

Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Tuesday, September 08, 2009 Time: 7:00 PM

Work Sessions

5:30 p.m. Economic Development Board

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 Constitution Week**
- Item 4 **Update on County Inspection Review Process**
- Item 5 **Public Hearing and Action** on the Creation of the Carova Beach Road Service District
- Item 6 **Public Hearing and Action:** PB 08-45 Estates at Carova Beach: Request for preliminary plat/special use permit approval of an open space subdivision to re-plat 20 existing lots into 28 residential lots in Carova Beach Subdivision, Sections 1, 2, 3, 5, and 9, Fruitville Township.
- Item 7 **Public Hearing and Action** PB 09-24 Jarvis Landing: Request to establish a 15.3 acre Residential Multifamily (RMF) overlay district. Property is located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Rd, Tax Map 110, Parcel 74, Poplar Branch Township.
- Item 8 **Presentation and Discussion** on updating the County's Hazard Mitigation Plan
- Item 9 **Appointment to Jury Commission**

- Item 10 **Consent Agenda:**
1. Transfer Unspent FY 2008/2009 ROAP Allocation
 2. Moyock Welcome Center Addition - Change Order #1, Revelle Builders
 3. RO Water Treatment Plant-Change Order #5, ML Water System Upgrades
 4. Budget amendments
 5. Resolution Authorizing Sale by Upset Bid Residential Structures at Milburn Sawyer Road and North Spot Road
 6. Resolution declaring surplus property and authorizing auction of surplus property
 7. Approval of Board of E&R minutes
 8. 2009 Tax Levy & Prior Year Taxes to be Charged to the Tax Collector
 9. Approval of August 17, 2009, Minutes

Item 11 Commissioner's Report

Item 12 County Manager's Report

- Item 13 **Closed Session:**
1. According to GS 143-318.112 (4) to discuss economic development

Adjourn

Special Meeting

Tourism Development Authority Meeting

Call to order

TDA Budget amendments

Adjourn

Betsy Dowdy Chapter
National Society of
Daughters of American Revolution

Mr. Daniel Scanlon, II
P O Box 39
Currituck, NC 27929

July 27, 2009

Dear Mr. Scanlon:

The Betsy Dowdy Chapter NSDAR respectfully requests that you present this proclamation at your first meeting in September 2009.

After signature and presentation, we respectfully request that you return it in the self-addressed stamped envelope

If you have any questions, please feel free to contact me.

Sincerely



Cora deShong Wade, Vice-Regent
Betsy Dowdy Chapter NSDAR
cdwade3@mchsi.com
(252) 435-6477

Office of County Commissioners
Currituck County, North Carolina
Proclamation
Constitution Week
September 17-23, 2009

WHEREAS, September 17, 2009 marks the two-hundred twenty-second anniversary of the drafting of the Constitution of the United States of America by the Constitution Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd as Constitution Week,

NOW, THEREFORE, BE IT PROCLAIMED, that we, the commissioners for Currituck County do hereby ask all citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have set my hand and affixed the Great Seal of the County of Currituck.

J. Owen Etheridge
Chairman

Daniel F. Scanlon, II
Currituck County Manager

REPORT ON THE CREATION OF THE CAROVA BEACH ROAD SERVICE DISTRICT

The North Carolina General Assembly has declared in N.C. Gen. Stat. Section 153A-301(b) that coastal-area counties have a special problem with the lack of maintenance of platted rights-of-way, resulting in un-graded sand travelways deviating from the original rights-of-way and encroaching on private property and such cartways exhibit poor drainage and are blocked by junk automobiles. As found by the North Carolina General Assembly and to cure the problem of unmaintained roads, poor drainage, abandoned, derelict and junk automobiles and the resulting safety hazard in the Carova Beach section of Fruitville Beach, it is proposed that a service district be formed for street maintenance and removal of junk automobiles.

Identified Need for Service District

Platted in the late 1960's, Carova Beach is an unincorporated community within the beach area of Fruitville Township in Currituck County. The area can only be accessed by boat or four wheel drive vehicles driven along the oceanfront beach. As of June 5, 2009 the area contained approximately 1,599 undeveloped lots. It is estimated that 417 lots are now developed. The interior streets to access the developed and undeveloped lots are essentially sand paths that meander within and across platted rights-of-way. Consequently, travelways are directed across private property. In addition, without regular maintenance the sand streets are poorly drained resulting in sometimes large and deep areas of water across travelways and without removal of vegetation the loss of sight triangles allowing for safe passage through intersections. The cited issues are a cause for hazardous travel and potentially trespass conditions that exist throughout the Carova Beach road system.

Resident Population and Population Density

The resident population of the proposed service district area according to the 2000 United States Census is approximately 111 persons. Seasonal population within the proposed service district is estimated to be approximately 3,154 persons per week during the summer season.

Appraisal Value of Property Subject to Taxation in the Proposed Service District

Because the property comprising the proposed service district are street rights-of-way dedicated to public use, the assessed valuation of property subject to taxation in the proposed service district is zero. The current county wide tax rate, which includes the proposed service district area, is 32 cents per one hundred dollars of valuation. It is anticipated that a tax will not be assessed in the proposed service district due to the availability of an alternate funding source to provide services within the district identified as the Currituck County Occupancy Tax. If at any time Occupancy Tax is not sufficient to fund a street maintenance or improvement project then such project will not be implemented until sufficient Occupancy Tax is available to fund such project.

Plan for Providing Services Within the Proposed Service District

The county plans to provide street maintenance and, if necessary, removal of derelict and junked automobiles, within the proposed district through the use of private contractors. The street improvement portion of the project will be approved and permitted as required by regulatory agencies with jurisdiction over the proposed service district area. Planning for the street improvement project is underway and it is anticipated that improvements will begin by January 1, 2010.

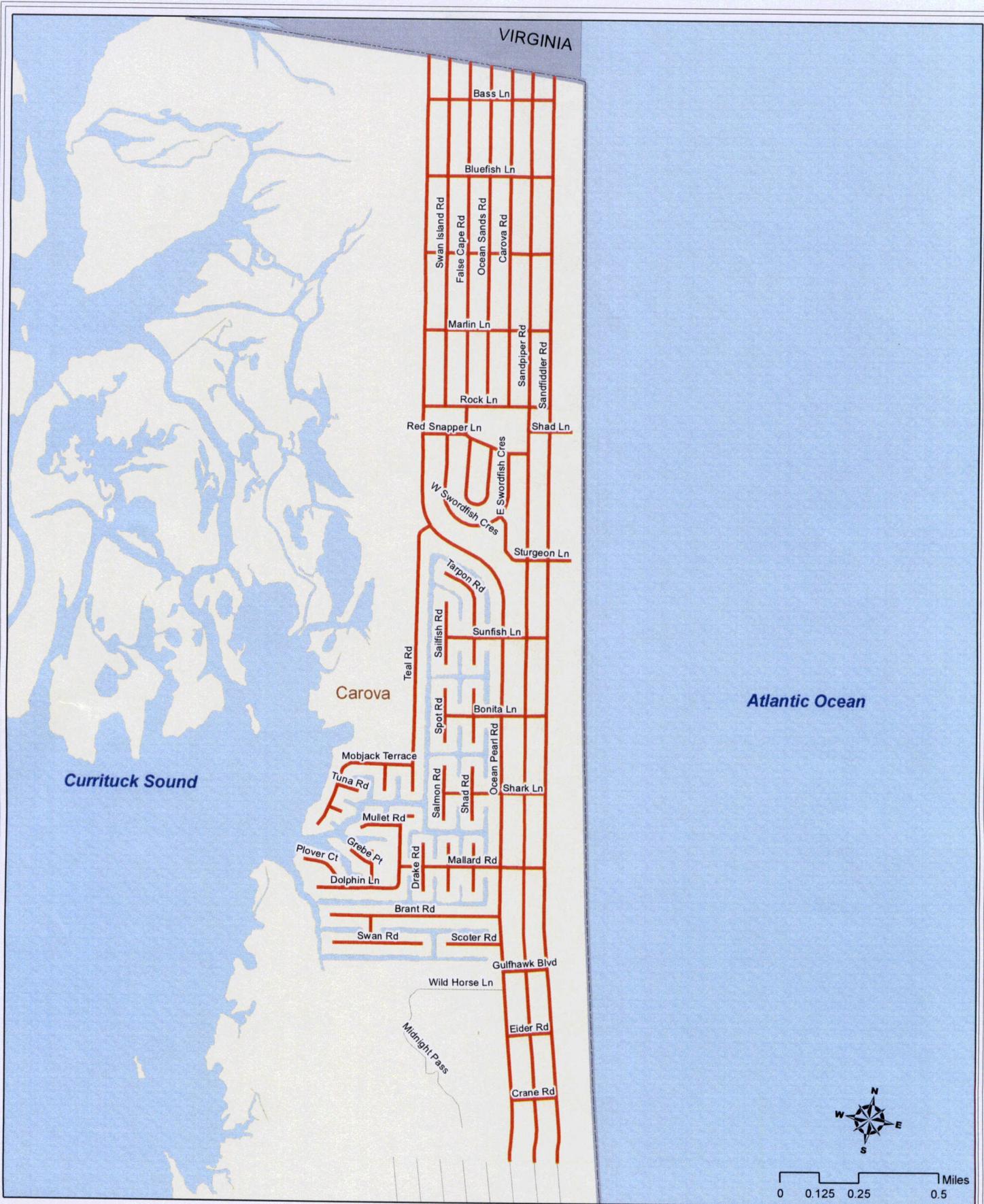
Governance of Proposed Service District

As provided by Article 16 of Chapter 153A of the General Statutes of North Carolina the Currituck County Board of Commissioners will be the governing board for the service district. In addition, the Currituck County Board of Commissioners will create and appoint members to the Carova Beach Road Service District Advisory Board. As planned, the advisory board will consist of seven (7) members comprised of three full time residents of Carova Beach Subdivision, one absentee Carova Beach Subdivision property owner, one person representing the Carova Beach Volunteer Fire Department, Inc., one person representing Currituck Emergency Medical Services and one person representing the Currituck County Sheriff's Department. The advisory board will be tasked with the following responsibilities:

- a. assess road rights-of-way comprising the service district;
- b. develop a prioritized list of road rights-of-way in need of maintenance and the type of maintenance or improvement recommended;
- c. prepare and submit to the Currituck County Board of Commissioners a report of advisory board assessment and recommendation;
- d. monitor and report to the Currituck County Board of Commissioners the status and progress of approved road maintenance and improvement projects; and
- e. any other tasks or responsibilities requested by the Currituck County Board of Commissioners related to the purpose for the service district.

MAP OF PROPOSED SERVICE DISTRICT

A map of the proposed service district area is attached to this report as Exhibit A.



**Proposed Carova Beach Road Service District
Currituck County**

— Proposed Service District Area

RESOLUTION ESTABLISHING AND CREATING THE CAROVA BEACH ROAD
SERVICE DISTRICT

WHEREAS, Chapter 153A, Article 16 of the North Carolina General Statutes, authorizes counties within North Carolina, to define service districts to finance, provide, or maintain for such districts one or more services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire county; and,

WHEREAS, said statutes further provide that the county may define a service district for the purpose of street maintenance; and

WHEREAS, acting in response to a need for action in order to protect and maintain public safety, address increasing traffic demands resulting from property development within the Carova Beach area and to preserve and protect private property rights through the re-establishment of rights-of-way thus ending travel across private property, the Board of Commissioners for the County of Currituck has determined that the creation of a service district for street maintenance will be for the benefit of those properties located within the service district boundaries and adjacent thereto; and

WHEREAS, the Board of Commissioners for the County of Currituck finds that the proposed district is in need of projects and programs to the standards of G.S. 153A-301(b) and (c) to a demonstrably greater extent than the remainder of the county to meet the needs and goals set forth above and, further, that a county is statutorily limited to establishing such projects and programs only within an area of the county having characteristics of the proposed service district area and thus it is impossible to provide the planned services on a countywide basis; and

WHEREAS, it is economically feasible to provide the proposed services within the district without an annual tax levy as property within the district is dedicated as street rights-of-way with an assessed valuation of zero and the County of Currituck has identified Occupancy Tax revenue as a source of funding to provide street maintenance within the district; and

WHEREAS, there is a demonstrable demand and need for the services proposed within the district as set forth and incorporated into a report which has been available for public inspection in the office of the Clerk to the Board of Commissioners for four (4) weeks prior to the public hearing on the matter of the establishment of the service district which report is incorporated herein by reference; and

WHEREAS, the Board of Commissioners for the County of Currituck has caused a notice of such hearing to be duly published in a newspaper having general circulation in the County of Currituck, said hearing having been conducted on September 8, 2009, and the County Attorney has certified to the Board of Commissioners that the mailing of notice of hearing has been completed, all in conformity to G.S.153A-302(c);

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

Section 1. The County of Currituck has fully complied with each and every requirement of Chapter 153A, Article 16 of the North Carolina General Statutes and the Board of Commissioners determines and finds the same as a fact.

Section 2. The Carova Beach Service District for street maintenance is hereby established and created consisting of the rights-of-way of in Carova Beach as more particularly shown on the map attached hereto as Exhibit A and incorporated herein by reference.

Section 3. The County of Currituck may allocate to the Carova Beach Road Service District any revenue whose use is not otherwise restricted by law including, but not limited to, Occupancy Tax, in order to finance, provide or maintain for the district, services provided therein, in addition to or to a greater extent than those financed, provided or maintained for the entire county. If at any time Occupancy Tax is not sufficient to fund a street maintenance or improvement project then such project will not be implemented until sufficient Occupancy Tax is available to fund such project.

Section 4. There is created a Carova Beach Road Service District Advisory Board comprised of seven members appointed by and serving at the Currituck County Board of Commissioners. Three members shall be residents of Carova Beach Subdivision, one member shall be an absentee owner of property in Carova Beach Subdivision, one member shall be a representative of the Carova Beach Volunteer Fire Department, Inc., one member shall be a representative of Currituck County Emergency Medical Services and one member shall be a representative of the Currituck County Sheriff's Department.

The Carova Beach Road Service District Advisory Board shall have the following responsibilities:

- a. assess road rights-of-way comprising the service district;
- b. develop a prioritized list of road rights-of-way in need of maintenance and the type of maintenance or improvement recommended;
- c. prepare and submit to the Currituck County Board of Commissioners a report of advisory board assessment and recommendation;
- d. monitor and report to the Currituck County Board of Commissioners the status and progress of approved road maintenance and improvement projects; and
- e. any other tasks or responsibilities requested by the Currituck County Board of Commissioners related to the purpose for the service district.

ADOPTED the ____ day of _____, 2009.

Chairman, Board of Commissioners

ATTEST:

Clerk to the Board

(County Seal)

**STAFF ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: September 8, 2009
PB 08-45 Estates at Carova Beach, Open Space Subdivision**

ITEM: PB 08-45 Estates at Carova Beach, Open Space Subdivision, Preliminary Plat/SUP to re-plat 20 existing lots into 28 residential lots.

LOCATION: The proposed development is located in the following sections of Carova Beach, Fruitville Township:

Section 1	Sections 2 & 3	Sections 5 & 9
087A-000-000A-0001	087A-000-000A-0002	087A-000-001A-0005
087A-000-000B-0001	087A-000-000A-0003	087A-000-002A-0005
087A-000-000C-0001	087A-000-000B-0002	087A-000-000B-0005
087A-000-000D-0001	087A-000-000B-0003	087A-000-000C-0005
087A-000-000E-0001		087A-000-000D-0005
087A-000-000F-0001		087A-000-000A-0009
087A-000-000G-0001		087A-000-000B-0009
087A-000-000H-0001		087A-000-000C-0009

ZONING DISTRICT: Outer Banks Limited Access Residential District (RO2)

PRESENT USE: Sand dunes and maritime forest

OWNERS: Carova Corp. and Ocean Sands Co.
C/O Riggs Realty Co.
P.O. Box 400
Corolla, NC 27927

Ernest Bowden
2155 Sandfiddler Road
Corolla, NC 27927

ENGINEER: Mark Bissell
Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949
252-261-3266

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH:	Residential and Vacant	Zoned: RO2
SOUTH:	Residential and Vacant	Zoned: RO2
EAST:	Residential and Vacant	Zoned: RO2
WEST:	Residential and Vacant	Zoned: RO2

SIZE OF SITE: Section 1: 31.36 acres
 Sections 2&3: 22.04 acres
 Sections 5&9: 20.52 acres
 Total: 73.92 acres

NUMBER OF LOTS: 28 total (8 lots proposed, 20 existing, re-platted lots)

DENSITY: 0.38 unit/ acre

STREETS: The proposed lots will be accessed by existing sand roads excluding two cul-de-sac streets proposed in Section 1 development. The existing roads and dune crossings will be evaluated at pre-construction phase for re-grading and stabilization.

UTILITIES: The development will be served by individual wells and on-site wastewater.

OPEN SPACE: Proposed lot area reduced from the required 120,000 square feet must be dedicated as open space. The required open space dedication for each section is as follows:

Section	Required Open Space	Dedicated Open Space
Section 1	476,242 square feet	500,802 square feet
Sections 2 & 3	364,938 square feet	379,150 square feet
Sections 5 & 9	265,515 square feet	320,925 square feet

There is a cumulative total of 27.5 acres of open space included in the subdivision proposals. The developer has expressed an interest in dedicating the open space to Currituck County. As provided for in Section 10.4.6 of the Unified Development Ordinance, required open space shall not be dedicated to the public except upon written acceptance by the county.

I. NARRATIVE OF REQUEST:

- Carova Corp., Ocean Sands Co. is requesting preliminary plat/SUP approval for re-platting 20 existing parcels in sections of Carova Beach into 28 proposed lots.

- Carova Beach subdivision was approved in 1966 and 1967, and at that time Currituck County did not require the street improvements.
- The sketch plan was approved by the Board of Commissioners on December 15, 2008.

II. QUESTIONS BEFORE THE BOARD:

Special Use Permit Criteria and Suggested Findings:

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

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

1. COMPLETENESS OF THE APPLICATION

Suggested Finding:

- a. The application is complete.

2. THE PROPOSED USE IS AMONG THOSE LISTED IN THE TABLE OF PERMISSIBLE USES AS A SPECIAL USE INDICATED WITH AN "S".

Suggested Finding:

- a. Chapter 10 of the UDO allows a major, open space subdivision as a permissible use with a special use permit.

3. THE CONDITIONS PROPOSED MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THE UDO.

Suggested Finding:

- a. The proposed conditions meet the minimum requirements of the UDO.

4. THE SPECIAL USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY.

Suggested Finding:

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

5. THE SPECIAL USE WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED.

Suggested Findings:

- a. The UDO indicates that an open space subdivision is allowed in the RO2 zoning district with a special use permit.

- b. The proposed residential lots are currently within a neighborhood with densities comparable to those proposed and should be in harmony with the neighborhood.

6. THE SPECIAL USE WILL BE IN CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN, OR OTHER OFFICIALLY ADOPTED PLAN.

Suggested Findings:

- a. The 2006 Land Use Plan classifies the site as **Limited Service Area** within the Carova subarea and the proposed development is in keeping with the policies of the plan such as:

POLICY OB6: Concerning the OFF-ROAD AREAS OF THE OUTER BANKS, Currituck County shall not permit or encourage the provision of growth-inducing facilities and services to these areas, including for example, commercial services, centralized sewage treatment, and hard surface roads.

POLICY OB7: VEHICULAR ACCESS TO THE NORTH BEACHES (off-road area) shall not compromise the environmental integrity of wildlife refuges, the estuarine research reserve, other ecologically sensitive areas, or habitat for wild horses. Structures or other man-made improvements not specifically serving the public interest shall not be permitted to block vehicular access along the beach.

POLICY OB8: In order to protect WILD HORSES, Currituck County shall not permit nor encourage the provision of hard surface roads in the off-road area of Carova.

POLICY OB9: LARGE HOMES ON OCEANFRONT LOTS IN THE OFF-ROAD AREA should be located as far west as possible. Structures should not be built forward of protective dunes, thereby impeding dune recovery. County minimum setbacks may exceed CAMA minimum setbacks in ocean erodible areas.

- b. The proposed preliminary plat/special use permit is in general compliance with the policy emphasis of the Carova sub-area and the Outer Banks policies of the 2006 Land Use Plan.

7. THE SPECIAL USE WILL NOT EXCEED THE COUNTY'S ABILITY TO PROVIDE ADEQUATE PUBLIC FACILITIES, INCLUDING, BUT NOT LIMITED TO, SCHOOLS, FIRE AND RESCUE, LAW ENFORCEMENT, AND OTHER COUNTY FACILITIES. APPLICABLE STATE STANDARDS AND GUIDELINES SHALL BE FOLLOWED FOR DETERMINING WHEN PUBLIC FACILITIES ARE ADEQUATE. SUCH FACILITIES MUST BE IN PLACE OR PROGRAMMED TO BE IN PLACE WITHIN TWO YEARS AFTER THE INITIAL APPROVAL OF THE PLAN (SKETCH PLAN IN THE CASE OF MAJOR SUBDIVISIONS).

Suggested Findings:

- a. School seats are no longer allocated for the Outer Banks areas because of the low year round occupancy rate.
- b. The Carova Beach Fire Department testified on September 17, 2007 that the roads in Carova are adequate for their department to respond.

III. STAFF RECOMMENDATION

Staff recommends **approval** of all sections with the following conditions:

1. A detailed analysis of proposed fill within the Coastal High Hazard Area (VE flood zone) shall be provided with pre-construction plans. The analysis shall indicate the effects of fill and wave deflection or run-up as well as increase in base flood elevation. In addition, there shall be no alteration of sand dunes which would increase potential flood damage. No fill shall be used for structural support.
2. A detailed grading plan must be provided with the pre-construction plans to identify any dune modifications or fill.
3. Please provide a detailed narrative for access and development impacts within 404 wetlands with the pre-construction plans.
4. An on-site inspection by the County Engineer and Planning staff must occur prior to submission of the pre-construction plans to determine the extent of improvements of existing roads.
5. Identify significant trees within the development with the pre-construction plan submittal.
6. Provide a short document or narrative explaining maintenance and the party responsible for maintenance of roadside swales and culverts. In addition provide the procedure for when the developer turns the subdivision over to the homeowner's association and their responsibility at that time. The narrative and procedure should be submitted at pre-construction. (Soil and Water TRC Comment)
7. Acceptance by the county of any open space property shall be in the form of a general warranty deed. This shall only occur after the adoption of a written resolution of acceptance by the Board of Commissioners, prior to the recordation of a final plat.
8. A detailed grading, drainage plan for individual lots shall be provided with pre-construction plan. (Public Works, County Engineer TRC Comment)
9. More detailed grading, drainage, stabilization, fill and excavation information shall be provided to Division of Coastal Management. (DCM TRC Comment)
10. Provide details for the four foot barrier fence in Section 1 with the pre-construction plans (DCM TRC Comment).

Suggested Staff Plan Modifications (*SUP December 15, 2008)

1. *All vegetation in open space, except for fire ponds, shall be maintained in its current, natural state.
2. *Submit a narrative ore report on how the proposed development complies with the maritime Forest Guidelines with the pre-construction submittal. (Policy ES7)
3. *The Maritime Forest Guide shall become a mandatory part of this permit (UDO Section 4.7.7) (Policy ES7)

4. Only limited removal of vegetation within 404 wetlands for elevated pedestrian access and minimal road/driveway access shall be permitted. Fill within the wetlands shall be prohibited, except for minimal access to properties (Policy ES2, WQ5, WQ6)
5. Existing vegetation located along proposed street rights-of-way should be protected during construction and retained. (Policy ES7)
6. Lots adjacent to 404 wetlands shall incorporate LID techniques and reduce run-off to the wetland areas. No direct stormwater run-off to wetland areas. No direct stormwater run-off to 404 wetlands shall be permitted. (Policy ES2)

PLANNING BOARD DISCUSSION (August 11, 2009)

Mr. Bell asked who will be responsible for maintaining the fire ponds.

Mr. Woody stated if the open space remains with the Homeowner's Association they will be responsible, but if the county accepts the open space then the county would be responsible for maintaining the fire ponds.

Ms. Robbins suggested the volunteer fire department may have an interest in maintaining the fire ponds.

Mr. Bissell stated if this is approved they will end up with 28 lots in 3 sections and they are offering approximately 28 acres between the 3 sections of open space dedicated to the county. The fire ponds are being provided because there isn't any fire protection in sections 1 and 2. This is essentially the same plan the board recommended approval at the sketch plan stage.

Mr. Midgette asked Mr. Bissell if he was in agreement with staff recommendations.

Mr. Bissell stated yes.

Mr. Kovacs asked how they will handle the stormwater run off.

Mr. Bissell stated they are providing lot line swells and some outlets.

Mr. West asked if any consideration had been given for open space on the ocean front.

Mr. Bissell stated that by rearranging the open accesses, they were able to create 3 or 4 pedestrian access to the ocean which will be dedicated to the public.

Mr. Kovacs asked if there were any plans to make the roads smoother.

Mr. Bissell stated the roads in these particular sections will be smoothed out.

Mr. Woody stated the BOC is in the process of discussing a county service district in the off road area. The county, at the discretion or direction of an appointed board, may take on the responsibility of some of the road upkeep as part of a service district.

Mr. Clark stated this will be coming to the BOC in the next few meetings.

ACTION

Mr. West motion to recommend approval with staff recommendations and modifications for a Preliminary Plat/SUP to re-plat 20 existing lots into 28 residential lots as presented. Ms. Robbins seconded the motion. Motion carried unanimously.

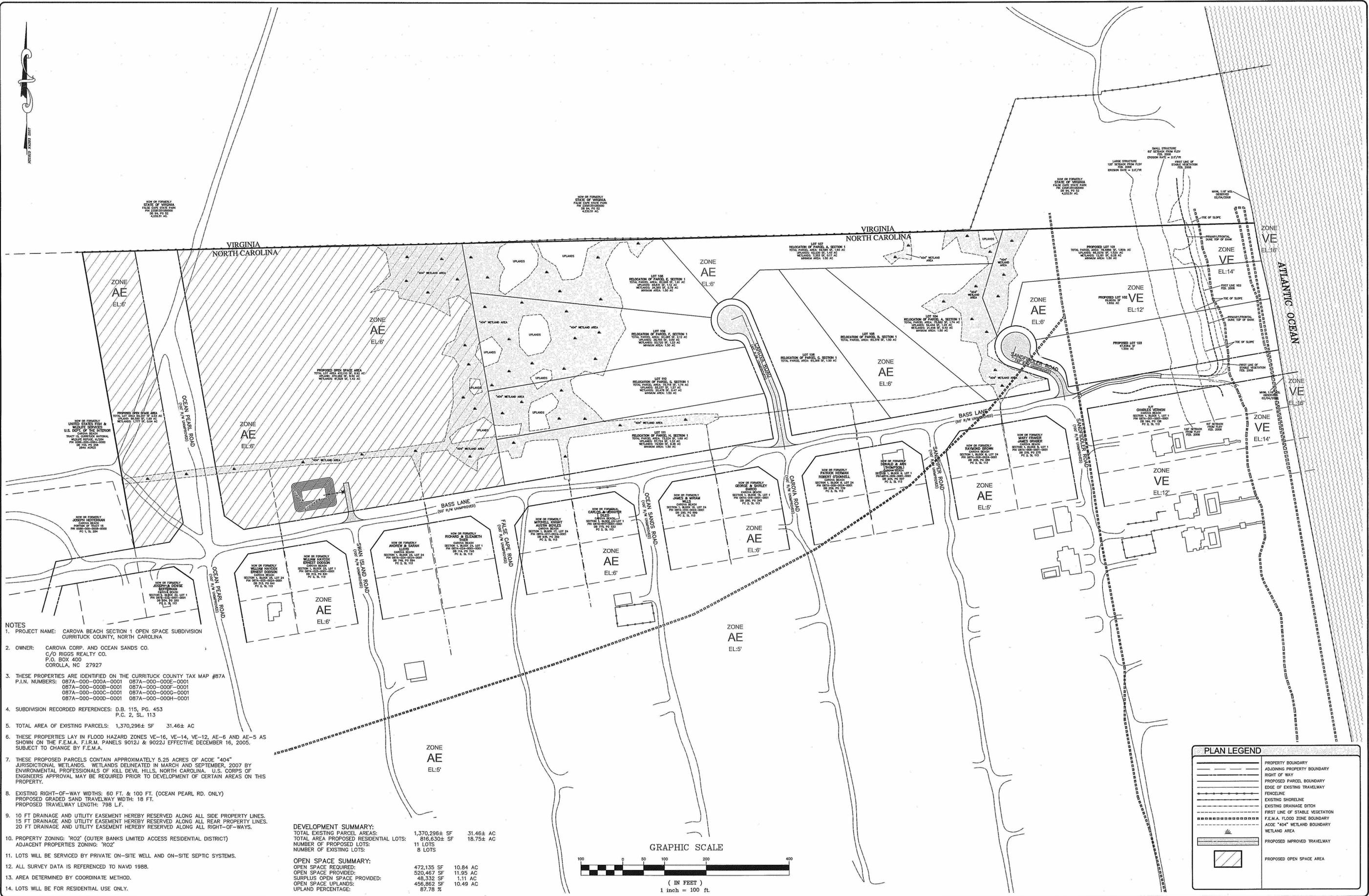




**PB 08-45 Carova Beach Business
Blocks- Section 5 & 9**

0 130 260 520 780 1,040 Feet
Currituck County Planning Department





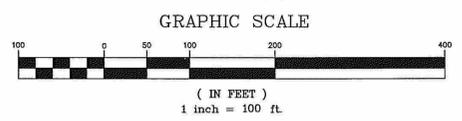
- NOTES**
- PROJECT NAME: CAROVA BEACH SECTION 1 OPEN SPACE SUBDIVISION CURRITUCK COUNTY, NORTH CAROLINA
 - OWNER: CAROVA CORP. AND OCEAN SANDS CO.
C/O RIGGS REALTY CO.
P.O. BOX 400
COROLLA, NC 27927
 - THESE PROPERTIES ARE IDENTIFIED ON THE CURRITUCK COUNTY TAX MAP #87A
F.I.N. NUMBERS: 087A-000-000A-0001 087A-000-000C-0001
087A-000-000B-0001 087A-000-000F-0001
087A-000-000C-0001 087A-000-000G-0001
087A-000-000D-0001 087A-000-000H-0001
 - SUBDIVISION RECORDED REFERENCES: D.B. 115, PG. 453
P.C. 2, SL. 113
 - TOTAL AREA OF EXISTING PARCELS: 1,370,296± SF 31.46± AC
 - THESE PROPERTIES LAY IN FLOOD HAZARD ZONES VE-16, VE-14, VE-12, AE-6 AND AE-5 AS SHOWN ON THE F.E.M.A. F.I.R.M. PANELS 9012J & 9022J EFFECTIVE DECEMBER 16, 2005. SUBJECT TO CHANGE BY F.E.M.A.
 - THESE PROPOSED PARCELS CONTAIN APPROXIMATELY 5.25 ACRES OF ACCE "404" JURISDICTIONAL WETLANDS. WETLANDS DELINEATED IN MARCH AND SEPTEMBER, 2007 BY ENVIRONMENTAL PROFESSIONALS OF KILL DEVIL HILLS, NORTH CAROLINA. U.S. CORPS OF ENGINEERS APPROVAL MAY BE REQUIRED PRIOR TO DEVELOPMENT OF CERTAIN AREAS ON THIS PROPERTY.
 - EXISTING RIGHT-OF-WAY WIDTHS: 60 FT. & 100 FT. (OCEAN PEARL RD. ONLY)
PROPOSED GRADED SAND TRAVELWAY WIDTH: 18 FT.
PROPOSED TRAVELWAY LENGTH: 798 L.F.
 - 10 FT DRAINAGE AND UTILITY EASEMENT HEREBY RESERVED ALONG ALL SIDE PROPERTY LINES.
15 FT DRAINAGE AND UTILITY EASEMENT HEREBY RESERVED ALONG ALL REAR PROPERTY LINES.
20 FT DRAINAGE AND UTILITY EASEMENT HEREBY RESERVED ALONG ALL RIGHT-OF-WAYS.
 - PROPERTY ZONING: "RO2" (OUTER BANKS LIMITED ACCESS RESIDENTIAL DISTRICT)
ADJACENT PROPERTIES ZONING: "RO2"
 - LOTS WILL BE SERVICED BY PRIVATE ON-SITE WELL AND ON-SITE SEPTIC SYSTEMS.
 - ALL SURVEY DATA IS REFERENCED TO NAVD 1988.
 - AREA DETERMINED BY COORDINATE METHOD.
 - LOTS WILL BE FOR RESIDENTIAL USE ONLY.

DEVELOPMENT SUMMARY:

TOTAL EXISTING PARCEL AREAS:	1,370,296± SF	31.46± AC
TOTAL AREA PROPOSED RESIDENTIAL LOTS:	816,630± SF	18.75± AC
NUMBER OF PROPOSED LOTS:	11 LOTS	
NUMBER OF EXISTING LOTS:	8 LOTS	

OPEN SPACE SUMMARY:

OPEN SPACE REQUIRED:	472,135 SF	10.84 AC
OPEN SPACE PROVIDED:	520,467 SF	11.95 AC
SURPLUS OPEN SPACE PROVIDED:	48,332 SF	1.11 AC
OPEN SPACE UPLANDS:	456,860 SF	10.49 AC
UPLAND PERCENTAGE:	87.78 %	



PLAN LEGEND

	PROPERTY BOUNDARY
	ADJOINING PROPERTY BOUNDARY
	RIGHT OF WAY
	PROPOSED PARCEL BOUNDARY
	EDGE OF EXISTING TRAVELWAY
	FENCELINE
	EXISTING SHORELINE
	EXISTING DRAINAGE DITCH
	FIRST LINE OF STABLE VEGETATION
	F.E.M.A. FLOOD ZONE BOUNDARY
	ACCE "404" WETLAND BOUNDARY
	WETLAND AREA
	PROPOSED IMPROVED TRAVELWAY
	PROPOSED OPEN SPACE AREA

RUSSELL PROFESSIONAL GROUP
 Russell Professional Group
 P.O. Box 1000
 1000 North Carolina Highway 27949
 (252) 338-3333
 (252) 338-3333
 FAX (252) 281-1790

OVERVIEW

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ESTATES AT CAROVA BEACH
 CURRITUCK COUNTY
 FRUITVILLE TOWNSHIP
 NORTH CAROLINA
SECTION 1

NO.	DATE	REVISIONS	DESCRIPTION

DATE: 5-27-09 SCALE: 1" = 100'

DESIGNED: BPG CHECKED: BPG

DRAWN: WKG APPROVED: MSB

SHEET: 2 OF 24

CAD FILE: 416701S1

PROJECT NO: 4167

PRELIMINARY - FOR REVIEW ONLY

**CASE ANALYSIS FOR THE
BOARD OF COMMISSIONERS
MEETING DATE: September 8, 2009
RMF Overlay Zoning Map Amendment:
PB 09-24 Jarvis Landing**

TYPE OF REQUEST: Request to establish a 15.3 acre Residential Multi-Family (RMF) overlay district.

LOCATION: Located at 7400 Caratoke Highway, approximately 750 feet North of Case Landing Rd.

TAX ID: Tax Map 110, Parcel 74
0110-000-0074-0000

OWNER/APPLICANT: GOB, LLC
PO Box 125
Point Harbor, NC 27964

CURRENT ZONING: Conditional District General Business (CD-GB) & Residential (R)

PROPOSED ZONING: Residential Multi-Family (RMF) overlay district

ZONING CONDITIONS: The 15.3 acre CD-GB district is subject to the following conditions:

1. Uses: 39 townhome style dwellings, manager's office/ community center, and related amenities.
2. Density will not exceed 2.574 dwelling units per acre.
3. 25 foot undisturbed natural vegetative buffer will remain along the northern and western property lines.
4. A walking path/sidewalk will be constructed for pedestrian connectivity to the existing GB zoning district to the east.
5. Existing woodlands will be preserved to the extent practicable.
6. An opaque privacy fence will be constructed along the northern property line adjacent to tax map parcel 110-75B and along the western property line adjacent to tax map parcel 110-74D.
7. A minimum of 30% of the acreage of existing woodland, excluding utility areas, shall be designated and maintained as an undisturbed tree preservation area.

ZONING HISTORY: The property was zoned Residential (R) on the 1989 zoning atlas.

A Sketch Plan/ Special Use Permit for a 14 lot residential subdivision was granted for this property on April 3, 2006. The

subdivision was constructed and Final Plat approval was granted on May 8, 2007.

The property was rezoned to CD-GB to allow for 39 townhome style dwelling units on March 3, 2008.

SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential and Sand Mine	R and GB
SOUTH:	Residential and Undeveloped	R
EAST:	Undeveloped	GB
WEST:	Undeveloped	R

EXISTING LAND USE: Vacant Residential Subdivision.

PROPOSED LAND USE: No proposed land use is indicated on the application.

DENSITY: With RMF Overlay (4.3 du/acre): 65 dwelling units.

**LAND USE PLAN
CLASSIFICATION:**

The 2006 Land Use Plan classifies the site as **Limited Service Area** within the **Jarvisburg Sub-Area**.

The purpose of the Limited Services Area class is to provide for primarily residential development at low densities. 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.

The policy emphasis of the 2006 plan is to allow the Jarvisburg area to accommodate quality residential development at low densities while preserving the rural landscape between such 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. An example might be a new compact, walkable neighborhood of homes built near an existing or proposed church, school or compatibly designed general store.

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

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.

**PUBLIC SERVICES
AND UTILITIES:**

The Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric service, telephone and public water are available.

TRANSPORTATION:

The site has approximately 24 linear feet of frontage on Caratoke Highway.

FLOOD ZONE:

This site has been designated an X Flood Zone by FEMA and is therefore out of the 100 year floodplain.

SOILS:

The Currituck County Soils map indicates the property contains suitable soils for on-site septic systems.

**STAFF
RECOMMENDATION:**

Staff recommends **denial** of the request to establish a 16.57 acre Residential Multi-family overlay zone for the following reasons:

1. The proposed Residential Multi-Family (RMF) overlay is not in general compliance with the Limited Service designation and Jarvisburg Sub-Area policy emphasis of the 2006 Land Use Plan.
2. The RMF overlay is not an appropriate zoning district for areas designated as Limited Service on the Future Land Use Map. Rather, the higher densities associated with the RMF overlay are better suited for Full Service areas.

3. The Land Use Plan emphasizes that new RMF overlay zones should only be applied in locations served by centralized utilities and convenient to services.
4. The establishment of RMF overlay's in Limited Service areas may actually increase demand for county services and encourage strip development by locating people in areas removed from existing infrastructure and services.

PLANNING BOARD DISCUSSION

Mr. Valdivieso stated the property has a current Special Use Permit (SUP) which allows for 39 townhomes. What they are asking for in the rezoning overlay will not do away with this permit. In other words, if the RMF is approved and they wanted to add units they would have to come back to amend the SUP to accommodate the increase in density. What they are asking for tonight is a residential multi-family overlay zoning district. This is in an effort to increase the density on the property. Mr. Valdivieso stated the RMF overlay came about in his opinion during the need for affordable housing, but you need to have higher density. The Affordable Housing Group out of Charlotte, NC is now working with the developer on this project. This group would build it, own it, and manage the project. The amount they can charge for rent to qualify for special financing in this program is \$500-\$650 monthly per unit. Mr. Valdivieso stated to get the numbers down they need to develop 50 units on the site. The density will make the project financially feasible to develop and to maintain affordability. Utilities and infrastructure are in place on the property. All the proposed townhomes will have their own septic system.

Mr. West asked Mr. Valdivieso how many units he thinks the property would support.

Mr. Valdivieso stated that he has not done a site evaluation or plan to see what can go on the property, which may accommodate 65 units.

Mr. Midgette asked if the infrastructure that is now there on the property was put there to support the 14 lot residential subdivision which was originally asked for.

Mr. Valdivieso stated yes and it also will support the 39 townhomes.

Mr. Woody stated you could use the street configuration to accommodate single family homes or townhomes.

Mr. Clark stated he is concerned that during these economical times, could the county support 39 to 50 more apartment units being built since 252 units have been approved to be built in Moyock.

Mr. Woody stated that when you build a multi-family dwelling in Currituck County it can be zoned General Business, Planned Unit Development or RMF Overlay. Once you have the zoning in place you do have to come back and get a Special Use Permit. Zoning is a legislative action and a board has discretion in how to apply a zoning district. An SUP is a quasi-judicial proceeding and a board does not have discretion on when to issue the SUP.

Mr. Praley stated that the surrounding properties were in support of the original 14 single family homes, but since it has changed to 39 townhomes and the possibility of changing to 50 townhomes, he is asking the board to deny the request of the RMF overlay.

Ms. Powell stated she was representing the Jarvis Family who originally sold this land to put 14 single family units on it. Ms. Powell stated that her father was a long time resident of Currituck County and he worked hard to make Jarvis Landing a beautiful place for the family. Their desire is to keep the property beautiful as nature has kept it for years and generations to come. Ms. Powell stated they are asking for denial of this request because of the impact it will have on the land and the land they still own there. Ms. Powell stated when the property was originally sold to Mr. Griggs it was an agreement by word of mouth and a hand shake that 14 single family units would go on the property. Ms. Powell stated Mr. Griggs wrote it down and was in agreement with the 14 single family units.

Mr. Valdivieso stated when Mr. Griggs purchased the property no restrictions were put on the property. Mr. Valdivieso stated the governor has signed Bill 831 effective January 1, 2008 through

December 31, 2010 which essentially freezes current special use permits due to economical times in an effort to minimize costs to start a project up when the economy turns around.

ACTION

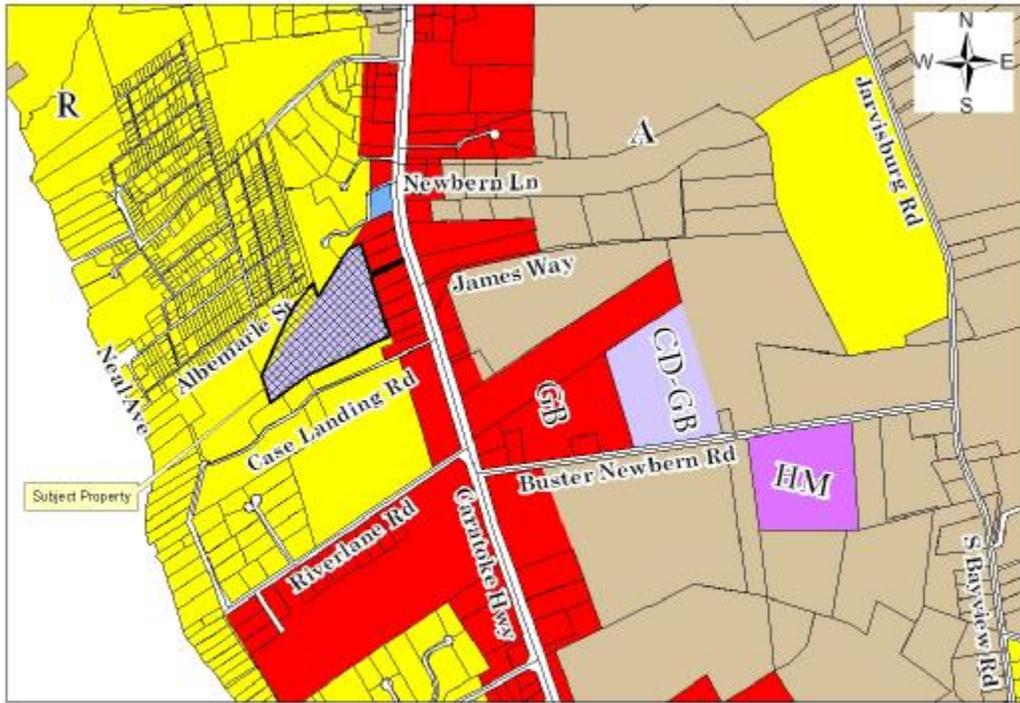
Ms. Newbern motioned to recommend denial with staff recommendations of the request to establish a 15.3 acre Residential Multifamily (RMF) overlay district as presented. Mr. West seconded the motion. Motion carried unanimously.



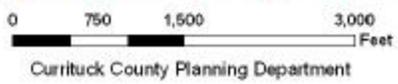
PB 09-24 Jarvis Landing
Establish RMF Overlay

0 200 400 800 Feet
Currituck County Planning Department

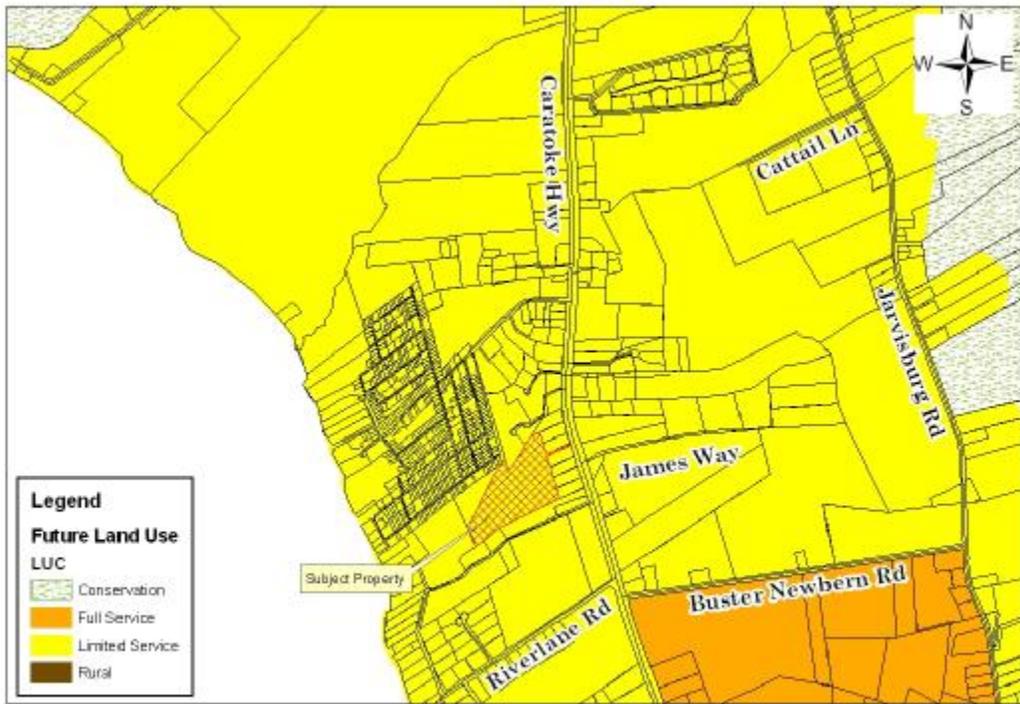




PB 09-24 Jarvis Landing
Establish RMF Overlay

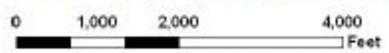


Currituck County Planning Department



PB 09-24 Jarvis Landing
Establish RMF Overlay

Legend	
Future Land Use	
LUC	
	Conservation
	Full Service
	Limited Service
	Rural



Currituck County Planning Department





State of North Carolina
General Court of Justice
CLERK OF SUPERIOR COURT
CURRITUCK COUNTY
P.O. Box 175
CURRITUCK, NC 27929-0175

SHEILA R. TYLER, CLERK
EX OFFICIO JUDGE OF PROBATE

J. RICHARD PARKER
SENIOR RESIDENT JUDGE

JERRY TILLET
RESIDENT JUDGE

FAX COVER SHEET

Date: 8-14-09

To: Gwen or Mary

Fax: 232-3551

From: Sheila Tyler, Clerk of Superior Court, Currituck County,
P.O. Box 175, Currituck, NC 27929
(Sheila.Tyler@nccourts.org)

Number of pages including this cover sheet: _____

Please have the Commissioners re-appoint
Dorothy H. Jones
947 Waterlily Rd.
Coinjock, 27923
to the Jury Commission.

STH
Sheila Tyler

Phone: (252) 232-2010
Fax: (252) 232-3722

**COUNTY OF CURRITUCK
JURY COMMISSION**

- Gwen S. White - Appointed by Clerk of Court

- Donna C. Stace - Appointed by Senior Resident
125 Brumsey Rd. Superior Court Judge Parker
Maple, NC 27956

- Dorothy H. Jones - Appointed by Board of
947 Waterlily Rd. Commissioners
Coinjock, NC 27923 September 2007 to September 2009

* Two year term

**RESOLUTION AUTHORIZING SALE BY UPSET BID PURSUANT TO
N.C. GEN. STAT. SECTION 160A-269**

WHEREAS, the County of Currituck owns residential structures on property located at 112 Milburn Sawyer Road and 323 N. Spot Road, Powells Point, N.C. (the "Property"); and

WHEREAS, the Property is not used by the County and, on July 20, 2009, was declared surplus by the Board of Commissioners of Currituck County; and

WHEREAS, North Carolina General Statute 160A-269 permits a county to solicit an offer to purchase property and advertise it for upset bids.

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

1. The County of Currituck shall solicit an offer to purchase the residential structure at 112 Milburn Sawyer Road and the residential structure at 323 N. Spot, which offers shall be subject to the upset bid procedure set forth in N.C. Gen. Stat. Section 160A-269.
2. The Clerk to the Board of Commissioners shall cause publication of a notice of the solicitation of an offer to purchase each residential structure subject to the upset bid procedure. The notice shall describe each residential structure and shall state the terms under which the offer may be upset.
3. Persons wishing to submit an offer to purchase the residential structures shall submit an offer for the structure located at 112 Milburn Sawyer Road or for the structure located at 323 N. Spot Road, with each offer accompanied by a deposit made in cash, cashier's check or certified check in the amount of five percent (5%) of the offer to purchase.
4. Upon receipt of an offer to purchase one of the residential structures and deposit, the Clerk to the Board of Commissioners shall cause publication of a notice of the offer to purchase. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Clerk to the Board of Commissioners within 10 days after the notice is published. At the conclusion of the 10-day period, the Clerk to the Board of Commissioners shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
5. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received.
6. A qualifying higher bid is one that raises the existing offer by not less than 10 percent (10%) of the first \$1,000 of that offer and 5 percent (5%) of the remainder of that offer.

7. A qualifying higher bid must also be accompanied by a deposit in the amount of 5 percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return without interest the deposit on any bid not accepted, and will return without interest the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder without interest at closing

8. The terms of the final sale are that the buyer must pay for purchase of the residential structure with cash, cashier's check or certified check at the time of closing and that each residential structure is sold AS IS and must be removed from the sites by the final high bidder.

9. The County reserves the right to withdraw one or both residential structures from sale at any time and the right to reject any and all offers at any time.

10. This resolution is effective upon its adoption.

ADOPTED the 8th day of September, 2009.

J. Owen Etheridge, Chairman
Currituck County Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners



CURRITUCK COUNTY BOARD OF COMMISSIONERS AGENDA ITEM #

Meeting Date

ITEM TO BE CONSIDERED

SUBJECT

FY 2008/2009 ROAP Allocation

REQUESTED ACTION

Permission for Inter County Public Transit Authority to transfer the unspent portions of Currituck County's Work First funding allocation, in the amount of \$512.85 to Pasquotank County.

Submitted By

Department

Date

Attachments: Yes No

REVIEW PROCESS

	<u>Approved</u>		<u>Attachment</u>
Finance Director	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
County Attorney	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
County Manager	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>

REVIEW COMMENTS

All eligible clients were served that met the Work First criteria in Currituck County.



MEMORANDUM

To: Board of Commissioners

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

Ref: Change Order # 1
Revelle Builders
Moyock Welcome Center Addition

Date: August 31, 2009

Attached is change order # 1 from Revelle Builders for the construction of the new addition on the rear of the Moyock Welcome Center building. Staff wishes to upgrade lighting, mirrors and flooring in the new public restrooms. Total amount of this request is \$1660.

There is ample money in the project contingency fund to pay this change order. We recommend approval by the Board of Commissioners.

REVELLE BUILDERS

Phone 252-398-4116
Fax 252-398-5119

401 W. Broad St., P. O. Box 505
Murfreesboro, NC 27855



CHANGE

ORDER

County of Currituck
145 Courthouse Road
PO Box 38
Currituck, NC 27929

Change Order #1

Contract #0905

August 27, 2009

• Add for 120 additional tiles @ \$6.21 each	\$ 745.
• Add for vanity lights exceeding \$100 allowance per fixture	200.
• Add for two (2) 90" x 42" mirrors	918.
• Add for additional wiring for vanity lights and hand dryers	187.
• Deduct for original 18" x 36" mirrors	<u>(390.)</u>
Total of Change Order	\$ 1,660.

We agree to make the changes specified above - Add - \$1,660.

Date _____

REVELLE BUILDERS

Edward Collier

Date of Acceptance _____

Signature _____



MEMORANDUM

To: Board of Commissioners

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

Ref: Change Order # 5
Mainland Water System Upgrades
RO Water Treatment Plant

Date: August 31, 2009

Attached is change order # 5 from Crowder Construction Company for the RO water treatment plant. This change order finalizes remaining payment of miscellaneous items addressed during construction. The substantial completion of the plant was June 10, 2009. Retainage is still beginning held while final contractual matters are closed out.

There are ample funds in the project budget to pay this change order. We recommend approval by the Board of Commissioners.

CONTRACT CHANGE ORDER

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

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

Date
Project No.
Contract No.
Change Order No.

August 26, 2009
NC706021.3000
-
5

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

Item Number	Description of Changed Quantities, Units, Unit Prices, Changes in Completion Schedule, etc.	Change in Contract Price	Change in Contract Time (Calendar Days)
(1)	(2)		(4)
1	Paint Coating over Excess Fire Caulk Installation	\$1,500.00	0
2	Addition of Man Gate in Chain Link Fence	\$500.00	0
3	Relocation of Distribution System Surge Anticipator Valve	\$1,559.00	0
4	Installation of Additional Water Stop Material at Base of Interior Masonry Walls	\$1,678.00	0
5	Modification to 6" Stainless Steel RO Feed Piping	\$10,398.00	7
6	Demolition of Existing Fencing	\$875.00	0
7	Installation of Additional Sod and Mulch	\$14,375.00	0
8	Modification to Electrical Room Interior Door Swing	\$1,631.00	0
9	Modification of Billing Clerk's Drive Thru Window Counter Top	\$1,339.00	5
10	Modifications to Office Door Hardware	\$1,367.00	0
11	Modifications to Finished Water Meter Vault	\$3,218.00	1
12	Installation of Door Release System	\$1,422.00	0
13	Installation of Additional SCADA Accessories	\$4,482.00	0
14	Over Run of Office Furniture Allowance	\$890.30	0
15	Credit for Unused Lab Equipment Allowance	(\$380.93)	0
16	Over Run of Computer Allowance	\$74.00	0
17	Credit for Unused Testing Allowance	(\$1,359.03)	0
Net Change in Contract due to this Change Order		\$43,568.34	13
Contract Summary			
Original Contract Amount		\$10,234,084.00	426
Added (Deducted) By Previous Change Order(s)		\$198,573.00	16
Subtotal		\$10,432,657.00	442
Added (Deducted) By This Change Order		\$43,568.34	13
Total Adjusted Contract		\$10,476,225.34	455
The Original Contract Substantial Completion Date is:			May 12, 2009
The Revised Substantial Completion Date based upon this and previous Change Orders is:			June 10, 2009
This document shall become an amendment to the Contract and all provisions of the contract shall apply hereto.			

Recommended By:

Daniel C. Williams

Date: 8/26/2009

ARCADIS G&M of North Carolina, Inc.

Accepted By:

Date: _____

Crowder Construction Company, Inc.

Approved By:

Date: _____

Currituck County

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

Currituck County

Crowder Construction Company, Inc.

ARCADIS

Contractor's Surety

CONTRACT CHANGE ORDER NO. 5
NARRATIVE
Mainland Water Treatment Plant RO Expansion
Currituck County, North Carolina
ARCADIS Project No. NC706021.3000
Prepared by Dan Williams

Total Dollar Amount Requested by this Change Order: \$43,568.34
Total Time Extension Requested by this Change Order: 13 Calendar Days
New Substantial Completion Date Established by this Change Order: June 10, 2009

Item 1 - Paint Coating over Excess Fire Caulk Installation

During installation of spray applied fire stop material, the County Fire Marshal requested additional material to be applied to ensure a solid coating of the fire stop material. During the application to accommodate his request, excess material needed to be sprayed on surfaces that were to remain exposed to view once the fire stop installation was complete. Due to the color of the fire stop material being a hot pink, and the obvious aesthetic issues this creates, the contractor was asked to provide a quote to paint over the fire stop material with paint colors to match the existing substrate. Crowder Construction has submitted a request for a contract change in the amount of \$1,500.00 to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #029 dated March 30, 2009

Item 2 – Addition of Man Gate in Chain Link Fencing

Per the County's request, a four foot wide man gate was installed at the NE corner of the RO Building to provide access to instrumentation directly outside the chain link fencing. Crowder Construction has submitted a request for a contract change in the amount of \$500.00 to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #032 dated April 17, 2009

Item 3 – Relocation of Distribution System Surge Anticipator Valve

During start-up of the new High Service Pump, it was determined that the new surge anticipator valve was not installed in the correct location in the High Service Pump Station basement piping to work properly. The valve needed to be relocated from the suction line feeding the pump to the discharge line coming from the pump. Crowder Construction has submitted a request for a contract change in the amount of \$1,559.00 to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #033 dated April 22, 2009

Item 4 – Installation of Additional Water Stop Material at Base of Interior Masonry Walls

To accommodate the specific structural detail required between the vertical interior masonry walls and the concrete foundations, a bond breaker was provided to eliminate cracking on the masonry walls during high wind events that the metal building will encounter during its lifetime. However, the bond breaker installed prevented the masonry wall from keeping moisture from non-conditioned process areas and conditioned office space. In the future, this penetration of moisture could compromise the flooring installed in the office areas. To overcome this potential issue, the contractor was directed to provide a continuous joint of sealant on the unconditioned side of all interior masonry walls. Crowder Construction has submitted a request for a contract change in the amount of \$1,678.00 to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #034 dated April 24, 2009

Item 5 – Modification to 6" Stainless Steel RO Feed Piping

To address potential future maintenance issues, the 6" stainless steel feed piping for the new RO skids was relocated 8" further west from the RO skids than originally installed. This modification will provide the Owner access to the RO elements without any potential issues with clearance between the RO skids and the feed piping. Crowder Construction has submitted a request for a contract change in the amount of \$10,398.00 and an extension in contract duration of 7 days to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #036 dated May 28, 2009

Item 6 – Demolition of Existing Fencing

To facilitate the installation of a section of sodding required for final approval of the site, an existing, rusty fence was demolished. Crowder Construction has submitted a request for a contract change in the amount of \$875.00 to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #037 dated May 14, 2009

Item 7 – Installation of Additional Sod and Mulch

Per the Owner's request, additional sod and mulch was installed at locations as indicated by the Owner. Crowder Construction has submitted a request for a contract change in the amount of \$14,375.00 to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #038 dated June 2, 2009

Item 8 – Modification to Electrical Room Interior Door Swing

To accommodate a National Electric Code requirement, panic hardware was added to the interior Electrical Room door during the bidding of the facility. However, the installation of panic hardware required the door swing to be changed from swinging into the room to swinging out of the room. To address this issue, the previously installed door frame is to be removed and a new door frame installed to provide for the correct door swing. Crowder Construction has submitted a request for a contract change in the amount of \$1,631.00 to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #039 dated May 15, 2009

Item 9 – Modification of Billing Clerk's Drive-Thru Window Counter Top

Following the opening of the water billing office at the new water treatment plant, it was soon discovered that the counter top at the drive thru window prevented staff who from being able to reach fully into the drive thru transaction drawer. To address this issue, a section of the counter top is to be removed to allow staff the ability to properly reach into the transaction drawer. To accomplish this, the counter top will be replaced in its entirety in lieu of modifying the existing counter top. This allows the cabinet maker to utilize a higher quality of quality control within their factory in lieu of field work that may not be up to standards. Crowder Construction has submitted a request for a contract change in the amount of \$1,339.00 and an extension in contract duration of 5 days to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #040 dated June 9, 2009

Item 10 – Modifications to Office Door Hardware

Following the opening of the new water treatment plant, the Owner requested changes to three sets of door hardware to provide different functions than was originally specified. Crowder Construction has submitted a request for a contract change in the amount of \$1,367.00 to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #041 dated June 22, 2009

Item 11 – Modifications to Finished Water Meter Vault

During start-up of the new water treatment plant, a flow meter installed to measure the amount of water being produced by both plants began acting erratic. Upon investigation of the issue, an in-line static mixer used for mixing post treatment chemicals was creating turbulence in the pipe line that was not anticipated. This turbulence was producing air pockets in the water flowing through the flow meter, creating false and inaccurate readings. The resolution was to swap the locations of the in-line static mixer and a spool piece within the meter vault to provide a buffer between the mixer and the flow meter. Crowder Construction has submitted a request for a contract change in the amount of \$3,218.00 and an extension in contract duration of 1 day to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #042 dated June 30, 2009

Item 12 – Installation of Door Release System

To accommodate visitors coming to the new water treatment plant, a push button station was installed in the Billing Clerk's office to allow the staff to release the electric lock on the door between the Reception area and the Office area to be unlocked. Currently, the staff has to come out of the office and walk around to open the door for visitors. Crowder Construction has submitted a request for a contract change in the amount of \$1,422.00 to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #044 dated July 6, 2009

Item 13 – Installation of Additional SCADA Accessories

The County requested the Instrumentation vendor install an additional flow switch for verification of anti-scalant flow and the necessary accessories to allow plant staff to remotely monitor the plant facility.

Crowder Construction has submitted a request for a contract change in the amount of \$4,482.00 to complete the work noted above. ARCADIS recommends approval of this item.

Ref: Change Proposal Request No. #046 dated July 22, 2009

Items 14 thru 17 – Corrections to Contract Allowance Items to Address Over-Runs and Credits



Number 2010006

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 8th day of September, 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10330-431000	DSS Administrative		\$ 20,000
10750-545001	FNS Recovery-ARRA	\$ 20,000	
		<u>\$ 20,000</u>	<u>\$ 20,000</u>

Explanation: SOCIAL SERVICES ADMIN (750) - ARRA Administrative Funding for the Food and Nutrition Services program.

Net Budget Effect: Operating Fund (10) - Increased by \$20,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 8th day of September, 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
50390-490000	Proceeds of Debt Issuance	\$	800,000		
50380-481000	Investment Earnings			\$	800,000
			<u>\$ 800,000</u>		<u>\$ 800,000</u>

Explanation: *Knotts Island Fire Station Construction (50548)* - To appropriate investment earnings to replace funding of the USDA loan for the Knotts Island Fire Station construction. This will cancel the debt for this facility.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Number 2010008

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 8th day of September, 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
65858-590000	Capital Outlay	\$	1,405		
65858-516000	Repairs and Maintenance			\$	1,405
		<u>\$</u>	<u>1,405</u>	<u>\$</u>	<u>1,405</u>

Explanation: *Moyock Commons Sewer (65858)* - Ditch lowering pump at Moyock Commons has burned up and has to be replaced.

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

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 8th day of September, 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-514000	Travel	\$ 1,000	
10796-514500	Training & Education	\$ 1,000	
10796-516000	Repairs & Maintenance	\$ 10,000	
10796-532000	Supplies	\$ 3,189	
10796-590000	Capital Outlay	\$ 99,501	
10796-545000	Contracted Services		\$ 28,900
10390-499900	Fund Balance Appropriated		\$ 62,000
10380-484001	Insurance Recovery		\$ 23,790
		\$ 114,690	\$ 114,690

Explanation: *4H Cultural Life Center (10796)* - Increase appropriations to carry-forward renovations from FY 2009 and for repairs that will be funded through insurance recovery proceeds. Capital items are as follows:

Dragmaster	*	2,765
Jumps		4,680
Announcers booth	*	3,000
PA system		2,500
Scoreboard	*	1,000
Message board	*	1,000
Signage		15,360
Security gate		1,340
Sand		2,750
Stall fronts	*	10,680
Trail material		2,000
Paint		2,200
Wash bay		2,400
Shavings		1,500
Fly spray system		2,000
Stall mats		10,680
Washer/dryer		1,746
Trailers		3,000
Tractor		28,900
		\$ 99,501

* Increased prices from original appropriation 7/6/2009.

Net Budget Effect: Operating Fund (10) - Increased by \$85,790.

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 8th day of September, 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10796-590000	Capital Outlay	\$ 593,647	
10380-489000	Tourism Dev Authority Dist		\$ 550,000
10350-468000	Sale of capital assets		\$ 43,647
		\$ 593,647	\$ 593,647

Explanation: *4H Cultural Life Center (10796)* - Capital improvements at the 4H Cultural life center as follows:

Road	117,765
Restroom facility	41,316
Electrical	185,000
Modular office	56,385
Plumbing	54,500
Bleachers	9,781
Barns & Exhibits	28,900
Property	50,000
Septic	10,000
Contingency	40,000
	\$ 593,647

Net Budget Effect: Operating Fund (10) - Increased by \$593,647.

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Clerk to the Board



BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 8th day of September, 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

Account Number	Account Description	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10410-561000	Professional Services	\$	30,000		
10441-590000	Capital Outlay	\$	12,546		
10460-516000	Maintenance & Repair	\$	2,818		
10460-561000	Professional Services	\$	83,155		
10460-592000	Projects	\$	8,892		
10490-516000	Maintenance & Repair	\$	3,382		
10511-545000	Contract Services	\$	270		
10530-590000	Capital Outlay	\$	5,072		
10550-545000	Contract Services	\$	28,280		
10650-545000	Contract Services	\$	10,000		
10650-592000	Econ Dev projects	\$	21,500		
10795-592000	Recreation Projects	\$	30,000		
10390-499900	Fund Balance Appropriated			\$	235,915
12546-590006	Capital Outlay - Corolla	\$	157,467		
12390-499900	Fund Balance Appropriated			\$	157,467
60808-590001	Capital Outlay - Sewer	\$	162,500		
60390-499900	Appropriated Retained Earnings			\$	162,500
61818-545000	Contract Services	\$	104,600		
61818-561000	Professional Services	\$	317,881		
61390-499900	Appropriated Retained Earnings			\$	422,481
		<u>\$</u>	<u>978,363</u>	<u>\$</u>	<u>978,363</u>

Explanation: This budget amendment is requested to carry-forward funds from projects that were funded but not completed in FY 2009:

PO Number	Vendor	Description	Amount
20091059	Artisan Skateparks	Sound Park Skate Park	\$ 30,000
20091708	Vanasse Hangen Brustlin Inc	Maple Park Masterplan	\$ 30,000
20091603	Crowder Construction	Jail sewer/lightning damage	\$ 270
20091789	Embarq	Secondary call manager	\$ 12,546
20090013	Arcadis	Moyock Sewer Masterplan	\$ 37,871
20090014	Arcadis	Moyock Sewer Force Main/Pump	\$ 45,284
20091400	Gordon Sheet Metal	Judicial/DSS Roof repairs	\$ 6,200
20091787	Alee Construction	Remodel PW Trailer	\$ 8,892
20091769	Mid-Atlantic Garage Doors	Bird proof hangars	\$ 28,280
20091771	Stellar Trade LLC	Foreign Trade Zone app	\$ 10,000
20091575	Hyman & Robey	Maple Commercial Pk	\$ 21,500
20091498	Medtronic Physio-control	EMS Software	\$ 5,072
20091601	Instrulogic Corp	Ocean Sands Telemetry	\$ 162,500
20091716	Utility Service Co	Currituck Tower Maint	\$ 89,000
20091767	QC By Zeke LLC	Rehab elevated tank	\$ 15,600
20090537	East Carolina University	Ecological Assess	\$ 188,788
20090538	East Carolina University	Rev Osmosis Study	\$ 129,093
	Kovatch Mobile Equip	Corolla engine repair	\$ 157,467
			<u>\$ 978,363</u>

Net Budget Effect: Operating Fund (10) - Increased by \$235,915.
 Fire Services Fund (12) - Increased by \$157,467.
 Ocean Sands Water & Sewer Fund (60) - Increased by \$162,500.
 Mainland Water Fund (61) - Increased by \$422,481.

Minute Book # _____, Page # _____

Journal # _____ Clerk to the Board

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on September 8, 2009 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sold at auction or given to another governmental entity:

<u>Description</u>	<u>Service Tag/Serial No.</u>	<u>Asset Tag</u>	<u>Item No.</u>
Dell Precision 340 (old CAD1)	6WYKZ21	5708	E001
Dell Precision 340 (old CAD2)	9BDV121	5643	E002
A Open Computer (generic)	5416	5364	E003
Dell OptiPlex GX260	GZ3VK21	5675	E004
Dell OptiPlex GX270	2SSKG31	5767	E005
Compaq Evo N1000v	1V28KQFZ743N	5641	E006
Compaq Evo N1020v	9X37LDLZ41MX	5737	E007
Dell Optiplex GX270	GRSKG31	5766	E008
Dell Dimension 4300	F5BM311	5557	E009
Gateway 600YGR Laptop	27789051	5644	E010
HP Compaq nx9010 Laptop	CNF33319XJ	5761	E011
Compaq Evo N1020V	9X31LDLZP39Z	5658	E012
Dell Dimension L866r	8QY1H01	5436	E013
D-Link 10/100 Fast Ethernet Switch; 24-port	DRER15B002250	N/A	E014
Dell Dimension L866r	4QY1H01	5434	E015
HP Compaq nx9030	CNF43721D8	5975	E016
HP Compaq nx 9010 (will not power on)	CNF3521YS1	5808	E017
Dell Dimension L800r	GPVF601	5407	E018
HP Compaq nx9010	CNF3331B04	5759	E019
Apple LaserWriter 16/600 PS	D545119Q39M	3229	E020
Toshiba Pocket PC e330	A2033481L		E021
Printek Forms Pro 4503 Line Printer & Floor stand/cabinet	CBX18047		E022
APC Backplate for UPS			E023
Brother HL-5170DN Laser Printer	U60966D5J826939		E024
Brother Intellifax 770	U56495C0K490364		E025
12 Revolabs PHX106MBULK HOSA Phoenix cables			E026
HP J3258C Jetdirect 170X Print Server	SG563176E4		E027
CRT Shuttle Plus Deskmount arm/platform		3283	E028
Cybox Reboot II	AA0034224		E029
Motorola VRM650 radio/modem (law enforcement)			E030
Motorola VRM650 radio/modem (law enforcement)			E031
NICE Mirra Series 2 Recorder	401692001		E032
Quickmail for Social Services		5352	E033
MPC ClientPro PC (was used for Ch18 broadcast)	3443596-0001	5746	E034
HP nx9110 laptop	2UA442P2CQ	5931	E035
Dell LCD Monitor	CN-0CC299-64180-65U-4CEA		E036
Compaq Evo N1020v	9X31LDLZP2YZ		E037
Dell Dimension 2400	D53JR41	5876A	E038
OKI Microline 320 Turbo Printer	108B2897287		E039
Dell OptiPlex GX260	DV70V21	5705	E040
Xerox WCM123	TFW004679	5982	E041
Tascam DVD Player - model DV-D6500	70354		E042

ADOPTED, this 8th day of September 2009.

 J. Owen Etheridge, Chairman
 Currituck County Board of Commissioners

ATTEST:

 Gwen H. Keene, CMC
 Clerk to the Board

ADOPTED, this 19th day of March 2007.

Barry Nelms, Chairman
Currituck County Board of Commissioners

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

2009 BOARD OF EQUALIZATION & REVIEW
Minutes
July 20, 2009

The 2009 Board of Equalization & Review was called to order by Chairman J. Owen Etheridge at 6:00pm on Monday July 20, 2009. Board Members O. Vance Aydlett Jr., Gene Gregory, Barry Nelms, S. Paul O'Neal, John Rorer, and Janet Taylor were also in attendance. Each member took and subscribed to the oath required by G.S. 105-322(c). The following appeals were considered.

Farr Developing LLC

Various Parcel in Currituck Industrial Park

Mr. Steve Farr had previously informed the Chairman that he would be unable to attend due to a serious illness in the family. The Clerk to the Board gave details as to the specifics of the case. Mr. Farr is requesting a refund of taxes for 3 years based on a reduction in assessed value granted by the Assessor for tax year 2009. The County Attorney informed the Board that it would be improper to grant the request.

Action: It was the decision of the Board to reconvene at a later date to allow Mr. Farr the opportunity to address the Board.

Joseph J Brennan

115A00000150011 & 115A00000120014

The Clerk to the Board presented a written appeal from the taxpayer.

Action: It was the unanimous decision of the Board to confirm the current assessed values of \$850,000 & \$2,108,194 respectively.

Timothy Metarko & Jeanne Gardner

115A00000130006

The Clerk to the Board presented a written appeal from the taxpayer.

Action: It was the unanimous decision of the Board to confirm the current assessed value of \$1,207,906

Douglas Poynter

115A00000520010

The Clerk to the Board presented a written appeal from the taxpayer.

Action: It was the unanimous decision of the Board to confirm the current assessed value(s) of \$688,383

Ricardo Cruciani & Nora Esteban-Cruciani

115A00000160006

The Clerk to the Board presented a written appeal from the taxpayer.

Action: It was the unanimous decision of the Board to confirm the current assessed value(s) of \$1,263,222

The Board of Equalization and Review adjourned from taking appeals for 2009 at 6:30pm. The Board recessed until August 3, 2009 at 5:30

August 6, 2009

Chairman Etheridge reconvened the Board of Equalization and Review on August 3, 2009 at 5:30 p.m. for the purpose of considering the appeal from Farr Developing LLC. The following members were present: Chairman Etheridge, Vice-Chairman O'Neal, and Commissioners Gregory, Rorer and Taylor.

Chairman Etheridge announced that Mr. Farr has withdrawn his appeal.

Commissioner Taylor moved to adjourn the 2009 Board of Equalization and Review which motion was seconded by Commissioner Gregory. The motion passed unanimously.

ATTEST:

Tracy Sample

Tracy Sample, Clerk to the
Board of Equalization and
Review

J. Owen Etheridge, Chairman

O. Vance Aydlett

Gene Gregory

Barry Nelms

S. Paul O'Neal

John Rorer

Janet Taylor



COUNTY OF CURRITUCK

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

Tracy Sample, Tax Administrator
(252) 232-3005
(252) 232-2109
(252) 232-3568 (FAX)

Memorandum

TO: Currituck County Board of Commissioners

CC: Sandra Hill, Finance Director

From: Tracy Sample, Tax Administrator

Date: August 18, 2009

RE: 2009 Tax Levy & Prior Year Taxes to be Charged to the Tax Collector

COUNTY ASSESSED PROPERTY VALUE	\$	8,959,868,859
2009 REAL AND PERSONAL TAX LEVY *	\$	27,884,507.11
PRIOR YEARS TAXES**	\$	<u>1,445,756.49</u>
TOTAL LEVY	\$	29,330,263.60

*The Current Year levy includes all penalties, solid waste fees, special district and animal taxes; does not include the assessments and levies of public utilities valued by the NC Department of Revenue and registered motor vehicles, or for tax discoveries, adjustments, and releases. These are reported to the Finance Director as required throughout the year.

** Prior Year Taxes as of June 30, 2009

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

ORDER OF COLLECTIONS

TO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:

You are hereby authorized, empowered, and commanded to collect the taxes, current and past due, set forth in the tax records filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Currituck, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this _____ day of _____, 20_____.

(SEAL)
Chairman, Board of Commissioners of
Currituck County

ATTEST:

Clerk of Board of Commissioners of
Currituck County

(G.S. 105-321)

CURRITUCK COUNTY
NORTH CAROLINA
August 17, 2009

The Board met at 5:30 to discuss the ABC Board request and at 6:00 p.m. to review the Master Plan 4-H Cultural Life Center.

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

Invocation and Pledge of Allegiance

The Reverend Glenn McCranie was present for the invocation.

Approval of Agenda

Commissioner O'Neal moved to amend the agenda by adding 4A, Presentation by Sentara Foundation; 4B, Dr. Doyle, Superintendent of Schools; add to consent agenda rate and fee schedule for Register of Deeds, and a closed session to discuss attorney client privilege, land acquisition. Commissioner Aydlett seconded the motion. Motion carried.

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 **Approval and Presentation of Proclamation Honoring 13 Year Old Boys Baseball All-Star Team**
- Item 4 **Presentation to Rodney Sawyer, Jr. County Extension Director**
- Item 5 **Public Hearing and Action** PB 09-19 Victor White- RMF Overlay: Request to amend the Currituck County Unified Development Ordinance, Chapter 4: Overlay Districts and Chapter 17: Definitions to update the dimensional requirements and design standards for the Residential Multi-Family Development (RMF) Overlay.
- Item 6 **Public Hearing and Action** PB 09-06 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 provide for outdoor display and storage with a zoning permit subject to special requirements.

- Item 7 **Consent Agenda:**
1. Resolution to appoint Review Officer
 2. Barnhill Contracting Change order#2, Shawboro Elementary School
 3. Medical Plan 2009 for Currituck County Detention Center
 4. Approval of August 3, 2009, Minutes
 5. Resolution authorizing NC Economic Infrastructure Program

Item 8 Commissioner's Report

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.

Terry King, Knotts Island, expressed concerns with fire department and county relationship.

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

Approval and Presentation of Proclamation Honoring 13 Year Old Boys Baseball All-Star Team

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



COUNTY OF CURRITUCK

**PROCLAMATION HONORING
CURRITUCK COUNTY'S 13 YEAR OLD BOYS BASEBALL ALL-STAR TEAM
FOR
NORTH CAROLINA BABE RUTH DISTRICT 7 CHAMPIONSHIP
AND
NORTH CAROLINA BABE RUTH STATE CHAMPIONSHIP**

WHEREAS, the Currituck County 13 Year Old Boys Baseball All-Star Team, on Sunday, July 12, 2009, earned the 2009 13 Year Old District 7 Babe Ruth Championship in Currituck, North Carolina; in addition they won the 2009 Babe Ruth 13 Year Old North Carolina State Championship, on Tuesday, July 21, 2009, in Henderson, North Carolina; and

WHEREAS, the Currituck County 13 Year Old Boys Baseball All-Star Team compiled an impressive 4-0 record in the District 7 Babe Ruth Baseball Tournament while outscoring their opponents 69 to 6 over the course of the Tournament; and

WHEREAS, the Currituck County 13 Year Old Boys Baseball All-Star Team gained the title of North Carolina Babe Ruth State Champion with a record of 5-1 in the State Tournament; and

WHEREAS, the Currituck County 13 Year Old Boys Baseball All-Star Team made these accomplishments possible by displaying positive attitudes and sportsmanship of the highest level. Their teamwork and perseverance truly make all of these young men Champions. Team members are as follows: Zachery Alex, Will Beasley, Zachary Crump, Harrison Ferebee, Dakwon Foreman, Joshua Jacobs, Dustin Masie, Benjamin Rodgers, Tyler Schuster, Kyle Spruill, Wayne Twiford, III, and Brian Williams. The team was led by their two coaches, William Beasley and Wayne Twiford, Jr.

NOW, THEREFORE, BE IT PROCLAIMED by the Currituck County Board of Commissioners that we acknowledge the talents, skills, teamwork, sportsmanship, and success of the Currituck County 13 Year Old Boys Baseball All-Star Team, the 2009 Babe Ruth Baseball District 7 Champions, and the 2009 North Carolina 13 Year Old Babe Ruth Baseball State Champions, and, on behalf of our citizens, we do hereby extend this expression of our pride in these prestigious milestones.

The Board and staff commended the All Star Team for their accomplishment.

Presentation to Rodney Sawyer, Jr. County Extension Director

The Board presented Mr. Sawyer a plaque in recognition of his induction into the 4-H Hall of Fame.

Presentation of Sentara Foundation

Vicky Gray, Sentara Planning, reviewed their efforts to replace the Nightingale.

Dr. Kathy Zimbro reviewed the service provided to Currituck County. Nightingale transports patients all over the region: from Eastern Shore to Nags Head. 40% of the calls are from northeastern North Carolina and 20% are in Currituck County.

Sentara requests Currituck County to partner with Sentara to ensure that visitors and residents of Currituck County will continue to receive the best medical care. Sentara stated that the cost of a new helicopter is \$7 million and requested Currituck County to consider \$1 million over 3 to 5 years.

Chairman Etheridge thanked the Sentara staff for their continued support and the Board would further discuss funding and get back with them.

Dr. Meghan Doyle, Superintendent of Schools

Dr. Doyle thanked the Board for their support. Dr. Doyle reviewed the state budget and how it impacts Currituck County Schools.

Chairman Etheridge thanked Dr. Doyle for her comments.

Public Hearing and Action PB 09-19 Victor White- RMF Overlay: Request to amend the Currituck County Unified Development Ordinance, Chapter 4: Overlay Districts and Chapter 17: Definitions to update the dimensional requirements and design standards for the Residential Multi-Family Development (RMF) Overlay.

Ben Woody, Planning Director, reviewed the request.

**RMF Overlay District
PB 09-19UDO Amendment Request**

An amendment to Chapter 4: Overlay Districts and Chapter 17: Definitions to update the dimensional requirements and design standards for the Residential Multi-Family Development (RMF) Overlay.

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 4: Overlay Districts, Section 4.6 is amended by deleting the following strikethrough language, adding the underlined language, and renumbering alphabetically:

Section 4.6 Residential Multi-Family Development (RMF) Overlay

4.6.1 Intent and Location

- A. The residential multi-family development overlay is designed to provide for medium density residential development with some associated non-residential uses in close proximity to major thoroughfares and commercial zones on the Currituck County mainland. The RMF overlay is designed to have insignificant adverse impacts on surrounding single-family residential development. ~~Areas located in a RMF overlay shall contain a minimum of five contiguous acres.~~
- B. The Residential Multi-Family Overlay District shall only be applied for within the Residential and General Business zoning districts (R, RA, RR and GB with overlay).
- C. A special use permit shall be required for all residential multi-family developments.

4.6.2 Uses Allowed

- A. Apartments, condominiums, townhomes, and duplexes ~~two family homes and single family homes~~ are permitted in a multi-family residential development.

B. Within any multi-family residential development, not more than ten percent of the total site area may be developed for ~~the following commercial uses:~~ small scale commercial, service or professional office uses.

- ~~1. Convenience stores~~
- ~~2. Professional offices~~
- ~~3. Restaurants~~
- ~~4. Post offices~~

4.6.3 Dimensional, Parking, Bufferyards and Sign Requirements

A. The following dimensional requirements shall be met. For the purposes of this section, "development area" refers to the total area of contiguous land proposed for development as a single unit; and "lot" refers to a subdivided lot within the development area that accommodates an individual dwelling unit (e.g., townhome or duplex lot):

Dimensional Criteria	Requirement
Min. Development Area	5 acres
Max. Density	1 unit per 10,000 square feet[±]
Max. Number of Units	90 units
Min. Lot Width	125 feet
Min. Road Frontage	200 feet
Max. Lot Coverage	40%
Floor Area Ratio	0.40
Max. Building Length	160 feet
Min. Thoroughfare Setback	50 feet from US 158, NC 168, NC 34, NC 136
Min. Street Setback (other streets)	20 feet
Min. Side Setback	50 feet
Min. Rear Setback	50 feet
Min. Building Separation	50 feet
Max. Building Height	35 feet (3 stories Maximum)
Min. Floor Area	<ul style="list-style-type: none"> • 600 square feet for 1 bedroom units • 800 square feet for 2 bedroom units • 1,000 square feet 3+ bedroom units
Min. Parking Spaces Per Dwelling ²	2 spaces
Min. Vehicular Area Setback	25 feet
Min. Drive Aisle Width ³	24 feet
Parking Space Angle	90 degrees
Min. Parking Space Size	10 feet x 20 feet

External Property Line Bufferyard	Type "A" with a 25 foot width (See Chapter 5)
Internal Streets Bufferyard	Type "C" with a 10 foot width (See Chapter 5)
Open Space Required	35% of total lot area
Max. Signs Permitted	1 per public street
Max. Sign Area	32 square feet
Max. Sign Height	10 feet
Min. Sign Setback	25 feet (no sign located within a bufferyard setback)

~~1. CAMA wetlands and adjacent 404 wetlands may not be included in calculating the density for a Residential Multi Family Development.~~

~~2. All parking/vehicular areas must be paved with either concrete or asphalt; and be delineated with painted lines.~~

~~3. Internal Streets must be designed and installed in accordance with North Carolina Department of Transportation, Division of Highways standards.~~

<u>Dimensional Criteria</u>	<u>Apartments or Condominiums</u>	<u>Townhomes</u>	<u>Duplexes</u>	<u>Nonresidential Structures</u>
<u>Development Area Requirements</u>				
<u>Min. Area</u>	<u>5 contiguous acres</u>	<u>5 contiguous acres</u>	<u>5 contiguous acres</u>	-
<u>Density¹</u>	<u>$\frac{1}{\text{unit}/10,000 \text{ sq. ft.}}$</u>	<u>$\frac{1}{\text{unit}/10,000 \text{ sq. ft.}}$</u>	<u>$\frac{1}{\text{unit}/10,000 \text{ sq. ft.}}$</u>	-
<u>Max. Number of Dwelling Units²</u>	<u>90</u>	<u>90</u>	<u>90</u>	-
<u>Min. Road Frontage</u>	<u>200'</u>	<u>200'</u>	<u>200'</u>	-
<u>Max. Building Length</u>	<u>160'</u>	<u>160'</u>	<u>-</u>	<u>160'</u>
<u>Min. Perimeter Street Setback</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>	<u>20'</u>
<u>Min. Perimeter Property Line Setback</u>	<u>50'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>
<u>Min. Vehicular Area Setback</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>
<u>Max. Building Height</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<u>Lot Requirements</u>				
<u>Min. Area</u>	-	<u>1,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>
<u>Min. Width</u>	-	<u>16'</u>	<u>65'</u>	<u>50'</u>
<u>Max. Lot Coverage</u>	-	<u>100%</u>	<u>40%</u>	<u>80%</u>
<u>Min. Building Separation</u>	<u>40'</u>	<u>20'</u>	<u>20'</u>	-

1. CAMA wetlands and adjacent 404 wetlands may not be included in calculating density.

2. Mixed housing types shall be permitted; however, the cumulative number of dwelling units shall not exceed 90 for the multi-family development.

B. Interior setbacks shall meet the underlying zoning district requirements or be established by the developer and approved by the Board of Commissioners as part of the special use permit.

4.6.4 Development Standards

- A. ~~Multi family residential developments shall be designed and constructed so as to not limit the county's ability to provide adequate public facilities, including, but not limited to; public water, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.~~
- B. There shall be a maximum of one entrance allowed per development onto US Highway 158, NC Highway 168, NC Highway 34, NC Highway 136 or Tulls Creek Road.
- C. Interior streets shall meet North Carolina Department of Transportation, Division of Highways construction standards.
- D. All parking and vehicular use areas shall be paved with either concrete or asphalt. On-street parking is permitted subject to Technical Review Committee approval
- E. Perimeter development area bufferyards shall be provided in accordance with Chapter 5: Landscaping, Bufferyards & Shading. Individual lot bufferyards shall be established by the administrator.
- F. All multi-family residential developments shall be required to be serviced by the county public water system ~~or other centralized water system. All water services, including facilities, shall meet or exceed all local, state and federal standards.~~
- G. All multi-family residential developments shall be required to be serviced by a private centralized or de-centralized wastewater system that serves the development or the county owned system (if available). ~~All waste water services, including facilities, shall meet or exceed all local, state and federal standards.~~ Wastewater treatment facilities shall be located a minimum of 30 feet from exterior property lines and no closer to any property line than the buildings it is designed to serve. In addition, the waste water treatment facilities shall be designed to be architecturally compatible with the residential buildings on the site.
- H. ~~All multi family residential developments shall meet or exceed applicable requirements of the North Carolina State Building Code, Volume V, Fire Prevention. All multi family structures shall have sprinkler protection. Fire hydrants shall be provided at a maximum distance of 1,000 feet apart. No portion of any structure shall be greater than 400 feet from a fire hydrant.~~
- I. ~~All multi family residential developments shall provide on site garbage dumpsters. All dumpsters shall be located to the rear of the principal structures. All dumpsters shall be screened on three sides with eight foot tall opaque fencing. All dumpsters shall be located to be sufficiently accessed by the service vehicle.~~
- J. All new on-site utilities shall be located underground unless required by the utility to be otherwise.
- K. On-site garbage dumpsters shall be provided subject to the following:

1. Dumpsters must be located to the rear of the principal structure(s);
 2. Dumpsters shall be screened on three sides with eight foot tall opaque fencing; and,
 3. Dumpsters shall be located to be sufficiently accessed by service vehicles.
- L. ~~All electricity, telephone, gas, communications and cable television utility services are required to be installed underground.~~
- M. All multi-family ~~residential developments~~ buildings shall be designed to be ~~as~~ architecturally compatible with the surrounding area to the greatest extent possible. Building elevations shall be approved by the ~~administrator or their designee~~ Board of Commissioners prior to the issuance of any ~~zoning permit~~ special use permit subject to the following:
1. Structures shall include vertical and horizontal relief in buildings (roof lines, eaves, bump-outs); variation in exterior architectural materials (siding, roofing); variation in housing styles and types; and inclusion of front porches, projecting bays, or vestibules; and,
 2. The general roof shape, ridge and eave heights, and material characteristics proposed shall be visually compatible with the coastal vernacular of the general area (gable and hip roofs, roof dormers, approximate 8/12 roof pitch).
- N. Signage for the multi-family development shall not exceed 1 per entrance, with a maximum size of 32 square feet and maximum height of 8 feet.
- O. There must be one ground-level handicapped accessible dwelling unit required per every ten units. Such handicapped unit shall meet all applicable building code and Americans with Disabilities Act requirements.
- P. Access to any multi-family residential development shall not be through an existing single-family detached residential subdivision.

4.6.5 ~~RMF~~ Open Space and Amenities

- A. 35% of the ~~total lot~~ development area must be preserved as open space and meet the minimum open space standards of Chapter 10: Subdivision Requirements.
- B. A portion of the required open space shall be designated and improved for active recreation. Determination of suitable improved active recreation shall be based on the character of the open space land, the estimated age and the recreation needs of persons likely to reside in the development, the costs of installation and maintenance of recreation facilities, and the proximity to existing recreational areas.
- C. Areas of open space reserved for active recreation shall be accessible to all residents through a combination of interconnected sidewalks, multimodal paths, or trails.

- ~~D. For purposes of this section, open space means an area that:~~
- ~~1. Is not encumbered with any structure unless such structure is for recreational purposes available and accessible to all residents of the development or general public, including indoor tennis courts, swimming pool and other facilities;~~
 - ~~2. Is not contained within a street right-of-way or otherwise devoted to use as a roadway, parking area not associated with the use of open space or above ground waste disposal facilities;~~
 - ~~3. Is legally and practicably accessible to the residents of the development out of which the open space is taken;~~
 - ~~4. Is not encumbered by any part of a sewage disposal system, or any above ground or below ground structure;~~
 - ~~5. May include farmland and tree farms;~~
 - ~~6. Is capable of being used and enjoyed for passive recreation, such as walking, jogging, or being improved for more active recreational use;~~
 - ~~7. Does not include any CAMA wetlands and adjacent 404 wetlands; and,~~
 - ~~8. Includes any part of any man-made or natural lakes or ponds provided they are completely surrounded by the development and under the ownership of the developer.~~
 - ~~9. At least fifty (50%) percent of open space required by these regulations shall be lands suitable for development and shall not include, among other things, wetlands and swamps.~~
- ~~E. A portion of the required open space shall be improved for recreational use (i.e. ball fields, children's playground, swimming pools, tennis courts, etc.) taking into consideration:~~
- ~~1. The character of the open space land;~~
 - ~~2. The estimated age and the recreation needs of persons likely to reside in the development;~~
 - ~~3. The cost of recreation facilities; and,~~
 - ~~4. The proximity to existing recreational areas.~~

4.6.6 Nonresidential Design Standards

- A. No individual nonresidential building shall exceed 10,000 square feet in size.
- B. Nonresidential buildings shall be accessible to all residents through a combination of interconnected sidewalks, multimodal paths, or trails. Additionally, internal pedestrian circulation

shall be required within all commercial areas through the use of clearly defined walkways.

C. All nonresidential structures, including mixed use buildings, shall be designed to be architecturally compatible with the residential buildings onsite. Building elevations shall be approved by the administrator prior to the issuance of any zoning permit subject to the following:

1. Large expanses of blank walls shall be avoided. Facades shall incorporate architectural elements that add visual interest, including but not limited to variation in exterior materials; functioning windows and doorways; and, projecting elements such as eaves, cornices, canopies, bays, shadow lines, overhangs, porticos and colonnades.

2. Roofs pitches (approximately 4/12 or greater) and other variations consisting of dormers, bump outs, or entrance features shall be incorporated as architectural features.

3. Corrugated metal building materials shall not be permitted. Architectural grade finished metal may be used as an accent material.

D. Nonresidential signage shall be limited to 1 freestanding sign not to exceed 32 square feet in size or 8 feet in height. Wall signage shall be allowed in accordance with Chapter 7: Signs.

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:

Section 17.2 Definitions

Residence, Duplex

~~A two-family single residential building on one lot use designed to be occupied by two families living independently of each other in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has have living space on the ground floor and a separate, ground floor entrances.~~

Residence, Multi-Family

~~A residential use consisting of a~~ A building containing three or more attached dwelling units on a single lot. ~~For purposes of this definition, a building includes all dwelling units that are enclosed within~~ Individual units may be mixed vertically or horizontally within that building or attached to it by a common floor or wall ~~(even the wall of an attached garage or porch).~~

Residence, Multi-Family Apartments

~~A multi-family residential use other than a multi-family conversion or multi-family townhome.~~

Residence, Multi-Family Townhome

~~A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached~~

garage or porch) with at least one other dwelling unit. Two or more attached or detached dwelling units located on separate lots and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrances. Townhouses are generally located within a development containing internal streets, walks, and open space or common elements.

Item 3: 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.

Eric Avery, was present to answer questions.

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

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

Public Hearing and Action PB 09-06 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 provide for outdoor display and storage with a zoning permit subject to special requirements.

Ben Woody, Planning Director, reviewed the request.

The enclosed text amendment submitted by the Currituck County Planning Department is intended to establish standard requirements for outdoor display and outdoor storage. The purpose of this amendment is to ensure public health and safety while promoting economic growth and sustainability as well as preserving the best visual appearance, character, and economic value of properties in Currituck County.

Outdoor display and outdoor storage uses meeting the proposed minimum requirements will be approved administratively with a zoning permit in accordance with the table of permissible uses. The current language in the Unified Development Ordinance requires proposed outdoor storage and display uses to obtain a conditional use permit which the board typically approves. As a result, the Board of Adjustment requested planning staff to evaluate the outdoor storage and outdoor display uses and prepare a text amendment to establish specific standards for these types of activities.

The Planning Board recommended unanimous approval at their July 14, 2009 meeting. Should you have any questions, do not hesitate to contact Ben Woody at 232-6029

PLANNING BOARD DISCUSSION

The board discussed whether farmer’s markets should also be exempt from outdoor storage regulations since the text amendment will exempt farmer’s markets from the outdoor display regulations.

Mr. Woody suggested that outdoor storage include an exemption of bulk bins commonly used for food and vegetables.

The board discussed the difference between outdoor display and outdoor storage and what is permissible.

Mr. Woody stated the challenge is to create regulations that will work fairly for the mainland and Corolla.

Mr. Kovacs asked if golf carts would be considered outdoor display or outdoor storage or would they come under a car dealership.

Mr. Woody stated they would come under a car dealership and they would need a Special Use Permit.

ACTION

Ms. Newbern motioned to recommend approval of the text amendment PB 09-06 Outdoor Storage and Outdoor Display as presented with the addition to add language under Outdoor Storage to exempt bulk bins commonly used for food and vegetables. Mr. Bell seconded the motion. Motion carried unanimously.

**Currituck County
PB 09-06
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts, Chapter 3: Special Requirements, Chapter 17: Definitions, and to provide for outdoor display and storage with a zoning permit subject to special requirements.

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

Item 1: That Chapter 2: Zoning Districts is amended by deleting the strikethrough language and adding the following underlined language.

Use	LUC	Zoning Districts											Special Requirements
Retail		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
Outdoor Storage	III							e	e	e	z	z	

Use	LUC	Zoning Districts											Special Requirements
Office & Service		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
Outdoor Storage	III							e	e		e	e	

Use	LUC	Zoning Districts											Special Requirements
Other		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
Outdoor	<u>III</u>							<u>z</u>	<u>z</u>	<u>z</u>	<u>z</u>	<u>z</u>	<u>3.10.3</u>

<u>Display</u>													
<u>Outdoor Storage</u>	<u>III</u>						<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>	<u>Z</u>		<u>3.10.3</u>

Item 2: That Chapter 3: Special Requirements, Section 3.10.3 is amended by deleting the strikethrough language and adding the following underlined language.

3.10.3 Reserved— Outdoor Display and Outdoor Storage

~~This section is reserved for future use.~~

A. Outdoor Display

1. Outdoor display is permissible in association with any retail use following technical review committee evaluation of a site plan illustrating the extent of the proposed area for outdoor display.
2. Outdoor display areas shall be located immediately adjacent to the storefront and are prohibited in parking lots, fire lanes, drive aisles, loading zones, CAMA setbacks, zoning setbacks, and buffer yards. Display areas are only permissible adjacent to the building or structure in which the business is located.
3. The area lawfully allowed to be utilized for outdoor display may be defined by an approved container or rack provided the container or rack can be moved inside or anchored for 120 mph winds in the event of inclement weather.
4. No merchandise shall be attached to a building’s wall surface, column, roof, light post, flagpole, etc., and shall be confined to the designated display area.
5. At minimum, a clear path equal to the width of the door shall be maintained in order to allow safe passage to the parking lot and adjacent businesses.
6. A minimum of 36 inches along the parking lot side of the display area shall be maintained free of obstruction to allow for pedestrian movement, such that pedestrians are not forced to enter the parking lot, loading zone or drive aisle to walk around the display area.
7. No additional signage, except with an approved sign permit, shall be permitted in association with outdoor display areas.
8. Outdoor display areas shall cover no more than one half of the total linear feet of store frontage.
9. Seafood stands, vegetable stands, and farmer’s markets are exempt from outdoor display regulations.

B. Outdoor Storage

1. Outdoor storage is permissible in association with any retail, service, or industrial use following technical review committee evaluation of a site plan illustrating the extent of the proposed area for outdoor storage.
2. Outdoor storage is prohibited in fire lanes, drive aisles, loading zones, CAMA setbacks, zoning setbacks, required parking spaces, site triangles, and buffer yards.
3. In the General Business (GB), Commercial (C), and Limited Business-Hotels Allowed (LBH) districts the following requirements shall apply to outdoor storage areas that exceed ten percent of the gross floor area of the principal structure:
 - a. In addition to applicable buffer yard requirements of Chapter 5: Landscaping, Bufferyards & Shading, outdoor storage areas shall be screened a minimum of six feet in height from ground level view from adjacent residential properties and public rights-of-way by a wall, semi-opaque fence, berm, landscaping, or combination thereof.
 - b. Outdoor storage areas are prohibited between the front plane of the principle building or structure and any rights-of-way. Storage areas shall be located to the sides or rear of the principle building.
 - c. The requirements of subsection (3) shall not apply to the storage of landscape nursery products, motor vehicles, and pre-fabricated structures (e.g., storage buildings) offered for individual sale.
4. In the Light Manufacturing (LM) and Heavy Manufacturing (HM) districts the following requirement shall apply:
 - a. In addition to applicable buffer yard requirements of Chapter 5: Landscaping, Bufferyards & Shading, outdoor storage areas shall be screened a minimum of six feet in height from ground level view from NC 168, US 158, and NC 12 by a wall, semi-opaque fence, berm, landscaping, or combination thereof.
5. Seafood stands, vegetable stands, and farmer's markets are exempt from outdoor storage regulations.

Item 3: That Chapter 17: Definitions be amended by deleting the strikethrough language and adding following underlined language.

17.2 Definitions

Outdoor Display

An area of designated size used for the display of merchandise or tangible property normally vended within the contiguous business or organization. Multiple items may be displayed on a rack designed for display purposes, or in an approved container, but shall not be stacked upon each other for the purpose of storage.

Outdoor Storage

~~The storage of goods, products, or vehicles as an accessory use by their owner or on a commercial basis outside of a permanently constructed fully enclosed building.~~

An area for the storage of goods that have a large size, mass, or volume and are not easily moved or carried without the use of a mechanical lifting device. This includes but is not limited to items such as lumber, large stacks of outdoor furniture, mulch, fertilizer, equipment, and other similar uses.

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

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

Commissioner Nelms moved to approve. Commissioner Aydlett seconded the motion. Motion carried.

Consent Agenda:

1. Resolution to appoint Review Officer
2. Barnhill Contracting Change order#2, Shawboro Elementary School
3. Medical Plan 2009 for Currituck County Detention Center
4. Approval of August 3, 2009, Minutes
5. Resolution authorizing NC Economic Infrastructure Program
6. Rate and Fee Schedule for the Register of Deeds

Commissioner Taylor moved to approve. Commissioner Aydlett seconded the motion.

RESOLUTION

WHEREAS, GS 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint one or more persons as review officers to review plats before they are recorded; and

WHEREAS, appointed review officers shall certify that the plat meets the statutory requirements for recording; and

WHEREAS, the persons appointed as review officers should be experienced in mapping or land records management.

NOW, THEREFORE, BE IT RESOLVED, that the following individuals serving in the positions indicated are hereby designated as review officers as required by GS 47-30.1.

Tracy Sample, Tax Administrator
Donna Voliva, Planner
Lucy Cardwell, GIS Specialist - Land Records
Tammy Glave, Planner
Brad Schuler, Planner
Holly White, Senior Planner
Ben Woody, Planning Director

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the individuals listed above, the Director of Planning, Senior Planner, Planner and the Currituck County Register of Deeds.

AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT
NC Economic Infrastructure Program

WHEREAS, The North Carolina General Assembly passed House Bill 1352 authorizing the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, that will result in job creation, and

WHEREAS, Currituck County, North Carolina has need for and intends to construct or rehabilitate a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as the Moyock Wastewater Treatment Plant, Phase I Force Main, and

WHEREAS, Currituck County intends to request grant assistance from the Economic Infrastructure Grants Program for the project;

NOW THEREFORE BE IT RESOLVED, BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):

Currituck County will arrange financing for all remaining costs of the project, if approved for a grant.

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

That Daniel F. Scanlon II, County Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of Currituck County with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That Daniel F. Scanlon II, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Commissioner's Report

Board requested staff to contact Sheriff and see if prisoners could cut grass next to railroad in Moyock.

County Manager's Report

No comments

Closed Session according to 143-318 (3((5) to discuss attorney client privilege and acquisition of property.

Commissioner Nelms moved to go into closed session.
Commissioner O'Neal seconded the motion. Motion carried.

Chairman Etheridge reconvened the Board of Commissioners following Closed Session.

Commissioner Nelms moved to accept the deed from Historic Jarvisburg Colored School, Inc. for its property located at 7302 Caratoke Highway, Jarvisburg, North Carolina pursuant to the conditions set forth in the County Attorney's July 22, 2009 letter to attorney John Trimpi. Motion was seconded by Vice Chairman O'Neal. The motion passed unanimously.

Vice Chairman O'Neal moved to rescind the resolution dated June 15, 2009 authorizing the Currituck County ABC Board to retain profits for the renovation or replacement of its Moyock store and to authorize the Currituck County ABC Board to retain \$300,000 of profit to be used for renovation of its Moyock store. Motion was seconded by Commissioner Nelms. The motion passed unanimously.

There being no further business, the meeting adjourned.



BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 8th day of September, 2009, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2010.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-545002	Historic Preservation	\$ 231,492	
15447-590000	Capital Outlay	\$ 311,048	
15442-590000	Capital Outlay	\$ 11,876	
15447-592000	Whalehead Projects	\$ 100,000	
15390-499900	Fund Balance Appropriated		\$ 654,416
		<u>\$ 654,416</u>	<u>\$ 654,416</u>

Explanation: This budget amendment is requested to carry-forward funds from projects that were funded but not completed in FY 2009:

PO Number	Vendor	Description	Amount
	Revelle Builders	Welcome Ctr Addition	\$ 165,782
20091250	RPC Contracting Inc	Welcome Ctr Sitework	\$ 40,616
20091468	Alee Construction	Display case	\$ 11,876
20091602	Welcome Center	Addition/sitework	\$ 104,650
20091523	Coastal Consulting	Whalehead dredging	\$ 100,000
	Historic Preservation	Jarvisburg Colored School/Historic Jail	\$ 231,492
			<u>\$ 654,416</u>

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$654,416.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board