

# Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

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**Date: Monday, March 16, 2009**

**Time: 7:00 PM**

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## **Work Sessions**

5:00 p.m. Moyock Central Waste Water System

6:00 p.m. Hangar Rental and Concession License Agreement

## **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 **Proclamation for Girl Scout Month**

Item 4 **David Hinnent, Department of Transportation, update on railroad crossings**

Item 5 **Public Hearing and Action** PB 08-60 Albemarle & Associates: Request to amend the Currituck County Unified Development Ordinance to establish an Offshore Island Limited Access Residential (OI) zoning district. This district would allow for the development of lots for which the only means of access is through public trust waters.

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

Item 7 **Consideration and Approval** Hangar Rental and Concession License Agreement

Item 8

**Consent Agenda:**

1. Budget Amendments
2. Request to destroy check carbons from 2005
3. John E Bassett, Inc CO#1, Corporate Hangar and Hangar Taxiway
4. Request for disposal of Financial records per record retention schedule
5. Approval of March 2, 2009, Minutes

Item 9

Commissioner's Report

Item 10

County Manager's Report

Adjourn

## **Girl Scout Month Proclamation**

WHEREAS, March marks the 97th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia, and

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character; and,

WHEREAS, through the Girl Scout leadership experience girls develop the skills and lessons that will serve them a lifetime so that they may contribute to their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology and other fields that can expand their horizons; and,

WHEREAS, more than 3 million current Girl Scout members nationwide will be celebrating 97 years of this American tradition, with nearly 50 million women who are former Girl Scouts and living proof of the impact of this amazing Movement;

NOW, THEREFORE, BE IT RESOLVED the Currituck County Board of Commissioners do hereby applaud the commitment Girl Scouting and the Girl Scout Council of Colonial Coast has made to support the leadership development of girls and proudly proclaim the month of March as Girl Scout Month.

ATTEST:

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

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



## Currituck County

Department of Planning  
Post Office Box 70  
Currituck, North Carolina 27929  
252-232-6029  
FAX 252-232-3026

### MEMORANDUM

**To:** Board of Commissioners

**From:** Ben E. Woody, AICP  
Planning Director

**Date:** February 25, 2009

**Re:** PB 08-60 Island Lots

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

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

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

Planning staff did recommend denial of the 2005 request and pointed out that if approved, the amendment would apply countywide and create increased pressure for the provision of County services (there are 21 privately owned islands off the Currituck Mainland, which may or may not be developable). The following reasons were specifically given for denial at that time:

- County services will not be available for lots only accessible through public trust waters. This includes Fire, EMS, Law Enforcement, Public School Transportation, etc.
- Non-availability of public utilities such as water, power, telephone, cable television, etc.
- There is no efficient means to provide solid waste disposal.

The 2007 request generated many of the same concerns as the 2005 request, and as a result, planning staff met with other County departments regarding the provision of services. This meeting was attended by the applicant, Planning Staff, and representatives of the Sheriff's Office, Emergency Management, and Emergency Medical Services.

Several concerns were raised at the meeting, during which it was decided to expand upon the existing draft while relying on the legal guidance of the County Attorney. Following the initial meeting it was determined by the Attorney that the County is not legally liable if there is an inability to provide timely services. It was also recommended that the text amendment include a provision requiring a notification or waiver related to the possible inadequate provision of services.

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

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

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

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

## **PLANNING BOARD DISCUSSION (February 2009 meeting)**

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

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

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

Ms. Robbins asked how septic systems would be pumped.

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

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

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

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

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

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

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

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

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

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

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

**ACTION**

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

**PLANNING BOARD DISCUSSION (December 2008 meeting)**

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

Mr. Webb stated yes.

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

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

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

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

**ACTION**

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

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

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

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

**Item 1:** That Section 2.2 Base Zoning Districts is amended by adding the following underlined language and deleting the strikethrough language:

**Section 2.2 Base Zoning Districts**

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

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

**2.2.2 Residential Districts Established**

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

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

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

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

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

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

**Item 3:** That Section 2.6 General Lot Provisions is amended by adding the following underlined language:

**2.6.1 Street Access**

No building, structure, or use of land for other than agricultural purposes shall be established on a lot which does not abut a state maintained street or road or private street as permitted in these regulations, other than lots in the RO2 and OI zoning districts, except as provided below:

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

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

### **2.7.1 Dimensional Tables**

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

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

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

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

**8.2.1 Parking Space Dimensions**

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

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

**Section 8.3 Number of Parking Spaces Required**

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

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

**9.1.6 Required Deceleration Lanes**

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

**9.1.8.2 Street Design Requirements**

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

**9.1.8.5 Sidewalks**

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

**Item 8:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 9:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

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

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_AYES\_\_\_\_NAYS\_\_\_\_\_

\*\*\*\*\*

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_AYES\_\_\_\_NAYS\_\_\_\_\_

ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

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

An amendment to Chapter 2: Zoning Districts, Section 2.6.1 Street Access, to allow zoning permits to be issued on lots for which the only means of access is through public trust waters.

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

**Item 1:** That Section 2.6.1 Street Access is amended by adding the following underlined language and deleting the strikethrough language:

**2.6.1 Street Access**

No building, structure, or use of land for other than agricultural purposes shall be established on a lot which does not abut a state maintained street or road or private street as permitted in these regulations, other than lots in the RO2 zoning district, except as provided below:

- C. A permit for construction may be allowed on a lot that does not abut a public or private street, provided the lot is on an island completely surrounded by water and its only means of access is through public trust waters. Notification shall be placed on the final plat and/or issued with any permit for construction indicating that county services are limited and may not be available in a timely manner.
- D. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use, ~~which~~ This access shall be no less than 20 feet in width.

  - 1. With respect to lots within the R02 District, what is a "reasonable means of ingress and egress" shall be determined in light of the fact that no state maintained road extends into this district and that access to all lots in this district is generally available only to 4 wheel drive vehicles ~~and no access shall be created in the RO2 District which is less than 20 feet in width.~~
  - 2. With respect to island lots completely surrounded by public trust waters, what is a "reasonable means of ingress and egress" shall be determined in light of the fact that lots on an island are not accessible by a public or private street and that access to all lots is available only by boat.

**Item 2:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 3:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

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

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_AYES \_\_\_\_NAYS\_\_\_\_\_

\*\*\*\*\*

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_AYES \_\_\_\_NAYS \_\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_



## Currituck County

Department of Planning  
Post Office Box 70  
Currituck, North Carolina 27929  
252-232-6029  
FAX 252-232-3026

### MEMORANDUM

**To:** Board of Commissioners

**From:** Ben Woody, AICP  
Planning Director

**Cc:** Charlan Owens, AICP  
DCM Elizabeth City District Planner

**Date:** February 26, 2009

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

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

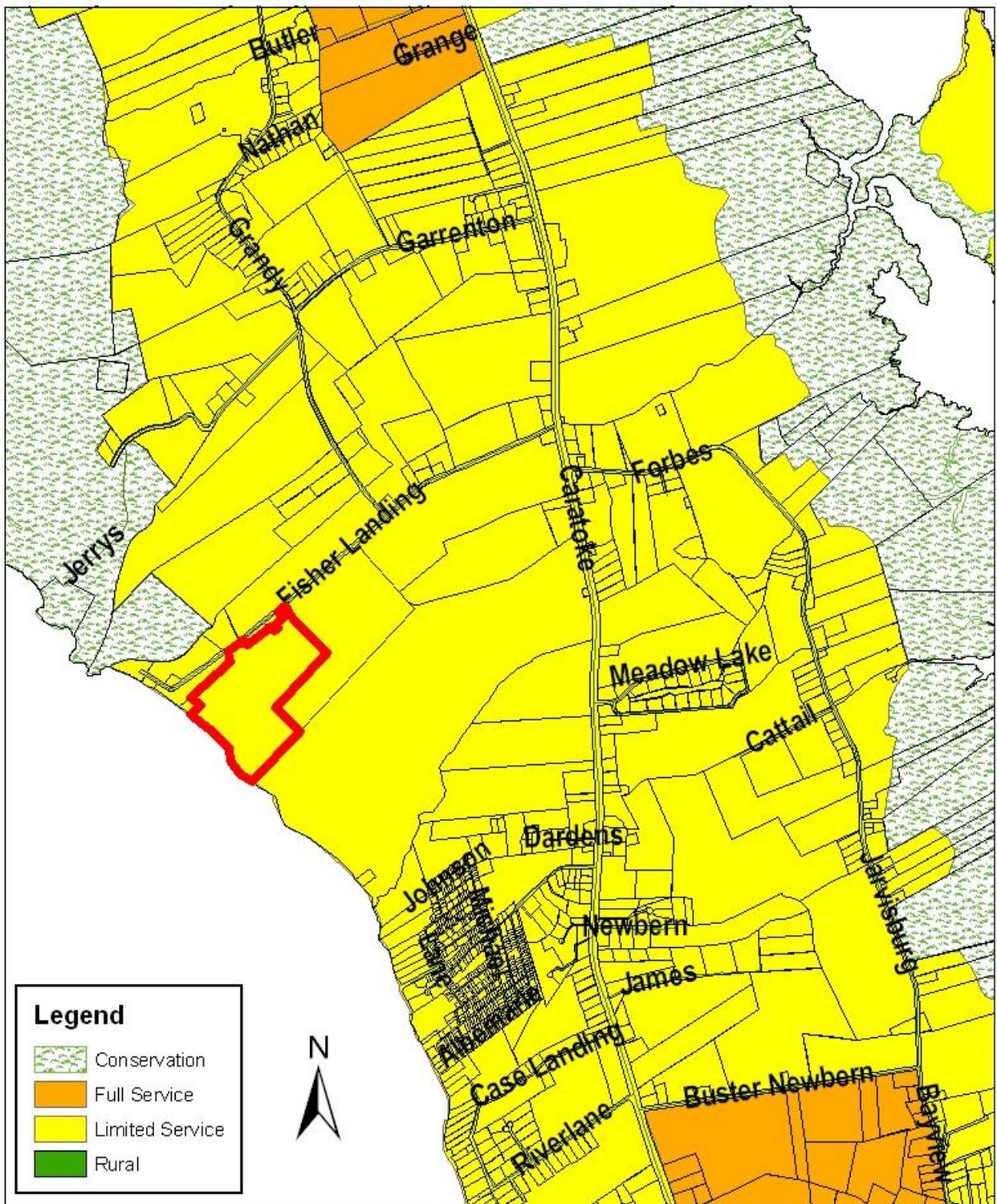
As required by the Coastal Area Management Act (CAMA), the Board of Commissioners must approve a local resolution of adoption which includes findings that demonstrate this amendment is consistent with the policy objectives of the Plan. Additionally, the County must demonstrate the amendment will not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

Enclosed please find the following information:

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

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

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



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

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Feet

**CASE ANALYSIS: BOARD OF COMMISSIONERS**  
**March 16, 2009**  
**Land Use Plan Amendment**  
**PB 09-04 Pittman/Williamson**

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

**LOCATION:** Located on Fisher Landing Road, Jarvisburg,

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

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

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

**CURRENT LAND USE CLASSIFICATION:** Limited Service Area

**PROPOSED LAND USE CLASSIFICATION:** Full Service Area

**CURRENT ZONING:** Agricultural (A)

**SURROUNDING PROPERTY:**

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

## LAND USE PLAN ANALYSIS:

### **Existing Map Classification- Limited Service**

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

Despite the overall low density of these areas, efforts should be made to encourage clusters of residential uses to preserve open space and to provide for a sense of a "community". Base development density should be 1 unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in place or planned and the potential impact on the surrounding community. In the same instances where slightly higher density is considered appropriate a moderate mix of housing types such as semi-detached would also be considered reasonable.

With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. In general, neighborhood commercial uses are more appropriate than large scale commercial complexes. However, business designed to serve the tourist industry such as small gift shops or agri-tourism related uses should not be prohibited provided the character and intensity of the use is in keeping with the character of the surrounding area.

### **Proposed Map Classification- Full Service**

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

With respect to residential development, base development density is contemplated to be 2 units per acre but could be increased to 3-4 units per acre through overlay zoning depending upon services available and the potential impact on the surrounding area. A greater diversity in housing types (i.e. semi-detached, attached, multi-family) would be considered appropriate in the Full Service areas.

With respect to nonresidential uses, it is essential that the existing community character be preserved. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. Nonresidential uses may include clusters of businesses serving the immediate area and, where appropriate, a more extensive market territory.

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

### **SUPPORTIVE POLICIES**

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

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

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

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

## **UNSUPPORTIVE POLICIES**

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

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

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

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

### **CAMA LAND SUITABILITY:**

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

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

**PUBLIC SERVICES  
AND UTILITIES:**

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

**TRANSPORTATION:**

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

**FLOOD ZONE:**

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

**WETLANDS:**

Approximately 19.31 acres of wetlands are located on the site.

**SOILS:**

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

**STAFF  
ANALYSIS:**

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

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

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

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

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

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

## STAFF ADDENDUM

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

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

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

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

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

## **PLANNING BOARD DISCUSSION**

Mr. Bell asked if this adjoined the Webber Tract.

Ms. White stated yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ACTION**

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

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

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

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

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

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

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

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

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

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

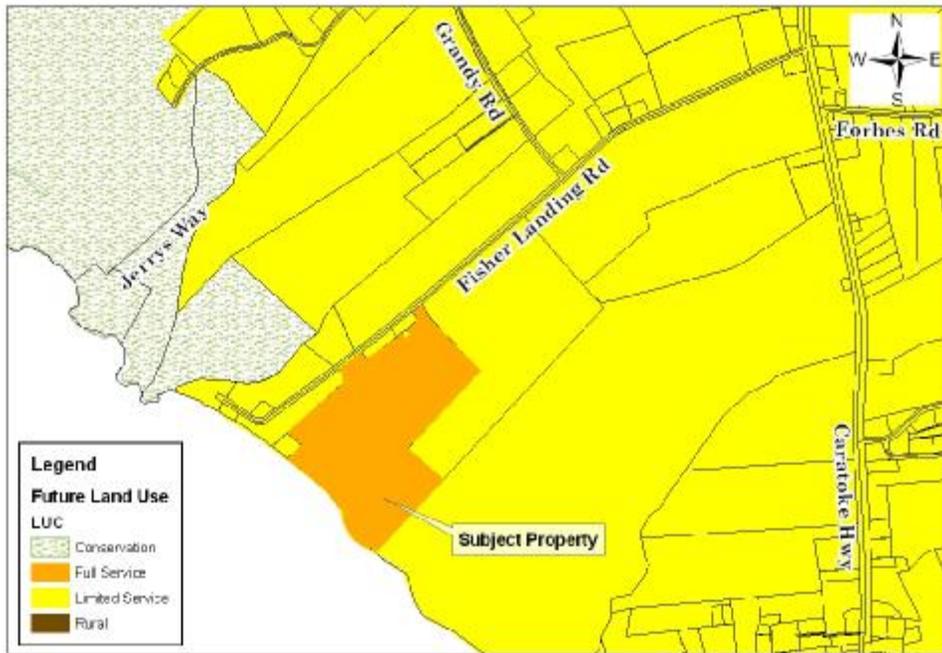
**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Commissioners of Currituck County, North Carolina, has adopted the draft CAMA Land Use Plan amendment; and

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

Adopted this 16 day of March 2009.

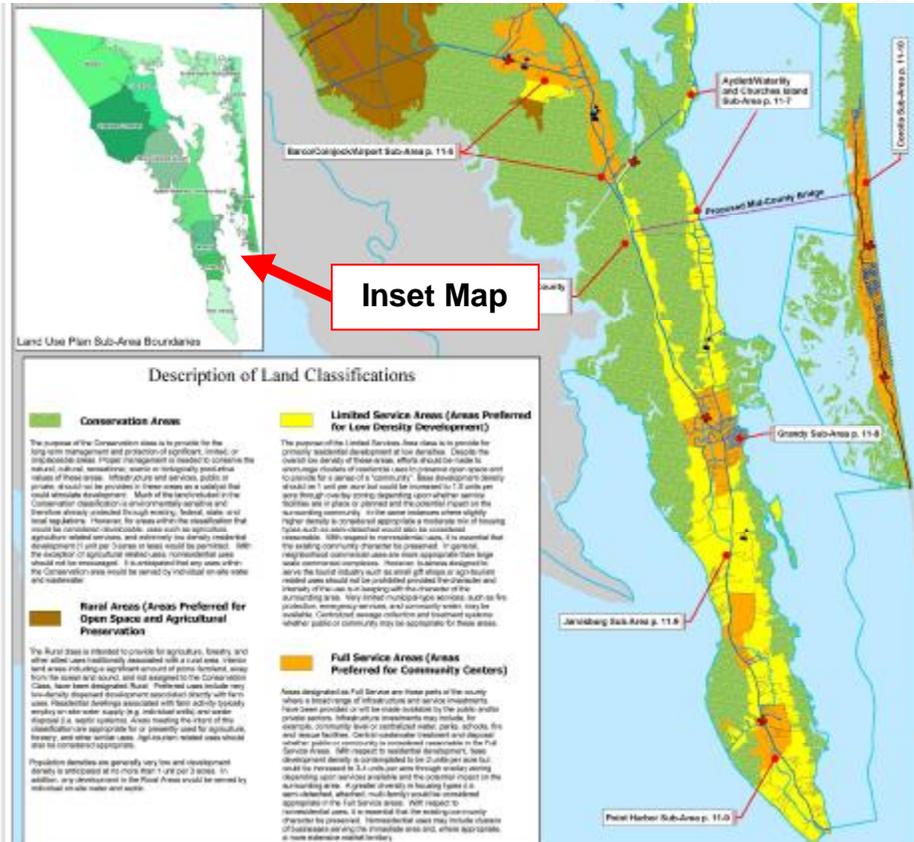
## Proposed Map Amendments

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



PB 09-04 Pittman/Williamson  
Land Use Plan Amendment

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



**Proposed Text Amendment**

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

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

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

**Proposed Policy Amendment**

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

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

69-04

# Quible

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

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

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

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

December 22, 2008

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

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

Dear Mr. Woody,

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

The total tract area is approximately 57.58 acres.

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

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

In addition to the application, enclosed find:

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

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

Sincerely,  
QUIBLE & ASSOCIATES, P.C.

  
Eduardo J. Valdivieso, PE  
Vice President

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

**APPLICATION**  
WILLIAMSON TRACT LAND USE PLAN AMENDMENT  
Jarvisburg Sub-Area

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

OFFICIAL USE ONLY:

Petition Number: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Receive By: \_\_\_\_\_  
Amount Paid: \_\_\_\_\_

**CURRITUCK COUNTY  
DEPARTMENT OF PLANNING**  
Post Office Box 70  
Currituck, NC 27929  
Web Site: [www.co.currituck.nc.us](http://www.co.currituck.nc.us)

**Instructions for Filing a Land Use Plan Amendment**

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

**The Land Use Plan Amendment Process:**

**Step 1:**

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

**Step 2:**

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

**Step 3:**

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

**Step 4:**

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

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

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

Owner/Agent/Applicant Information (if applicable)

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

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

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

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

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

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

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

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

Street Address: Fisher Landing Road, Jarvisburg, NC 27947

Parcel ID Number(s): 0096000029C0000

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

Township: Poplar Branch

**Description of Property (if amending a LUP map)**

Size (in acres): 57.58 acres

Size of Area for Amendment 57.58 acres

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

Current Zoning District: Agricultural (A)

Current Land Use of Property: Vacant, Undeveloped

Surrounding Land Use: North: Single Family Residential  
South: Undeveloped  
East: Agricultural  
West: North River

Current Future Land Use Map designation: Limited Service Area

Proposed Future Land Use map designation: Full Service Area

### **Pre-application Conference Information**

Date of pre-application conference: November 24, 2008

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

Planning Department staff in attendance: Ben Woody, Holly White

### **Justification**

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

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

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

**Consult Exhibit C for draft conceptual development plan.**

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

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

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

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

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

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

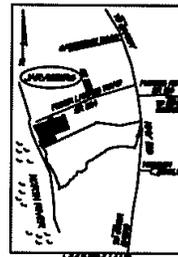
**EXHIBIT A**  
Reduced Scale Copy of General Site Survey

LINE	LENGTH	BEARING
L1	210.00	N57°41'21"W
L2	105.00	S49°01'00"W
L2A	14.89	S49°01'00"W
L3	145.99	N15°46'24"W
L4	279.50	N52°12'03"E
L5	103.00	S31°24'35"E
L6A	0.21	S34°30'09"E
L6	74.79	S34°30'09"E
L7	74.73	N55°57'15"E
L8	75.99	N34°30'09"W
L9	147.50	N59°44'19"E
L10	109.84	N53°29'01"W
L11	126.72	N52°16'29"E

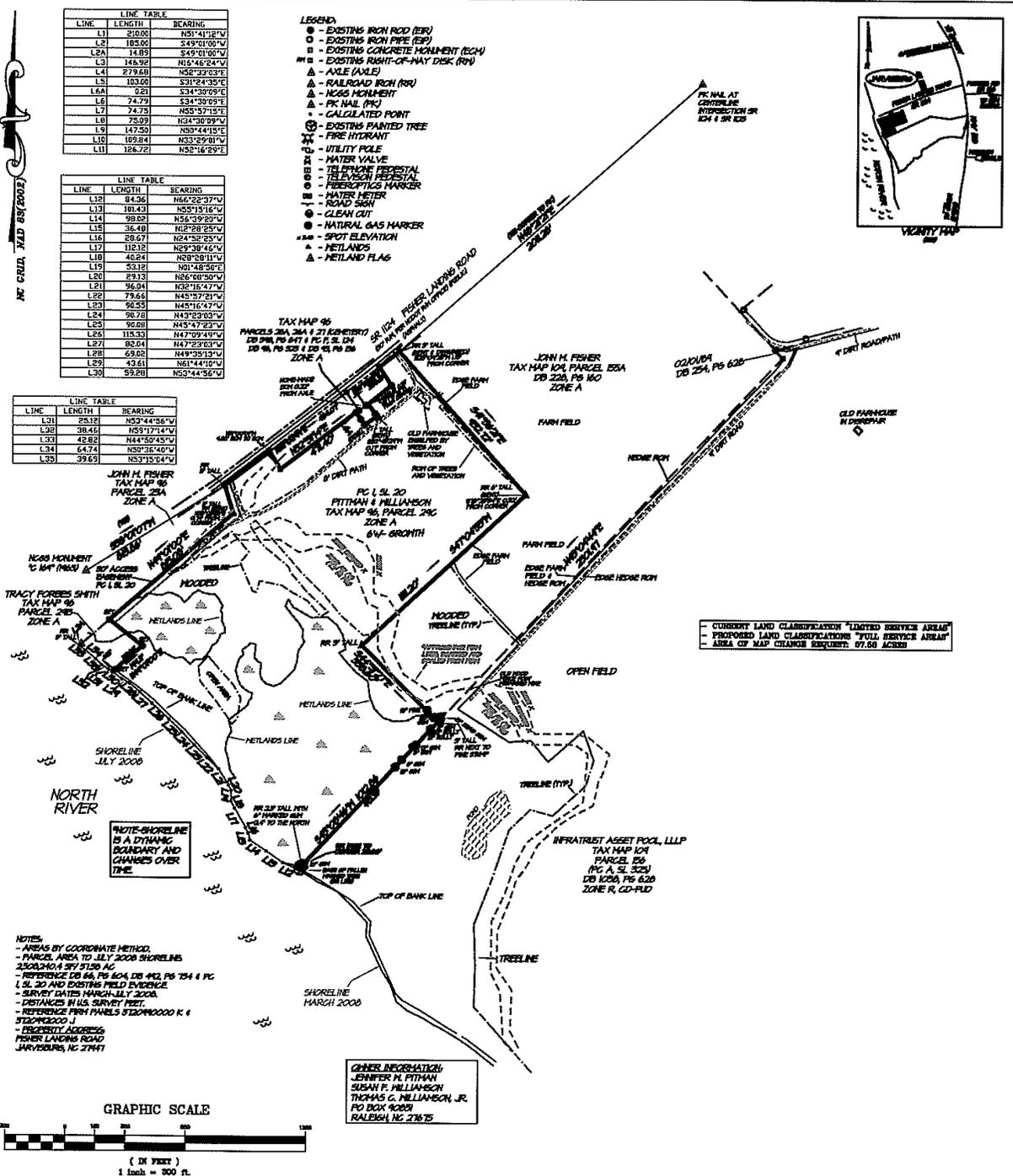
LINE	LENGTH	BEARING
L12	84.36	N66°22'37"W
L13	101.43	N55°15'18"W
L14	98.93	N56°59'20"W
L15	36.48	N12°28'25"W
L16	28.67	N24°52'25"W
L17	112.32	N29°38'45"W
L18	46.24	N32°38'11"W
L19	53.12	N01°48'50"E
L20	29.33	N66°08'50"W
L21	36.04	N216°17'12"W
L22	79.64	N45°57'21"W
L23	92.55	N45°16'47"W
L24	50.78	N43°29'33"W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

LINE	LENGTH	BEARING
L31	29.12	N53°44'56"W
L32	38.45	N59°17'14"W
L33	49.82	N44°50'45"W
L34	64.74	N52°07'40"W
L35	39.63	N53°15'24"W

- LEGEND**
- - EXISTING IRON ROD (ERR)
  - - EXISTING IRON PIPE (EIP)
  - - EXISTING CONCRETE MONUMENT (ECM)
  - ⊕ - EXISTING RIGHT-OF-WAY DISK (RW)
  - ▲ - AXLE (AXL)
  - ▲ - RAILROAD IRON (RRI)
  - ▲ - NC65 MONUMENT
  - ▲ - PK NAIL (PK)
  - ⊕ - CALCULATED POINT
  - ⊙ - EXISTING PAINTED TREE
  - ⊕ - FIRE HYDRANT
  - ⊕ - UTILITY POLE
  - ⊕ - WATER VALVE
  - ⊕ - 12" FERRON FERRISTAL
  - ⊕ - FIBEROPTICS MARKER
  - ⊕ - WATER METER
  - ⊕ - ROAD SIGN
  - ⊕ - CLEAN CUT
  - ⊕ - NATURAL GAS MARKER
  - ⊕ - SPOT ELEVATION
  - ▲ - NETLANDS FLAG

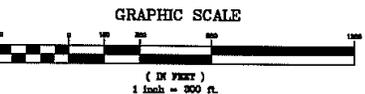


NC CEDA, FILED 05/20/08



**NOTES**

- AREAS BY COORDINATE METHOD.
- PARCEL AREA 12 JULY 2000 SHORELINES 280240.4 SQ FT/3.0 AC
- REFERENCE DB 66, PG 604, DB 462, PG 754 & PG 1, SL 20 AND EXISTING FIELD EVIDENCE
- SURVEY DATES MARCH-JULY 2006.
- DISTANCES IN U.S. SURVEY FEET.
- REFERENCE FROM PARCELS 21000000 K & 21000000 J
- PROPERTY ADDRESS FISHER LAKES ROAD JARVISBURG, NC 27441



**GENERAL INFORMATION**  
 LAWRENCE H. FITZMAN  
 SUSAN F. WILLIAMSON  
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COMMISSION NO. 05106  
 DESIGNED BY KCM  
 DRAWN BY KCM  
 CHECKED BY KCM  
 CAD FILE: 05106-3-LUP.dwg  
 SCALE DATE: 12/22/06

**FUTURE LAND USE CLASSIFICATION AMENDMENT**  
**PITMAN, WILLIAMSON & WILLIAMSON**  
**TAX MAP 96, PARCEL 29C**  
 POPLAR BRANCH TOWNSHIP      CURTIS COUNTY      NORTH CAROLINA

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CERTIFICATION

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**EXHIBIT B**  
Current Table 11.1 and Proposed Table 11.1

**CURRENT TABLE 11.1**

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

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

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

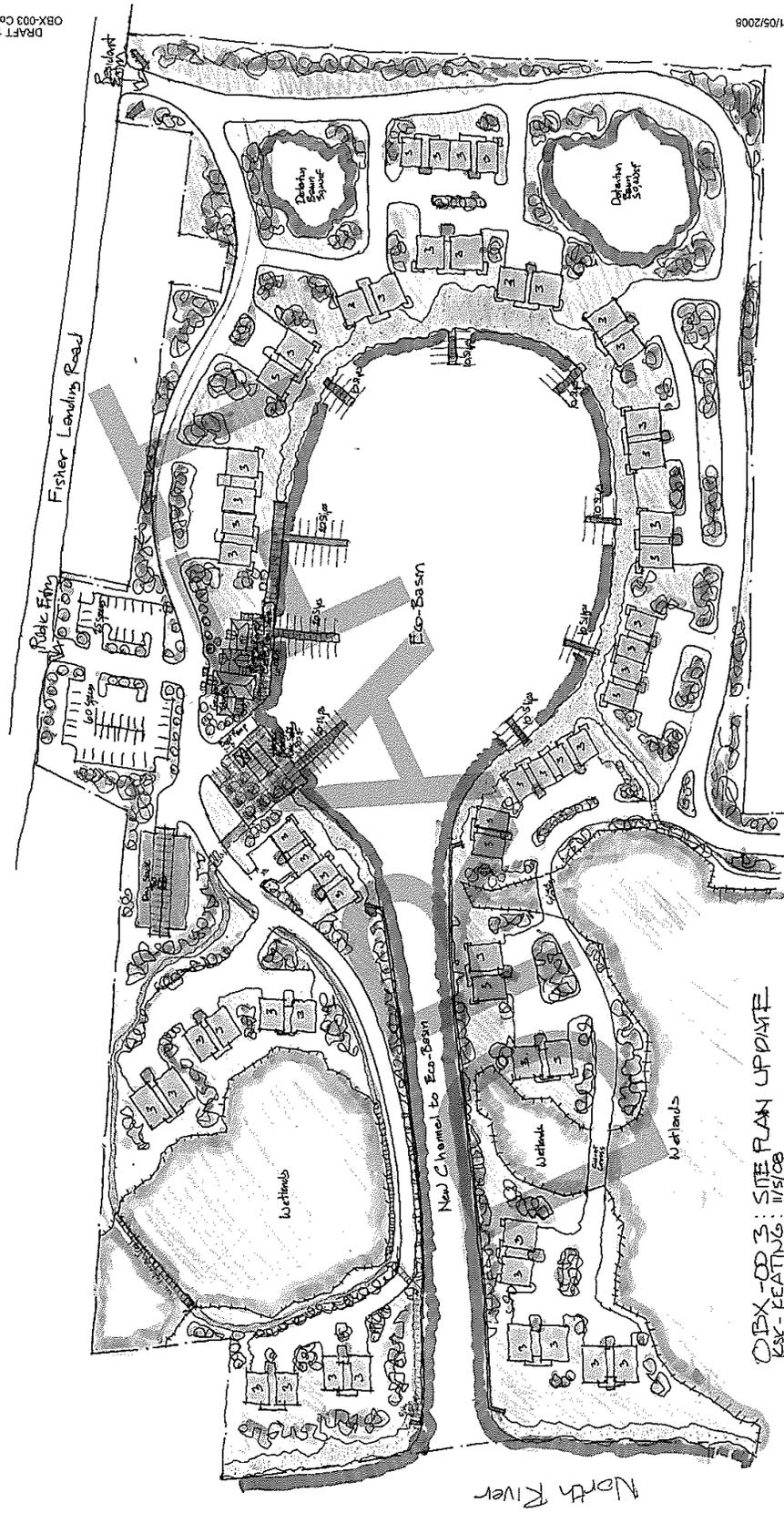
**PROPOSED TABLE 11.1**

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

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

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

**EXHIBIT C**  
Reduced Scale Copy Draft Concept Plan



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

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

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

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

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

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

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

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

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

## Currituck Retail Feasibility Study Executive Summary

February 1, 2009

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

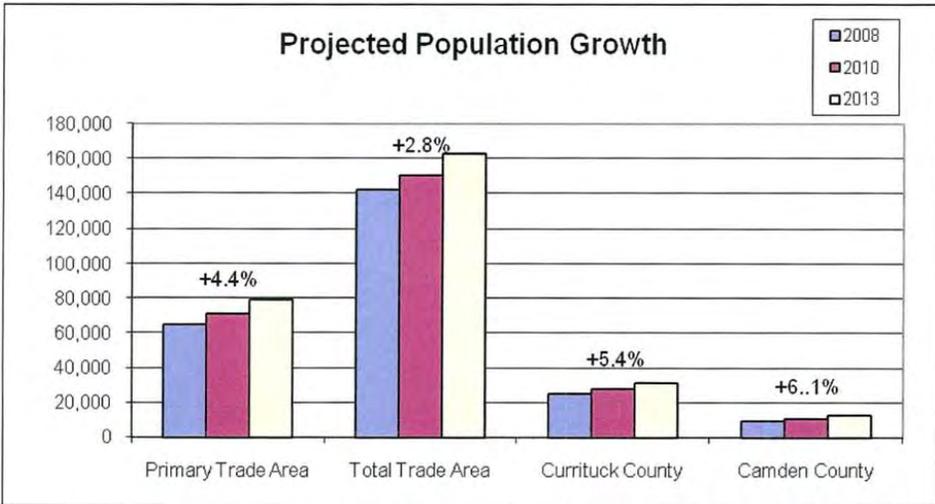
**Population and Demographic Characteristics.** Based on the trade areas defined, we collected relevant residential population, demographic and lifestyle data on a primary, secondary and total trade area basis, as well as on a disaggregate basis (census tract). For most retailers, the primary trade area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

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

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

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

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



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

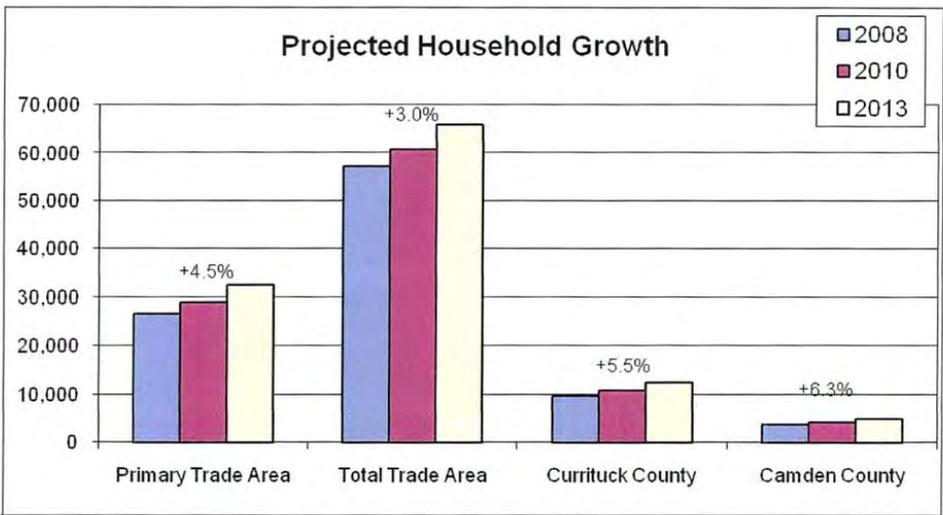
By drive-time, there are an estimated 3,073 persons within minutes of the site, growing to 6,132 within twenty minutes and 17,777 within thirty minutes of the site. This base is projected to increase 6.8%, 4.7% and 2.5% annually to 4,119, 7,563 and 20,027 persons by 2013, respectively.

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

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

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

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

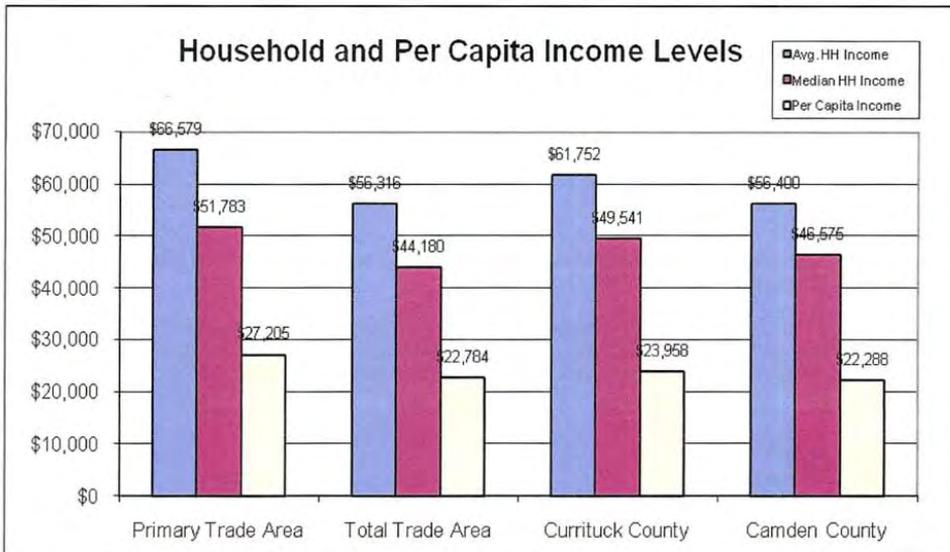


Incomes throughout the primary trade area vary widely, however, are homogeneous throughout the secondary trade area. The *average* household income reported for the primary trade area is \$66,579, compared to \$56,316 in the total trade area. Incomes in the north Outer Banks area near Corolla have the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

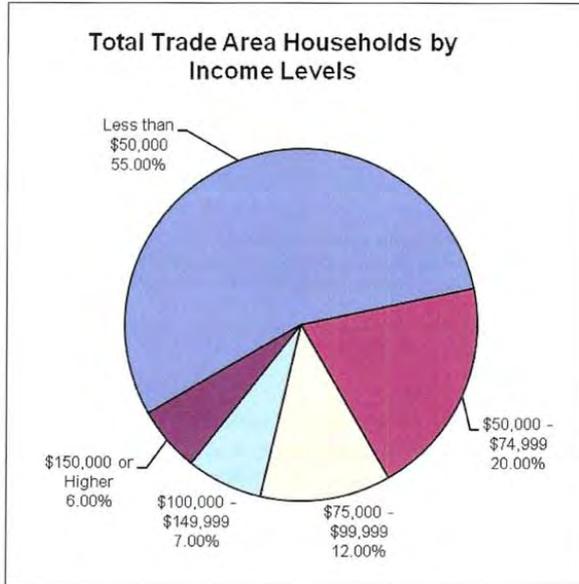
Currituck County reports average and median household incomes of \$61,752 and \$49,541 compared to \$56,400 and \$46,575 for Camden County.

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

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



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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The typical visitor profile tended to be:

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

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

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

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

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

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

Expenditures varied widely seasonally as shown below:

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

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of March 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>
50550-592010	AIRPORT PROJECTS	\$ 189,935	
50380-481000	INVESTMENT EARNINGS		\$ 189,935
		<u>\$ 189,935</u>	<u>\$ 189,935</u>

**Explanation:** *Airport Construction Projects (50550) - To appropriate investment earnings from construction funds for airport hangar and taxiway expansion projects as updated February 19, 2009..*

**Net Budget Effect:** County Governmental Construction Fund (50) - Increased by \$189,935.

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## BUDGET AMENDMENT

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<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
63838-558400	Solid Waste Disposal Tax	\$ 25,000	
63838-590000	Capital Outlay	\$ 24,725	
63320-431600	Solid Waste Disposal Tax Revenue		\$ 25,000
63380-481000	Investment Earnings		\$ 24,725
		<u>\$ 49,725</u>	<u>\$ 49,725</u>

**Explanation:** *Solid Waste (63838)* - To appropriate funds for solid waste disposal tax implemented October 1, 2008 and increase appropriations to upgrade electrical service at convenience sites.

**Net Budget Effect:** Solid Waste Fund (63) - Increased by \$49,725.

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## BUDGET AMENDMENT

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<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
51848-595002	Soccer Lights/Knapp Renovation/Bleachers	\$ 340,000	
51848-597002	Moyock Renovations_2005		\$ 48,167
51848-594000	Jarvisburg Elementary School		\$ 140,000
51848-597000	Shawboro Elementary School		\$ 151,833
		<u>\$ 340,000</u>	<u>\$ 340,000</u>

**Explanation:** *School Construction Fund (51)* - To transfer funds from Jarvisburg & Shawboro Elementary School Construction and to close Moyock Elementary School Renovations from 2005 for Soccer lights at CCHS (\$140,000); Portable Bleachers (\$100,000); Knapp gym locker room renovations (\$75,000); and Knapp science wing renovations (\$25,000) as requested from Superintendent Warren in letter dated December 19, 2008.

**Net Budget Effect:** School Construction Fund (51) - No change.

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## BUDGET AMENDMENT

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<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10650-561000	Professional Services	\$ 300	
10650-553000	Dues & Subscriptions		\$ 300
		<u>\$ 300</u>	<u>\$ 300</u>

**Explanation:** Economic Development (10650) - Payment for consulting services related to County pursuing Green Business Fund grant dollars - Glenn Mauney, WECC, travel expenses to be paid (we have invoice).

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

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# BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of March 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>
10480-557301	Floodplain Mapping	\$ 7,000	
10480-557300	Excise Tax on Deeds		\$ 7,000
		<u>\$ 7,000</u>	<u>\$ 7,000</u>

**Explanation:** Register of Deeds (10480) - To transfer funds for Floodplain mapping fund which had generated more revenue than anticipated.

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

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## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of March 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>
10440-545100	Credit Cards Fees	\$ 1,500	
10440-535000	Safekeeping Fees		\$ 1,500
		<u>\$ 1,500</u>	<u>\$ 1,500</u>

**Explanation:** Finance (10440) - To transfer funds for increased customer use of credit cards for tax payments.

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

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Number 2009079

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of March 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>
10430-511000	Telephone & Postage	\$ 1,500	
10430-545000	Contract Services		\$ 1,500
		<u>\$ 1,500</u>	<u>\$ 1,500</u>

**Explanation:** Elections (10430) - To transfer funds for postage for operations for the remainder of this fiscal year.

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

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## BUDGET AMENDMENT

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<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12543-511003	Telephone & Postage	\$ 2,000	
12543-516103	Building & Grounds	\$ 220	
12543-545000	Contract Services	\$ 1,500	
12543-561003	Professional Services	\$ 4,000	
12543-590003	Capital Outlay	\$ 996	
12543-531003	Gas, Oil, Etc		\$ 6,000
12543-516003	Maintenance & Repair		\$ 2,716
		<u>\$ 8,716</u>	<u>\$ 8,716</u>

**Explanation:** Moyock Vol Fire Department (12543) - To transfer funds for operations for the remainder of this fiscal year.

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

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## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of March 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>
10441-545000	Contract Services	\$ 20,202	
10511-545000	Contract Services		\$ 1,600
10510-511010	Data Transmission		\$ 15,000
10960-516000	Telephone		\$ 3,600
		<u>\$ 20,202</u>	<u>\$ 20,200</u>

**Explanation:** Information Technology (10441); Jail (10511); Sheriff (10510); Central Services (10960) - Transfer funds for Voice over IP telephone service.

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

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## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 16th day of March 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>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12546-511006	Telephone & Postage	\$ 6,400	
12546-513006	Utilities		\$ 1,000
12546-516006	Maintenance & Repair		\$ 9,000
12546-516106	Building & Grounds	\$ 1,500	
12546-531006	Gas, Oil, Etc	\$ 500	
12546-532006	Supplies	\$ 2,500	
12546-532106	Fire Supplies	\$ 2,000	
12546-536006	Uniforms		\$ 1,500
12546-536106	Personal Protective Equip	\$ 4,000	
12546-553006	Dues & Subscriptions	\$ 2,800	
12546-554006	Insurance		\$ 4,200
12546-590006	Capital Outlay		\$ 4,000
		<u>\$ 19,700</u>	<u>\$ 19,700</u>

**Explanation:** Corolla VFD (12546) - To transfer funds for operations. Capital items of Scott air bottles and mask will not be purchased, which was budgeted at \$5,000 and this will be used for additional Personal protective equipment of \$4,000 and communication equipment of \$1,000.

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

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Clerk to the Board

TALBERT & BRIGHT, INC.  
CHANGE ORDER

NO.: 1

DATED January 30, 2008

NCDOA Grant NO.: 36237.8.6.2

TBI NO.: 2201-0701

PROJECT.: Corporate Hangar and Hangar Taxiway

LOCATION.: Currituck Regional Airport

OWNER: Currituck County

CONTRACTOR: John E. Bassett, Inc.

ADDRESS: 1316-O North Broad Street

CONTRACT DATE: May 27, 2008

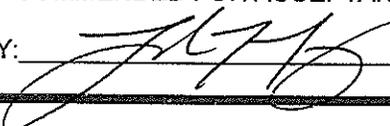
Edenton, NC 27932

TO: John E. Bassett, Inc.

ORIGINAL CONTRACT AMOUNT	\$ 870,999.15
PREVIOUS CHANGES	\$ 0.00
CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	\$ 870,999.15
NET INCREASE RESULTING FROM THIS CHANGE ORDER	\$ 6,830.49
CURRENT CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	\$ 877,829.64
NET CONTRACT INCREASE RESULTING FROM THIS CHANGE ORDER	<u>45</u> (CALENDAR DAYS)
CURRENT CONTRACT TIME INCLUDING THIS CHANGE ORDER	<u>195</u> (CALENDAR DAYS)

- A. The aforementioned change and work affected thereby are subject to all contract stipulations and covenants;
- B. The rights of the Owner are not prejudiced; and
- C. All claims against the Owner which are incidental to or as a consequence of the aforementioned changes are satisfied.

RECOMMENDED FOR ACCEPTANCE, TALBERT & BRIGHT, INC.:

BY:  DATE: 2/19/09

ACCEPTED BY CONTRACTOR: JOHN E. BASSETT, INC.

BY:  DATE: 1-30-09

ACCEPTED BY OWNER: CURRITUCK REGIONAL AIRPORT

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

**YOU ARE DIRECTED TO MAKE THE CHANGES NOTED BELOW IN THE SUBJECT CONTRACT:  
The following modifications are being made to the contract.**

1. Change Order No. 1 is being prepared to address Final Contract Quantities for all work items excluding the Coal Tar Emulsion Seal Coat which will be completed in the Spring of 2009 in accordance with Specification P-631.
2. Change Order No. 1 includes relocation of a power pole adjacent to the project site and electrical modifications.
3. Change Order No. 1 includes additional costs for generator rental and additional time for contractor personnel due to the delay in providing permanent power to the hangar.
4. Changes Reflected in attached list of project bid items and quantities.

Currituck Regional Airport  
 Corporate Hangar and Hangar Taxiway  
 Change Order No. 1

**Schedule I - Hangar Taxiway**

Item #	Spec.	Description	Unit	Original Quantity	Contract Quantity with Change Order No. 1	Unit Price	Ext. Total based on Quantities with Change Order No. 1
1	P-150	Mobilization	L.S.	1	1	\$ 16,597.61	\$ 16,597.61
2	P-150	Engineers Field Office	Month	5	5	\$ 608.61	\$ 3,043.05
3	P-152	Unclassified Excavation	C.Y.	4,420	4,142	\$ 6.58	\$ 27,254.36
4	P-152	Undercut Excavation	C.Y.	500	88	\$ 16.89	\$ 1,486.32
5	P-152	Borrow Embankment	C.Y.	4,365	4,530	\$ 10.31	\$ 46,704.30
6	P-156	Temporary Silt Fence	L.F.	660	660	\$ 2.74	\$ 1,808.40
7	P-156	Temporary Seeding & Mulching	Acre	1.5	1.5	\$ 2,303.70	\$ 3,455.55
8	P-156	Stabilized Construction Entrance	Each	1	1	\$ 1,327.37	\$ 1,327.37
9	P-156	Culvert Inlet Protection	Each	3	3	\$ 570.44	\$ 1,711.32
10	P-156	Rip Rap Outlet Protection	Each	3	3	\$ 416.86	\$ 1,250.58
11	P-156	Temporary Rock Silt Check Dam	Each	2	2	\$ 570.44	\$ 1,140.88
12	REP	Removal of Existing Pavement	S.Y.	65	65	\$ 38.61	\$ 2,509.65
13	ITEM	Removal of Existing Pipe	L.F.	22	22	\$ 10.97	\$ 241.34
14	P-209	Crushed Aggregate Base Course	C.Y.	400	400	\$ 61.10	\$ 24,440.00
15	PMBP	Bituminous Pavement Surface Course - Type S-12.5C Mix	Ton	200	230	\$ 195.36	\$ 45,162.80
16	P-602	Bituminous Prime Coat	Gal	865	0	\$ 3.83	\$ -
17	P-631	Refined Coal-Tar Emulsion with Additives Slurry Seal Surface Treatment	S.Y.	1,795	1,795	\$ 5.37	\$ 9,639.15
18	D-701	24" R.C. Pipe, Class III	L.F.	144	144	\$ 69.87	\$ 10,061.28
19	D-701	24" R.C. Flared End Section	Each	6	6	\$ 818.36	\$ 4,910.16
20	T-901	Seeding	Acre	1.5	1.5	\$ 2,003.70	\$ 3,005.55
21	T-908	Mulching	Acre	1.5	1.5	\$ 351.04	\$ 526.56
<b>Schedule I</b>							<b>\$ 206,276.23</b>

**Schedule II - 5 Unit Hangar - with Steel Framed**

Item #	Spec.	Description	Unit	Quantity	Contract Quantity with Change Order No. 1	Unit Price	Ext. Total based on Quantities with Change Order No. 1
1	PEB	5 Unit Corporate Hangar with Steel Framed Bifold Doors	L.S.	1	1	\$ 431,744.00	\$ 431,744.00
2	PEB	Slab and Foundation for 5 Unit Hangar	L.S.	1	1	\$ 153,124.00	\$ 153,124.00
3	PEB	Hangar Electrical Installation for 5 Unit Hangar	L.S.	1	1	\$ 31,418.00	\$ 31,418.00
4	PEB	Electrical Service Installation for Corporate Hangars	L.S.	1	1	\$ 5,726.00	\$ 5,726.00
CO1-1	ITEM	Light Pole Relocation and Electrical Modifications	L.S.	0	1	\$ 4,714.41	\$ 4,714.41
CO1-2	ITEM	Additional Costs due to lack of permanent power	L.S.	0	1	\$ 6,625.00	\$ 6,625.00
<b>Total Contract Amount - Schedule II</b>							<b>\$ 633,351.41</b>

**Bid Alternates**

Item #	Spec.	Description	Unit	Quantity	Contract Quantity with Change Order No. 1	Unit Price	Ext. Total based on Quantities with Change Order No. 1
1	PEB	Translucent Roof Panels	Each	5	5	\$ 137.00	\$ 685.00
2	PEB	Urethane/Epoxy Floor Coating for 5 Unit Corporate Hangar	LS	1	1	\$ 13,383.00	\$ 13,383.00
3	PEB	Add/Deduct for Concrete for Foundations and Slab	C.Y.	1	0	\$ 230.00	\$ -
4	PEB	Wall Insulation for 5 Unit Corporate Hangars	L.S.	1	1	\$ 11,526.00	\$ 11,526.00
5	PEB	Roof Insulation for 5 Unit Corporate Hangars	L.S.	1	1	\$ 12,608.00	\$ 12,608.00

Original Contract Amount \$ 870,999.15  
 Net Increase with Change Order No. 1 \$ 6,830.49  
 Total Contract Amount thru Change Order No. 1 \$ 877,829.64

Memorandum

TO: Dan Scanlon

From: Sandra Hill

Date: March 3, 2009

Subject: Record Disposal

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The Finance Office would like permission to dispose of the following records, which are scheduled for disposal as per the record retention schedule.

<u>Time Period</u>	<u>Description</u>	<u>Approximate number of records</u>
July 1, 2004 - June 30, 2005	Accounts Payable Invoices	13,818
	Bank Statements	144
	Bank Reconciliation Reports	144
	Bank confirmations	2,600
	Revenue Files	2,800
	Daily Receipts	1,100
	Budget Amendments	124
	Journals	430
	NC Sales Tax Summary Reports	12
	Sales Tax Refund Report	1
Investment Records	200	

CURRITUCK COUNTY  
NORTH CAROLINA  
March 2, 2009

The Board of Commissioners met at 1:00 p.m. to discuss Utilities and at 5:00 p.m. for a reception and a report to the people by Cooperative Extension.

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

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

The Reverend Van Keane, New Beginnings Assembly of God, was present to give the invocation

### **Approval of Agenda**

Commissioner Taylor moved to approve agenda as amended to add to consent agenda, Public School Capital School Funding, and Ordinance for County Boards. Commissioner Rorer 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            **Aaron Gay, NC Forest Service, to Discuss Marsh Fires**
- Item 4            **Public Hearing and Action:** 08-42 Blackwater Training Center: Request for a Special Use Permit for a Security Training Operations and Services Facility on property located at the South end of Puddin Ridge Road, adjacent to the Camden County border, Tax Map 12, Lot 1, and Tax Map 17, Lot 1A, Moyock Township.
- Item 5            **Public Hearing and Action:** PB 09-07 Currituck County Schools: Request to amend the Currituck County Unified Development Ordinance to exempt public outdoor recreational facilities from the requirements of Section 9.4 Lighting Standards.
- Item 6            **Public Hearing and Action:** PB 09-08 Currituck County Board of Commissioners: Request to amend the Currituck County Unified Development Ordinance, Chapter 10: Subdivision Requirements, to exempt property divisions transferred to a government entity from the zoning and subdivision requirements of the Unified Development Ordinance.
- Item 7            **Public Hearing and Action:** PB 09-02 Currituck County Planning Department: Request to amend the Currituck County Unified Development Ordinance, Chapter 2: Zoning Districts, Chapter 3:

Special Requirements, and Chapter 17: Definitions to revise the requirements for Adult Establishments and to permit Tattoo and Body Piercing Studios only in the HM zoning district.

Item 8            **Consideration of Concession License Agreement for Airport**

Item 9            **Consent Agenda:**

1. Budget amendments
2. Approval of Code Enforcement Violation Files Disposition
3. Resolution East Carolina HIV/AIDS Grant
4. Magette Well change order #1, Mainland Water Construction
5. Crowder Construction change order #3, Mainland Water construction
6. Hendrix-Barnhill CO1 & CO2, Mainland Water
7. McKenzie Construction change order #2, Moyock Library Construction
8. Amendment to The Design Collaborative agreement for Moyock Library
9. Resolution to Declare Surplus Property for Disposal
10. Resolution supporting the creation of an Insurance Commission
11. Approval of Grant for Mosquito Control and Resolution designating County Manager to sign
12. Approval of Job Descriptions in Tourism Department
13. Approval of Building Inspection Records Disposition
14. Approval of February 16, 2009, Minutes

Item 10          Commissioner's Report

Item 11          County Manager's Report

Adjourn

**Public Comment**

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

Chairman Etheridge opened the public comment period.

Juanita Krause, Summit Farms, thanked the Board for their support with the OLF meeting.

Doris Flora, Moyock, thanked the Board and staff for support of the OLF meeting.

Commissioner Nelms, commented on the traffic congestion on NC 168 and the use of the Welcome Sign to advise public of these types of problems.

Commissioner Taylor thanked the citizens for their support of the OLF meeting.

Mr. Scanlon, County Manager, stated that there was no water line going into Blackwater.

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

**Aaron Gay, NC Forest Service, to Discuss Marsh Fires**

Aaron Gay, NC Forest Service, made a presentation on the reason for burning the marsh and process for burn permits.

Commissioner O'Neal stated that he had received calls from neighbors about fires being too close to their homes.

Mr. Gay, stated that all these fires have been monitored and are legal.

**Public Hearing and Action: 08-42 Blackwater Training Center: Request for a Special Use Permit for a Security Training Operations and Services Facility on property located at the South end of Puddin Ridge Road, adjacent to the Camden County border, Tax Map 12, Lot 1, and Tax Map 17, Lot 1A, Moyock Township.**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**ITEM: SPECIAL USE PERMIT - SECURITY TRAINING OPERATIONS AND SERVICES FACILITY**

**LOCATION:** 850 Pudding Ridge Road, Moyock

**ZONING DISTRICT:** Agricultural (A)

**TAX ID:** 0012-000-0001-0000, 0017-000-001A-0000

**OWNER:** E & J Holdings, LLC  
PO Box 1029  
Moyock, NC 27958

**APPLICANT:** Hyman & Robey, PC  
PO Box 339  
Camden, NC 27921

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Undeveloped, Residential Single Family	A
<b>SOUTH:</b>	Undeveloped	A
<b>EAST:</b>	Undeveloped	A
<b>WEST:</b>	Undeveloped	A

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as **Limited Service** and **Conservation** within the **Moyock** sub-area.

**NARRATIVE:**

1. E & J Holdings is requesting a Special Use Permit for the Blackwater Training Facility in Currituck County to allow operation of existing firing ranges and a portion of a driver training facility.
2. The property consists of multiple parcels totaling 4,639 contiguous acres in Currituck County.
3. This property is zoned Agricultural and the Table of Permissible Uses allows Security Training Operations and Services Facilities in this zoning district with a Special Use Permit.
4. The existing firing ranges shall only be used for small arms training. The downrange safety zones specified in the Military Handbook (ML-HDBK-1027/3B) will determine the allowable caliber of weapon.
5. The firing ranges are required to be 5280 feet from any adjacent property lines. As submitted, the existing ranges are located 6,500 feet from the nearest property line (Summit Farms subdivision).
6. Proof of minimum liability insurance in the amount of \$2,000,000 was provided to the Planning Department.
7. The facility must be operated in accordance with the requirements of Section 3.3.1 of the Unified Development Ordinance.
8. The site plan and special use permit submitted for this project were reviewed at the January 21, 2009 TRC meeting. A revised site plan and narrative addressing the TRC comments was received and approved (see attached). Recommended conditions of approval are included in the staff comments.

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

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

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO.

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

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

1. COMPLETENESS OF THE APPLICATION

**Suggested Findings:**

a) The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS

**Suggested Findings:**

a) The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.

i. The proposed use **will not** materially endanger the public health or safety for the following reasons:

**Suggested Findings:**

1. The firing ranges will be over 6,500 feet from the nearest property not owned by E&J Holdings.

2. The use will meet all of the safety requirements found in Section 3.3.1 of the Unified Development Ordinance.

ii. The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:

**Suggested Findings:**

1. The Table of Permitted Uses allows Security Training Operations and Services Facilities in this zoning district with a Special Use Permit.

2. The surrounding land uses will be buffered by existing vegetation, drainage canals, and required setbacks of one mile for firing ranges.

iii. The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.

**Suggested Findings:**

1. The facility shall not conduct firing range activities prior to 7 a.m. or after 10 p.m. EST daily Monday through Saturday and on Sundays prior to 9 a.m. or after 10 p.m. EST. No firing or explosive training activities shall occur on Christmas Day.
  2. There are no residential uses within 8,000 feet of the firing ranges.
- iv. The proposed use **will** be in general conformity with the Land Use Plan, and any other plan officially adopted by the Board of Commissioners.

**Suggested Findings:**

1. The 2006 Land Use Plan classifies this site as Limited Service and Conservation within the Moyock Sub-Area and the proposed use is in keeping with the policies of the plan.
  2. The intensity and minimal built upon area of this development will not significantly impact any wetlands or natural features of the larger site.
- v. The proposed use **will not** exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in.

**Suggested Findings:**

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

**STAFF RECOMMENDATION**

The proposal appears to meet the criteria for granting a Special Use Permit and staff recommends **APPROVAL** with the following conditions:

1. The revised plan dated 1-21-2009 shall be the approved site plan for this permit.
2. All required county, state, or federal permits shall be secured before the use resumes and be kept in good standing for the duration of the use.
3. The storage of munitions or explosives shall be prohibited in Currituck County.
4. The Special Use Permit is valid for one year from the date of approval, after which it must be renewed by the Currituck County Board of Commissioners.

**PLANNING BOARD RECOMMENDATION**

The Planning Board recommended **APPROVAL** with the staff recommendations and the following conditions:

1. Each firing range shall be posted indicating the allowable caliber of weapon allowed and any other applicable rules.
2. A copy of the Military Handbook (ML-HDBK-1027/3B) shall be available at each firing range.

**PLANNING BOARD DISCUSSION**

Mr. Hyman provided an overview of the request. Blackwater does not plan any new construction in Currituck.

Mr. Midgette asked Mr. Hyman if he was in agreement to the staff recommendations.

Mr. Hyman stated yes.

Ms. Motes stated she is the most adjacent property owner to the existing facility. Ms. Motes concern is the inspection and monitoring of these firing ranges. Ms. Motes stated Ms. McKenzie has provided her with an email from the Navy stating they have inspected the firing ranges and found them in compliance. Ms. Motes has not been able to verify this information because it was blacked out where the email originated.

Ms. McKenzie stated that ATF monitors the storage of Blackwater's armory. The email that Blackwater received from the Navy stated the firing ranges were in compliance and she will need to contact the Navy to get permission to release a name. Ms. McKenzie stated if the county would give them a list of county employees, they would have them cleared at the gate so when they showed up with proper identification they could go in.

Ms. Robbins stated the email refers to ranges 30 through 32 as inspected and the ranges in question have not been inspected.

Ms. McKenzie stated yes, but they would have an inspection of the ranges before this goes to the Board of Commissioners meeting.

Mr. West asked if Blackwater falls under any organization for safety inspections.

Ms. McKenzie stated they fall under the Navy's requirements.

**ACTION**

Mr. Clark motioned to recommend approval with staff recommendations of a Special Use Permit for a Security Training Operations and Services Facility with added conditions to include that each firing range be posted indicating the maximum caliber weapon used and a copy of the military handbook be available. Mr. West seconded the motion. Motion passed unanimously.

Chairman Etheridge opened the public hearing.

Doris Flora, opposes the request.

Eddie Hyman, Engineer, was present to answer questions.

Kate McKenzie, Attorney, reviewed the ranges and was present to answer questions.

Juanita Krause, Summit Farms, opposes permit and asked why Camden Sheriff instead of Currituck answers noise complaints.

Sherry Motes, expressed concerns with safety and hours of operation.

Troy Breathwaite, expressed his concerns with noise and hours of operation.

Linda Knox, requested the Board to table the request.

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

Commissioner Taylor moved to approve with Staff and Planning Board recommendations, no Sunday hours, request Camden County Board consider rules as Currituck County, and

include if they have a violation permit can be revoked. Commissioner Nelms seconded the motion. Motion carried with Commissioners O'Neal and Aydlett voting no.

**Public Hearing and Action: PB 09-07 Currituck County Schools: Request to amend the Currituck County Unified Development Ordinance to exempt public outdoor recreational facilities from the requirements of Section 9.4 Lighting Standards.**

Ben Woody, Planning Director, reviewed the amendment.

Currituck County Schools is requesting a text amendment to exempt public outdoor recreation facilities from the mainland lighting standards; Section 9.4 of the UDO.

The mainland lighting standards place additional requirements on properties that contain structures in excess of 20,000 heated square feet. In summary, the current lighting regulations restrict athletic field lighting to a maximum height of 25 feet and a maximum of 3 footcandles measured at the property line. The text amendment proposes to create an exemption from these standards for facilities such as athletic fields, community swimming pools, parks and water access areas.

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

**PLANNING BOARD DISCUSSION**

The board discussed different height of the lighting.

Mr. Woody will check on the lighting at Griggs School before this goes to the BOC meeting.

**ACTION**

Mr. West motioned to recommend approval to amend the Currituck County Unified Development Ordinance to exempt public outdoor recreational facilities from the requirements of Section 9.4 Lighting Standards. Mr. Clark seconded the motion. Motion carried unanimously.

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

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

**Public Hearing and Action: PB 09-08 Currituck County Board of Commissioners: Request to amend the Currituck County Unified Development Ordinance, Chapter 10: Subdivision Requirements, to exempt property divisions transferred to a government entity from the zoning and subdivision requirements of the Unified Development Ordinance.**

Ben Woody, Planning Director, reviewed the request.

The Currituck County Board of Commissioners is requesting a text amendment that would exempt the division of property dedicated to the public from the requirements of the Unified Development Ordinance. As proposed, the amendment will allow a governmental entity to accept a dedicated parcel of land that may not meet the requirements of the subdivision ordinance; however, all resultant parcels must meet the full requirements of the Unified Development Ordinance.

To qualify for the proposed exemption, the dedicated property must be used for the conservation of natural resources, utilities, or other public purposes. If the governmental entity transfers the dedicated property to a non-governmental entity at a later date or the property is further divided for non-public uses, all requirements of the Unified Development Ordinance must then be met.

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

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

**PLANNING BOARD DISCUSSION**

Mr. West asked if this would include open space.

Mr. Woody stated yes if it was accepted by the government entity.

**ACTION**

Mr. Kovacs motioned to recommend approval to amend the Currituck County Unified Development Ordinance, Chapter 10: Subdivision Requirements, to exempt property divisions transferred to a government entity from the zoning and subdivision requirements of the Unified Development Ordinance. Mr. Bell seconded the motion. Motion carried unanimously.

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

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

**Public Hearing and Action: PB 09-02 Currituck County Planning Department: Request to amend the Currituck County Unified Development Ordinance, Chapter 2: Zoning Districts, Chapter 3: Special Requirements, and Chapter 17: Definitions to revise the requirements for Adult Establishments and to permit Tattoo and Body Piercing Studios only in the HM zoning district.**

Ben Woody, Planning Director, reviewed the request.

The enclosed text amendment submitted by the Currituck County Planning Department is intended to revise and clarify several of the definitions included in the Adult Establishments ordinance. During a recent Board of Adjustment case regarding the issuance of a conditional use permit, it was determined the definition of Adult Business may unintentionally include land uses that are not of an adult nature. This text amendment is intended to clean up this and other potential inconsistencies in the Adult Establishments ordinance.

Additionally, the Board of Commissioners requested that Tattoo and Body Piercing Studios be prohibited in the General Business (GB), Commercial (C), and Light Manufacturing (LM) zoning districts. This change would provide that these establishments are only permitted in the Heavy Manufacturing (HM) zoning district with the issuance of a Conditional Use Permit.

What follows are the minutes from the January 10 and February 10 Planning Board meetings and a draft of the text amendment as described above. The Planning Board recommended unanimous approval of this request with the modified requirement that the spacing provisions for adult establishments be increased from 1000 feet to 1500 feet.

**PLANNING BOARD DISCUSSION - February 10 meeting**

None

**ACTION**

Mr. West motioned to recommend approval of the text amendment as presented with the exception of increasing the adult establishments spacing requirement from 1,000 feet to

1,500 feet. Ms. Robbins seconded the motion. Motion carried unanimously.

**PLANNING BOARD DISCUSSION - January 10 meeting**

Mr. West asked about location buffers in feet and that no adult establishment shall be 1000 feet from a church, public school, and public playground. How is this measured? Can this be changed to 1 mile?

Mr. Woody stated it is measured building to building.

Mr. Woody stated that if you set a provision in your county which excludes adult businesses it would be unconstitutional. Mr. Woody stated a map would need to be generated to show these areas with increased buffers. Mr. Woody stated that tattoo and body piercing studios are not adult establishments. Mr. Woody stated he will ask the county attorney to review the separation of an adult establishment and tattoo studios.

**ACTION**

Mr. West motioned to tabled PB 09-02 text amendment so staff can determine increased spacing provisions and map adult establishments and tattoo studios. Ms. Turner seconded the motion. Motion carried unanimously.

**Currituck County  
PB 09-02  
UDO AMENDMENT REQUEST**

An amendment to Chapter 3: Special Requirements, Chapter 17: Definitions, and Chapter 2: Zoning Districts.

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

**Item 1:** That Chapter 3: Special Requirements, Section 3.7.1 is amended by deleting the strikethrough language and adding the following underlined language:

**3.7.1 Adult Establishments (Special Use Permit only)**

A. The provisions of these regulations are adopted by the Currituck County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 153A, (45-50) and further Article VI of Chapter 153A, Section 135 of the General Statutes. From and after the effective date of September 19, 1994,

these regulations shall apply to every building, lot, tract, or parcel of land within Currituck County. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Currituck County, these regulations are adopted by the Board of Commissioners to regulate adult establishments and sexually oriented businesses, as hereby defined, located in Currituck County. Further, these regulations have been made with reasonable consideration among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.

B. These regulations shall not repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in any established zoning district in Currituck County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

C. For the purpose of these regulations, ~~the following definitions shall apply:~~ Adult Establishments and Sexually Oriented Businesses as defined in Chapter 17: Definitions shall apply.

~~1. Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).~~

~~2. Adult Bookstore: An establishment that has as substantial portion (over 25 percent of total retail space) of its stock in trade and offers for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures video cassettes, slides, or other visual representations that a emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.~~

- ~~3. Adult Business: An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guest on its premises to exhibit any specified anatomical areas before any other person or persons.~~
- ~~4. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25 percent) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.~~
- ~~5. Adult Theater: A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.~~
- ~~6. Massage: Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.~~
- ~~7. Massage Business: Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Specifically excluding from this definition are massages under the direct supervision of a licensed physician or a masseuse licensed in the State of North Carolina or where massage is accessory to the principal use (such as at health clubs and beauty salons).~~
- ~~8. Sexually Oriented Business: A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to; adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this ordinance.~~

~~9. Specified Anatomical Areas: Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.~~

~~10. Specified sexual activities: Specified sexual activities shall be defined as:~~

~~a. Human genitals in a state of stimulation or arousal;~~

~~b. Acts of human masturbation, sexual intercourse, sodomy; or~~

~~c. Fondling or other erotic genitals, pubic regions, buttocks or female breasts.~~

~~11. Total Retail Space: Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.~~

D. Adult businesses, establishments and sexually oriented businesses shall be subject to the following restrictions:

1. Adult businesses establishments may be located only in an HM (Heavy Manufacturing) zoning district provided a special use permit is obtained.

2. No adult business establishment shall be permitted in any building:

a. Located within ~~1000~~ 1500 feet in any direction from a building used as a residential dwelling and any R and RA zoning district.

b. Located within ~~1000~~ 1500 feet in any direction from a building in which an adult business establishment or a sexually oriented business is located.

c. Located within ~~1000~~ 1500 feet in any direction from a building used as a church, synagogue, or other house of worship.

d. Located within ~~1000~~ 1500 feet in any direction from a building used as a public school or as a state licensed day care center.

- e. Located within ~~1000~~ 1500 feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
3. Except for signs as permitted in Chapter 7, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.
  4. Determination of parking requirements shall be the responsibility of the zoning administrator who shall use the table found in Chapter 8 as a guide (i.e. adult motion picture theaters shall provide parking as is required for other motion picture theaters; adult businesses shall provide parking as is required for dance halls, bars and nightclubs, etc.).
- E. Any adult ~~business~~ establishment or sexually oriented business lawfully operating on September 19, 1994, which is in violation of this ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of 180 days or more it shall not be reestablished.
  - F. If two or more adult ~~businesses,~~ establishments or sexually oriented ~~adult~~ businesses are within 1000 feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later-established business(es) shall be considered nonconforming.
  - G. An adult ~~business~~ establishment or sexually oriented ~~adult~~ business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, house of worship, day care center, school, playground, public swimming pool, or public park within 1000 feet of the adult business and sexually oriented business.

**Item 2:** That Chapter 17: Definitions is amended by deleting the strikethrough language, adding the underlined language and reordering in alphabetical order the following definitions:

**Sexually Oriented Business (aka Adult Establishment ~~or Sexually Oriented Establishment~~)**

A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to, adult arcades, adult bookstores, adult businesses, adult motion picture theaters, adult theaters, escort agencies, and massage businesses, ~~as defined by this ordinance.~~ As used in this Ordinance, the following definitions shall apply:

- a. **Adult Arcade:** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines ~~for viewing by five or fewer persons each~~ are used to show films, motion pictures, video cassettes, digital reproductions, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- b. **Adult Bookstore:** An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offers for rent or sale, for any consideration, any one or more of the following:
  - i. books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital reproductions, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
  - ii. instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- c. **Adult Business:** ~~An adult business shall be defined as any business activity, club or other~~

~~establishment which permits its employees, members, patrons, or guest on its premises to exhibit any specified anatomical areas before any other person or persons. A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:~~

- ~~i. persons who appear nude or semi-nude; or~~
  - ~~ii. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or~~
  - ~~iii. films, motion pictures, videocassettes, digital reproductions, slides, or other photographic reproductions which depict or describe specified sexual activities or specified anatomical areas.~~
- d. **Adult Motion Picture Theater:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, digital reproductions, slides, or similar photographic reproductions are regularly shown, and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of as one of its principal business purposes that depict or describe specified sexual activities or specified anatomical areas.
- e. **Adult Theater:** A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.
- f. **Escort Agencies:** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.
- g. **Massage Business:** Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Specifically ~~exclud~~ing from this definition are massages under the direct supervision of (i) a licensed physician by (ii) a masseuse licensed in the State of North Carolina, or (iii) where massage is an accessory to the principle use

(except as an accessory to an adult establishment or sexually oriented business) such as at health clubs and beauty salons

- h. **Specified Anatomical Areas:** Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- i. **Specified Sexual Activities:** Specified sexual activities shall include, but are not limited to, the following ~~be defined as:~~
  - i. human genitals in a state of sexual stimulation, ~~or~~ arousal, or tumescence; or
  - ii. sex acts, normal or perverted, actual or simulated, including ~~of~~ human masturbation, sexual intercourse, sodomy, or oral copulation; or
  - iii. fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts.

**Item 3:** That Chapter 2: Zoning Districts, Section 2.5 Permitted Uses Table is amended by deleting the following strikethrough language:

**Section 2.5 Permitted Uses Table**

Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
Office & Service														
Tattoo and Body Piercing Studios	IV							e	e			e	C	3.5.8

**Item 4:** That Chapter 3: Special Requirements, Section 3.5.8 is amended by adding the following underlined language:

**3.5.8 Tattoo and Body Piercing Studios (Conditional Use Permit only)**

**Item 5:** 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.

Brian Bashears, wanted to know which Board member had requested this amendment.

John Snowden, Maple Road, commented on the first amendment right and violation of this.

Maria Avery, commented on image of county and business of this type on the corridor and the use of business licenses.

Commissioner Nelms stated that this would run businesses out of the county.

Commissioner Taylor stated that Mr. Bashears had a nice establishment and if he wanted to relocate, he would be able to.

Chairman Etheridge closed the public hearing.

Commissioner Nelms moved to vote on items separate.  
Commissioner Aydlett seconded the motion. Motion carried.

Commissioner O'Neal moved to approve Chapter 2 zoning districts, Chapter 3 Special requirements. Commissioner Aydlett seconded the motion. Motion carried.

Commissioner O'Neal moved to approve Chapter 17 to revise the requirements for Adult Establishments and to permit tattoo and body piercing studios only in HM zoning district. Chairman Etheridge seconded the motion. Motion failed with Commissioners Aydlett, Gregory, Rorer, Nelms and Taylor voting no.

**Consideration of Concession License Agreement for Airport**

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

**Consent Agenda:**



**Explanation:** *Southern Outer Banks Water System (66868)* - To transfer funds for scheduled maintenance for the remainder of this year and for increased cost of chemicals.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10540-557000	Refunds	\$ 128	
10540-511000	Telephone & postage		\$ 128
		<u>\$ 128</u>	<u>\$ 128</u>

**Explanation:** *Inspections (10540)* - To refund building permit fees collected in prior years due to calculation error.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
61818-516000	Repairs and Maintenance	\$ 20,000	
61818-590003	Fire Hydrants		\$ 20,000
		<u>\$ 20,000</u>	<u>\$ 20,000</u>

**Explanation:** *Mainland Water (61818)* - To transfer funds for repairs to the road to the water wells at the airport.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10415-511000	Telephone & Postage	\$ 2,100	
10415-561000	Professional Services		\$ 2,100
		<u>\$ 2,100</u>	<u>\$ 2,100</u>

**Explanation:** *Legal (10415)* - Transfer funds for postage for OLF information mailing.  
**Net Budget Effect:** Operating Fund (10) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10511-545000	Contracted Services Appropriated Fund	\$ 10,000	
10390-499900	Balance	\$ 149,366	
10510-540000	Worker's Compensation		\$ 66,805
10530-540000	Worker's Compensation		\$ 92,561
		\$ 159,366	\$ 159,366

**Explanation:** *Sheriff (10510); Jail (10511); Emergency Medical Services (10530)* - To adjust accounts to reflect decrease in amounts needed for FY 2008 Worker's Comp Audit.  
**Net Budget Effect:** Operating Fund (10) - Reduced by \$149,366.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-532000	Supplies	\$ 12,500	
10510-514000	Travel		\$ 2,500
10510-557600	Miscellaneous Information		\$ 5,000
10510-536000	Uniforms		\$ 5,000
		\$ 12,500	\$ 12,500

**Explanation:** *Sheriff (10510)* - To transfer funds to furnish additional space in Corolla and for operations for the remainder of this year.  
**Net Budget Effect:** Operating Fund (10) - No change.

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

50790-594500	Contract Services	\$	16,149		
50790-596100	Professional Services	\$	20,550		
50790-588000	Contingency			\$	32,098
50790-570000	Reimbursable Expenses			\$	4,601
			<u>\$</u>	<u>36,699</u>	<u>\$</u> <u>36,699</u>

**Explanation:** *Moyock Library Construction (10790) - To transfer funds for change order #2 for McKenzie construction for door card reader and for increase in professional services.*

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
55818-591001	600 GPM Deep Wells	\$	90,039		
55818-591003	Wells - Raw Water Line	\$	2,645		
55818-588004	Tanks - Contingency			\$	7,096
55818-588003	Distribution System - Contingency			\$	85,588
			<u>\$</u>	<u>92,684</u>	<u>\$</u> <u>92,684</u>

**Explanation:** *Mainland Water Construction (55818) - To transfer funds from contingencies for Magette change order #1, Crowder change order #2 and Hendrix-Barnhill change orders 1 & 2.*

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

**Surplus Property** Water Department, Pump, High Service Model 4L12, Motor, electric 29 HP

**RESOLUTION SUPPORTING CREATION  
OF AN INSURANCE COMMISSION**

WHEREAS, increasing homeowners, wind and hail and other property related insurance rates and deductibles are a major concern to all property owners within North Carolina and a particular concern to those who own property in coastal region of North Carolina; and

WHEREAS, currently decisions regarding increases or decreases in the rates and deductibles of Insurance in North Carolina rest solely with the Insurance Commissioner and the Department of Insurance; and

WHEREAS the process, procedures and methods used by the Insurance Commissioner and the Department of Insurance in making such decisions currently provide the public with little to no transparency and very limited means of providing input or recourse for unfair and unjust decisions of the Insurance Commissioner and the Department of Insurance.

NOW, THEREFORE, BE IT RESOLVED the Currituck County Board of Commissioners supports the legislative creation of an Insurance Commission tasked with providing fair and just insurance rates to all North Carolina residents in a manner that is open to the public and provides aggrieved persons sufficient means of recourse for unfair or unjust insurance rates and encourages all Currituck County and North Carolina resident, property owners, and visitors to contact their representatives in the North Carolina General Assembly to indicate support for such legislation.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS  
AMENDING CHAPTER 2, ARTICLE III OF THE CURRITUCK COUNTY  
CODE OF ORDINANCES TO PROHIBIT THE CONCURRENT MEMBERSHIP ON  
A COUNTY AUTHORITY, BOARD OR COMMISSION**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-76 a board of commissioners may change the composition and manner of selection of boards, commissions, and agencies, and may generally organize and reorganize the county government in order to promote orderly and efficient administration of county affairs; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-77 a board of commissioners may appoint advisory boards, committees, councils and agencies composed of qualified and interested county residents to study, interpret and develop community support and cooperation in activities conducted by or under the authority of the board of commissioners.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding a new section to Chapter 2, Article III, Division 1 to read as follows

**Sec. 2-98. Multiple Committee Appointments Prohibited.**

Other than a county commissioner, officer or employee serving *ex officio*, no person shall hold concurrently two or more appointments to a county authority, board or commission.

PART II. This ordinance shall apply to those persons holding two or more appointments to a county authority, board or commission on the date this ordinance is adopted at the completion of their current terms of appointment.

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

#### **Commissioner's Report**

Commissioner Nelms requested the Board to give back \$5,000 of their salary to help with the county insurance for employees. He also requested the Board exempt fees for building permits up to \$150,000.

#### **County Manager's Report**

**No comments**

#### **Adjourn**

There being no further business, the meeting adjourned.