiver of any succeeding breach of the same or

another term, condition, or covenant hereof, and the consent, approval, or acquiescence by Lessor or Lessee to any breach shall not waive or render unnecessary such consent or approval to or of any subsequent similar breach.

16. First Right of Refusal Option. Lessor gives and grants to Lessee the right and option to purchase the area shown on Exhibit A to this agreement along with the remaining portion of Lessor's property located at 500 Hunt Club Drive, Poplar Branch Township, Currituck County North Carolina, (the "Property"). This option shall exist and continue to and including May 31, 2014. If at any time during the option period Lessor shall receive from a third party an Offer to Purchase the Property which Lessor intends to accept, Lessor shall first make a written offer to sell the Property to Lessee on the same terms and conditions as the proposed sale with the offer remaining open for sixty (60) days. If the Lessee accepts the written Offer to sell within such time, then the Offer to sell shall become a binding contract. Should the Lessee fail to give notice to the Lessor of its acceptance of the proposed Offer to sell within the time provided herein, then the Lessee shall have waived its right to exercise the first right of refusal in regards to that Offer and the Lessor may enter into an agreement on those same terms with the third party.

Should Lessee exercise its first right of refusal option, all sums paid as rental under this agreement shall be applied as a credit upon the purchase price for the Property.

17. Entire Agreement. This lease shall constitute the entire agreement of the parties hereto and any prior agreement between the parties relating to the premises, whether written or oral, is merged herein and shall be of no separate force and effect.

18. Exercise of Rights and Notice. The exercise of any right or privilege by a party hereunder shall be made effective by the personal delivery or by the mailing of a written notice of such exercise to the other party unless a specific provision of this lease provided otherwise. Such a mailing or the mailing of any other notice required or permitted under this lease shall be made by registered or certified United States mail, postage prepaid, addressed to the other party at its last known address.

19. Applicable Law. This lease shall be governed by and construed in accordance with the laws of the State of North Carolina. If any provision of this lease or the application thereof to any person or circumstance shall, to the extent, be invalid or unenforceable, the remainder of this lease shall be valid and enforceable to the fullest extent permitted by law.

20. Benefit of Agreement. The terms, conditions and covenants contained in this lease shall inure to the benefit of and be binding upon the parties hereto, their heirs, administrators, executors, representatives, successors and assigns.

LESSEE:
Currituck County ABC Board

By: W. Charles Eley
Chairman
5/20/2009

ATTEST:

D. A. Allie
~~Secretary~~ Supervisor 5/20/2009

NORTH CAROLINA
CURRITUCK COUNTY

I, _____, a Notary Public for _____,
County, North Carolina, certify that _____ personally came
before me this day and acknowledged that he is Chairman of the Currituck County ABC
Board, a body corporate and politic existing pursuant to the laws of the State of North
Carolina, and that he, as Chairman, being authorized to do so, executed the foregoing on
behalf of the board.

Witness my hand and official seal, this the ____ day of _____, 2009.

(AFFIX NOTARY SEAL)

Notary Public

Printed Name

My Commission expires: _____

IN WITNESS WHEREOF, Lessor and Lessee have signed and sealed this lease as of the day and year first above written.

LESSOR:
County of Currituck, North Carolina

By: _____
Chairman, Board of Commissioners

ATTEST:

Clerk to the Board

NORTH CAROLINA
CURRITUCK COUNTY

I, _____, a Notary Public for _____, County, North Carolina, certify that J. Owen Etheridge personally came before me this day and acknowledged that he is Chairman of the Board of Commissioners for Currituck County, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina, and that he, as Chairman, being authorized to do so, executed the foregoing on behalf of the county.

Witness my hand and official seal, this the ____ day of _____, 2009.

(AFFIX NOTARY SEAL)

Notary Public

Printed Name

My Commission expires: _____

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, The County of Currituck owns certain property, PIN 110C01200250000, 169 Michael Street, Lot 25, Block 12, 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 B. A. Wallace of Raleigh, North Carolina.

WHEREAS, B. A. Wallace 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 B.
A. Wallace.

Adopted this 1st day of June, 2009.

J. Owen Etheridge, Chairman
Currituck County Board of Commissioners

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
27608-545000	Contract Services	\$ 20,000	
27390-499900	Fund Balance Appropriated		\$ 20,000
		<u>\$ 20,000</u>	<u>\$ 20,000</u>

Explanation: Moyock Watershed Service District (27608) - To increase appropriations for contract to clear right-of-way and ditch maintenance on ditch #5, approximately 2,300 feet.

Net Budget Effect: Moyock Watershed Service District (27) - Increased by \$20,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
10330-447000	Juvenile Crime Prev Control	\$	3,517		
10794-545002	Restitution			\$	2,550
10794-545005	JCPC Council			\$	967
			<u>\$ 3,517</u>		<u>\$ 3,517</u>

Explanation: JCPC (10794) - To record mandatory State budget reduction in funding.

Net Budget Effect: Operating Fund (10) - Decreased by \$3,517.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit Decrease Revenue or Increase Expense	Credit Increase Revenue or Decrease Expense
10330-431000	DSS Administration	\$ 7,008	
10330-432000	Administrative Aide		\$ 7,008
		\$ 7,008	\$ 7,008

Explanation: Social Services - To adjust revenues to State authorizations.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
10380-489000	TDA Distributions			\$	348,000
10796-545000	Contracted Services	\$	62,000		
10796-590000	Capital Outlay	\$	286,000		
		<u>\$ 348,000</u>		<u>\$ 348,000</u>	

Explanation: Equestrian Facility (10796) - To increase appropriations to purchase Stone property on Spot Road and for survey, building demolition, replace water pumps and pump houses and connect electricity to site.

Net Budget Effect: Operating Fund (10) - Increased by \$348,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50390-495015	T F - Occupancy Tax Fund	\$ 600,000	
50390-495042	T F - Transfer Tax		\$ 600,000
		<u>\$ 600,000</u>	<u>\$ 600,000</u>

Explanation: Moyock Library Construction (50790) - To replace funding of the Moyock Library with Occupancy tax to funding with Transfer Tax. This will make funding sources for the Moyock Library to date as follows: \$458,509 Capital Improvements Reserve (Fund 40) and \$1,800,000 Transfer Tax Capital Reserve (Fund 42).

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 1st day of June 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50390-495042	T F - Transfer Tax	\$ 600,000	
50390-495015	T F - Occupancy Tax Fund		\$ 600,000
		<u>\$ 600,000</u>	<u>\$ 600,000</u>

Explanation: Community Center (50795) - To replace a portion of the funding of the Community Center with Transfer Tax to funding with Occupancy Tax. This will make funding sources for the Community Center to date as follows: \$10,240,000 from Occupancy Tax and \$3,650,000 from Transfer Tax.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

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 June 1, 2009, authorized the following, pursuant to GS 160A and 270(b), that the law enforcement dog listed below be given to Deputy Randy Jones. This dog was retired on May 18, 2009.

<u>Asset Tag</u>	<u>Description</u>	<u>Serial Number</u>
6139	German Shepard - BUCKY	None

ADOPTED, this 1st day of May, 2009.

J. Owen Etheridge
Currituck County Board of
Commissioners

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, sitting as the Tourism Development Authority Board, at a meeting on the 1st day of June 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2009.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-587010	T T - Operating Fund	\$ 348,000	
15320-415000	Occupancy Tax		\$ 348,000
		<u>\$ 348,000</u>	<u>\$ 348,000</u>

Explanation: Tourism Related Expenses (15447) - To appropriate funds to transfer to the operating fund to purchase the Stone property on Spot road and to demolish structures, connect electricity, replace water pumps and pump houses and property survey.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$348,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

R E S O L U T I O N

WHEREAS, Currituck County obtained title to parcel 110C01200250000 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 1, 2009, authorized that parcel 110C01200250000, located in Poplar Branch Township, recorded in Deed Book 476, page 471 is declared as surplus property, pursuant to North Carolina General Statute Section 160A-265.

ADOPTED, this 1st day of June, 2009.

J. Owen Etheridge, Chairman
Currituck County Board of
Commissioners

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

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Home > Government > Tax Department > Property Information

Search Property
Search Sales

PROPERTY INFORMATION

General Information	Buildings	Land
<i>(Move Pointer Here for All Owners)</i>		
Parcel ID:	110C01200250000	Owner: CURRITUCK COUNTY
Property Address:	169 MICHAEL ST JARVISBURG, NC 27947	PO BOX 9 CURRITUCK, NC 27929
Acres:	0.00	
Lot #:	25	Block #: 12 Section #: 2
Map #:	110C	Jurisdiction: 10 Subdivision: ASB BLKS 12-20
Legal Desc: ALBEMARLE SOUND BEACH, BLOCK 12, LOT 25		
SALE INFORMATION		
Book: 476	Page: 471	Price: Date: Valid:
VALUES		
Land:	10,175	Building: 0 Total: 10,175
Deferred:	0	Taxable: 10,175

Home Government Citizens Business Leisure Online Services Site Map Contact

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Tracy Sample

From: Tracy Sample
Sent: Tuesday, May 19, 2009 1:25 PM
To: Mary Gilbert
Cc: Ike Mcree
Subject: Bid for LOT owned by County

Mary,
I have received a bid deposit from Ms. Beatrice Wallace for one of the lots the County owns. She & I spoke on the phone Friday and I explained how the bid process worked. She sent in the full bid amount of \$7,500, not just a 5% deposit.

I will send over the check & other information you may need.

Beatrice Wallace
4700 Tryon Rd
Raleigh, NC 27606
PH# 919-859-1975

LOT

169 Michael St
Parcel # 110C01200250000
Lot 25 Block 12 Section 2 Albemarle Sound Beach Estates.

Tracy Sample

Tax Administrator

Currituck County Tax Department
PO Box 9
2801 Caratoke Hwy, Currituck NC 27929

Phone: 252.232.3005 ext 6037 **Fax:** 252.232.3568

Email: tsample@co.currituck.nc.us

Tax Dept Website: <http://www.co.currituck.nc.us/Tax.cfm>

5/16/09
Attached check #76
Cover cost of Lot 25 -
Albemarle Sound
Beach - Total \$7500.00
Thanks for copies
mailed to me.
Sincerely,
B. A. Wallace
4704 Tryon Rd.
919-859-1975 Raleigh, NC

Steps for Bidding on County Owned Property

Step 1: Submit a written bid & include a bid deposit in the amount of 5% of the bid.

- Bids should be delivered or sent to:

Beatrice Wallace
4700 Tryon Rd
Raleigh NC 27606

Clerk to the Board of Commissioners
153 Courthouse Rd
PO Box 39
Currituck, NC 27929

- Bids must include at least one of the following for the lot on which the bid is placed:

Physical Address 169 MICHAEL ST
Lot #, Block #, & Section # Lot 25 Block 12 Section 2
Parcel ID 110C01200250000

- Bids must include a bid deposit of 5% of the bid amount in cash or certified check.

100% \$7,500.00

Step 2: Bid Acceptance by Board of Commissioners & Declaration of Surplus Property.

- When the Board receives a satisfactory bid it must pass a resolution declaring the property as surplus property.
- The Board will also pass a resolution authoring an Upset Bid Process to sell the property
- The Board reserves the right to reject all bids or to withdraw the property from sale at any time.

Step 3: Upset Bid Process.

- The Clerk to the Board publishes a Public Notice of Sale of County Property
- Interested parties are given a period of ten days (upset period) to submit an upset or higher bid.
- If an upset bid is received, a new Public Notice of receipt of a higher bid is published and of another ten day period for submission of upset bids.
- This process is repeated until no upset bids are received.
- The Board must approve the final highest offer before the sale is closed.

Step 4: Transfer of Property.

- The County will prepare a deed to convey the property to the successful bidder.
- The successful bidder must pay the balance of their bid amount before transmittal of a deed for the property.

ALL LOTS ARE SOLD ON A "WHERE IS" AND "AS IS" BASIS. CURRITUCK COUNTY MAKES NO REPRESENTATION OF WARRANTY, EXPRESS OR IMPLIED. IT IS THE BIDDER'S RESPONSIBILITY TO INVESTIGATE THE PROPERTY PRIOR TO BIDDING. CURRITUCK COUNTY WILL NOT OVERTURN A SALE OR REFUND THE PURCHASE PRICE OR DEPOSIT BECAUSE A BIDDER DID NOT KNOW WHAT THEY WERE BIDDING ON NOR BECAUSE THE PROPERTY IS NOT SUITED TO THE BIDDER'S SPECIFIC NEEDS FOR SUCH PROPERTY

Gwen Keene

From: Dan Scanlon
Sent: Thursday, May 14, 2009 8:07 AM
To: Gwen Keene
Subject: FW: for the BOC
Attachments: support of Funds Application revised - business 5-09.docx; Support of Funds Application revised 5-09.docx; Support of Funds Guidelines revised 5-09.docx

Please schedule these for BOC consideration at the first meeting in June.

From: Diane Nordstrom
Sent: Wednesday, May 13, 2009 5:48 PM
To: Dan Scanlon
Subject: for the BOC

Dan,

Attached are the revised applications and guidelines for the Support of Funds program. Please let me know if you have any questions. I assume that these will go before the BOC soon for adoption...? I'm just concerned because we have a couple of applicants who will need to know the new process before the TAB can consider their applications. Thanks.

Diane

Diane Sawyer Nordstrom, Director
Currituck County Travel & Tourism
106 Caratoke Hwy.
Moyock, NC 27958
Phone: 252-435-2938
Fax: 252-435-2996



Currituck County Travel & Tourism Tourism Support of Funds Program Guidelines

The purpose of the Tourism Support of Funds Program is to assist Currituck County community groups, non-profit organizations, and tourism-related businesses in promoting and marketing tourism and culturally-related events and activities. The program provides funds for advertising and promoting events, festivals, and other special promotions. Marketing activities under this program include paid media advertising, promotional materials, shoulder season promotions, and events that draw visitors and tourists from outside Currituck County.

A Support of Funds Application is required to be completed and must be received by the Travel & Tourism Department Director at least thirty (30) days prior to the Tourism Advisory Board meeting in which the application will be reviewed. Applications will be reviewed and awards granted at the Currituck County Tourism Advisory Board's quarterly meetings, held in November, February, May and August. Primary consideration will be given to projects that enhance the long-term growth of the tourism industry and have the greatest potential for positive economic impact on the local economy.

The maximum amount of funds that any non-profit or not-for-profit group can receive during a fiscal year (July 1 – June 30) is \$5,000; the maximum amount for a business is \$2,500. (See levels of available funding listed on the Application for Support of Funds.) Organizations and businesses that hold multiple events during a fiscal year must complete a separate application for each event. Total award amounts for all events held during a fiscal year may not exceed \$5,000 for a non-profit/not-for-profit sponsored event; for-profit business sponsored events are limited to receiving \$2,500 per year.

The goal of the Support of Funds Program is to provide groups, organizations and businesses with seed money to establish the marketing of their event(s). It is expected that over the years the event(s) will become self-supporting enough so that fewer funds are needed for promotion. Note: Funds are awarded annually per APPLICANT, not per event.

Funds will be paid directly to the media source/vendor and can only be awarded for advertising, promotional materials and marketing campaigns. All contracts for services and invoices that are to be paid by the County must be made to: Currituck County Department of Travel & Tourism, P.O. Box 39, Currituck, NC 27929. Contracts/insertion orders/written estimates are required to be submitted to the Tourism Director at least two weeks prior to the event. Funds cannot be used for entertainment, refreshments, equipment, program books or pamphlets, or any other promotional product.

ELIGIBILITY:

- Groups, organizations and businesses making an application are required to be located within Currituck County.

- In order to be eligible for funding, the event must be held in Currituck County and the majority of attendees must be from outside of the County.
- Matching funds are required for businesses. Copies of PAID invoices showing the exact amount spent by the business for direct advertising of the event must be provided to the Tourism Department no later than 30 days after the event. Should the business not provide copies of these invoices, the business MUST refund Currituck County the amount of awarded funding within 60 days of the event.
- Applications for events that are co-organized by a non-profit organization and a for-profit business must be in the name of the primary organizer of the event.
- Groups, organizations and businesses seeking program funds are required to meet with the Tourism Director or her designee prior to submitting an application. Any group, organization or business submitting an application without meeting with the Tourism Director or her designee will not be eligible for funds. In addition, a representative of the applying group/organization/business is required to attend the Tourism Advisory Board meeting when the application is reviewed by the Board. Failure to have a representative at the meeting will result in the application being denied.
- The Tourism Department must be provided with a booth/display space free of charge at the event. The booth/display space must be located near the entrance to the event.
- Unauthorized changes in the advertising plan from the approved application will be sufficient cause for the reduction in, or complete withdrawal of, awarded funds.
- It is the responsibility of the applicant to see that invoices are sent to the Tourism Department. Invoices must be submitted no later than 60 days following an event.

APPEALS:

- An appeal may be made to the Tourism Advisory Board, and it must be submitted no later than 30 days after denial. Appeals will be considered at the next regular scheduled meeting of the Tourism Advisory Board. Mail to: Currituck County Department of Travel & Tourism, Attn.: Support of Funds Appeal, P.O. Box 39, Currituck, NC 27929.

Note: In some cases, a special use permit is required for events (per the County's Unified Development Ordinance):

Special Events. Circuses, fairs, carnivals, festivals, or other types of special events that (i) run for longer than one (1) day but not longer than two (2) weeks, (ii) are intended to or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Use Permit. A permit issued by the Board of Commissioners that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Board of Commissioners.

No application will be approved for any event that is in violation of the Currituck County Unified Development Ordinance. Consideration will be given, at the discretion of the Tourism Advisory Board, to applicants who can demonstrate they are making a good-faith effort to comply with County regulations, including the Unified Development Ordinance.

Revised May 11, 2009



Currituck County Travel & Tourism
Application for Support of Funds – Matching Funds*
Events Sponsored by For-Profit Businesses

***FUNDS AWARDED ARE REQUIRED TO BE MATCHED BY THE APPLYING BUSINESS**

Business Name: _____

Contact Person: _____

Phone Number: _____ E-mail: _____

Mailing Address: _____

Note: A separate application must be completed for each event. Applications are required to be submitted during the fiscal year that funds are requested.

Title and Purpose of Event: _____

Location of Event: _____

Date of Event: _____

Estimated Number of Attendees (Use attendance number from the previous year; if this is a first year event, estimate the number of people expected to attend): _____

How will proceeds from the event be spent? _____

Total Funds Requested* (see list below for maximum matching funds amount): \$ _____

***All applicants will be considered first year applicants as of July 1, 2009**

Level I - Attendees, up to 100 people:	\$1,000 first year of funding \$700 second year of funding \$400 third and all subsequent years of funding
Level II - Attendees, 100 to 300 people:	\$2,000 first year of funding \$1,000 second year of funding \$500 third and all subsequent years of funding
Level III - Attendees, 300+ people:	\$2,500 first year of funding \$1,500 second year of funding \$1,000 third and all subsequent years of funding

Describe how funds will be spent. You must account for the exact dollar amount you are requesting. Attach copies of contracts, insertion orders, or written estimates from media sources to this application.

Media Source: _____
Funds Requested: \$ _____ Publication Date(s): _____
Ad Size: _____

Media Source: _____
Funds Requested: \$ _____ Publication Date(s): _____
Ad Size: _____

Media Source: _____
Funds Requested: \$ _____ Publication Date(s): _____
Ad Size: _____

Media Source: _____
Funds Requested: \$ _____ Publication Date(s): _____
Ad Size: _____

Media Source: _____
Funds Requested: \$ _____ Publication Date(s): _____
Ad Size: _____

Other Project Expenses (examples: printing of posters or flyers, electronic-marketing):

Vendor: _____
Item(s): _____
Funds Requested: \$ _____

Vendor: _____
Item(s): _____
Funds Requested: \$ _____

Explain how your event will attract visitors and tourists from outside Currituck County and enhance the long-term growth of the travel and tourism industry (attach additional sheet if necessary):

Initialing and signing below signifies that you have read and agree to the following statements:

I understand that the Currituck County Tourism Advisory Board must approve my application and all funds awarded for advertising must be matched by the applying business. Copies of signed advertising contracts and/or insertion orders must be provided to the Tourism Department prior to the event. In addition, copies of PAID invoices showing the exact amount spent by the business for direct advertising of the event must be provided to the Tourism Department no later than 30 days after the event. Should the business not provide copies of these invoices, the applying business **MUST** refund Currituck County the amount of awarded funding within 60 days of the event. Failure to provide copies of paid invoices may make the applying business ineligible for future funding. _____

I have read and agree to abide by the Support of Funds Program Guidelines. I acknowledge that by failing to comply with any of the program's guidelines, I will forfeit the awarded funds. _____

I understand that I may apply for a maximum of \$2,500 per fiscal year. (*See levels of available funding listed on page 1 of this application.*) _____

I understand that no funds will be awarded to reimburse me for advertising money already spent. _____

I understand that the Travel and Tourism Department Director or her designee must pre-approve all media sources, materials, content of the ad(s) prior to publication, and any deviation from the approved application. _____

I understand that all publications and ad contents must follow the guidelines of the Travel and Tourism Department. This includes no nudity, drunkenness, lewd behavior, or profanity in the promotional materials or at the event. _____

I will credit the **Currituck County Department of Travel and Tourism** in all advertising funded through the Support of Funds Program. (Sample wording: "This ad sponsored in part by the Currituck County Department of Travel & Tourism.") _____

I will submit tear sheets and copies of printed materials within 60 days following my event. _____

I agree to refund Currituck County for Support of Funds monies spent should the event be cancelled for any reason other than inclement weather (e.g.: Applicant fails to meet the requirements of a Special Use Permit; applicant chooses to cancel the event.) _____

I will submit a written summary (at least 100 words in length) describing how the Support of Funds Program assisted my event in attracting attendees from outside of the area (include the approximate total number of attendees). I will submit this summary to the Department of Travel & Tourism Director within thirty (30) days after my event. Failure to submit a summary in the allotted time may have an impact in the applicants' future awarding of funds. _____

Notes:

- **Applications must be received at least thirty (30) days prior to the Tourism Advisory Board meeting in which the application will be reviewed. Applications are reviewed ONLY at the Board's quarterly meetings (November, February, May, and August).**
- **Funds are awarded annually per APPLICANT, not per event.**

Applicant Signature

Applicant Printed Name & Title

Date

Address & Telephone

County Manager Signature

Date

APPROVED BY THE TOURISM ADVISORY BOARD

Chairman

Date

Return application to:
Currituck County Department of Travel and Tourism
Post Office Box 39
Currituck, NC 27929
Phone: 252-232-2708

Revised May 11, 2009



Currituck County Travel & Tourism
Application for Support of Funds
Events Sponsored by Non-Profit or Not-For-Profit Organizations

Non-Profit/Not-For-Profit Organization Name: _____

Contact Person: _____

Phone Number: _____ E-mail: _____

Mailing Address: _____

Note: A separate application must be completed for each event. Applications are required to be submitted during the fiscal year that funds are requested.

Title and Purpose of Event: _____

Location of Event: _____

Date of Event: _____

Estimated Number of Attendees (Use attendance number from the previous year; if this is a first year event, estimate the number of people expected to attend): _____

How will proceeds from the event be spent? _____

Total Funds Requested* (see list below for maximum funding amount): \$ _____

*All applicants will be considered first year applicants as of July 1, 2009)

Level I - Attendees, up to 100 people:	\$1,000 first year of funding \$700 second year of funding \$400 third and all subsequent years of funding
Level II - Attendees, 100 to 300 people:	\$2,000 first year of funding \$1,000 second year of funding \$500 third and all subsequent years of funding
Level III - Attendees, 300 to 500 people:	\$2,500 first year of funding \$1,500 second year of funding \$1,000 third and all subsequent years of funding
Level IV - Attendees, 500+ people:	\$5,000 first year of funding \$3,500 second year of funding \$2,000 third and all subsequent years of funding

Describe how funds will be spent. You must account for the exact dollar amount you are requesting. Attach copies of contracts, insertion orders, or written estimates from media sources to this application.

Media Source: _____
Funds Requested: \$ _____ Publication Date(s): _____
Ad Size: _____

Media Source: _____
Funds Requested: \$ _____ Publication Date(s): _____
Ad Size: _____

Media Source: _____
Funds Requested: \$ _____ Publication Date(s): _____
Ad Size: _____

Media Source: _____
Funds Requested: \$ _____ Publication Date(s): _____
Ad Size: _____

Media Source: _____
Funds Requested: \$ _____ Publication Date(s): _____
Ad Size: _____

Other Project Expenses (examples: printing of posters or flyers, electronic-marketing):
Vendor: _____
Item(s): _____
Funds Requested: \$ _____

Vendor: _____
Item(s): _____
Funds Requested: \$ _____

Explain how your event will attract visitors and tourists from outside Currituck County and enhance the long-term growth of the travel and tourism industry (attach additional sheet if necessary):

Initialing and signing below signifies that you have read and agree to the following statements:

I understand that the Currituck County Tourism Advisory Board must approve my application. _____

I have read and agree to abide by the Support of Funds Program Guidelines. I acknowledge that by failing to comply with any of the program's guidelines, I will forfeit the awarded funds. _____

I understand that I may apply for a maximum of \$5,000 per fiscal year. (See levels of available funding listed on page 1 of this application.) _____

I understand that no funds will be awarded to reimburse me for advertising money already spent. _____

I understand that the Travel and Tourism Department Director or her designee must pre-approve all media sources, materials, content of the ad(s) prior to publication, and any deviation from the approved application. _____

I understand that all publications and ad contents must follow the guidelines of the Travel and Tourism Department. This includes no nudity, drunkenness, lewd behavior, or profanity in the promotional materials or at the event. _____

I will credit the **Currituck County Department of Travel and Tourism** in all advertising funded through the Support of Funds Program. (Sample wording: "This ad sponsored in part by the Currituck County Department of Travel & Tourism." _____

I will submit tear sheets and copies of printed materials within 60 days following my event. _____

I agree to refund Currituck County for Support of Funds monies spent should the event be cancelled for any reason other than inclement weather (e.g.: Applicant fails to meet the requirements of a Special Use Permit; applicant chooses to cancel the event.) _____

I will submit a written summary (at least 100 words in length) describing how the Support of Funds Program assisted my event in attracting attendees from outside of the area (include the approximate total number of attendees). I will submit this summary to the Department of Travel & Tourism Director within thirty (30) days after my event. Failure to submit a summary in the allotted time may have an impact in the applicants' future awarding of funds. _____

Notes:

- **Applications must be received at least thirty (30) days prior to the Tourism Advisory Board meeting in which the application will be reviewed. Applications are reviewed ONLY at the Board's quarterly meetings (November, February, May, and August).**
- **Funds are awarded annually per APPLICANT, not per event.**

Applicant Signature

Applicant Printed Name & Title

Date

Address & Telephone

County Manager Signature

Date

APPROVED BY THE TOURISM ADVISORY BOARD

Chairman

Date

Return application to:
Currituck County Department of Travel and Tourism
Post Office Box 39
Currituck, NC 27929
Phone: 252-232-2708

Revised May 11, 2009