



**BOARD OF COMMISSIONERS
AGENDA**

APRIL 18, 2011

Table of Contents

Agenda	2
5:00 P.M Cooperative Extension's report to the People, Extension Building	
Flyer	4
Public Hearing and Action:	
10-32 Case Analysis	5
10-32 Site Plan	25
10-32 Elevation	26
Public Hearing and Action:	
11-04 Case Analysis	29
Appointment to Board of Adjustment	
BOA	34
Appointment to Economic Development Board	
ED Board	35
Budget Amendmets	
Budget Amendments	36
Resolution for Surplus vehicles in Sheriff's Department	
Resolution	49
Surplus Vehicle List	50
Amendments to Wastewater Ordinances	
Agenda Summary	51
FOG Program	53
Sanitary Sewer	63
Approval of April 4, 2011, Minutes	
April 4 Minutes	80
TDA Budget Amendments	
TDA Budget Amendments	117

1. Budget Amendments
2. Resolution for Surplus vehicles in Sheriff's Department
3. Amendments to Wastewater Ordinances - **TABLED**
4. Approval of April 4, 2011, Minutes

Item 9 Commissioner's Report

Item 10 County Manager's Report

Closed Session

Adjourn

Special Meeting

Tourism Development Authority

Call to Order

TDA Budget Amendments

Adjourn

Á

Á

Á

Á

Á

Á

Á

Á

Á

Á

Á

Á

Á

Á



Date: April 18, 2011

Time: 5:00-6:30 p.m.



Cooperative Extension's Report to the People

Come see first hand how Cooperative Extension in Currituck County has partnered with the community to deliver education and technology that enrich the lives, land and economy of our citizens.

Meal provided.

RSVP by April 11th: 232-2261 or
email sherry_lynn@ncsu.edu



NC Cooperative Extension, Currituck County Center
120 Community Way, Barco, NC 27917

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: April 18, 2011
PB 10-32 Corolla Light, Phase 10 Special Use Permit**

ITEM: PB 10-32 Corolla Light, Phase 10 Special Use Permit request for retail, restaurant, outdoor recreational, and miniature golf.

LOCATION: 1102 Corolla Village Drive, located at the intersection of Corolla Village Road and Ocean Trail (NC 12).

TAX ID: 115B-000-P2AV-OPEN
115B-000-P2D1-OPEN

ZONING DISTRICT: General Business (GB) Designation in a PUD Overlay

PRESENT USE: Utility and Open Space

OWNER: Outer Banks Ventures, Inc.
c/o R. A. Brindley
215 Brooke Avenue, Unit 1001
Norfolk, VA 23510

APPLICANT: Mitch Halloran
Coastal Engineering and Surveying, Inc.
PO Box 1129
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	State of NC – Woodland and Beach	RO1
SOUTH	Shopping Center	GB (PUD)
EAST:	Residential	RO1 (PUD)
WEST:	Whalehead Club/Wildlife Center	RO1

LAND USE PLAN

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

SIZE OF SITE: 6.88 acres

UTILITIES: The development will be served by Southern Outer Banks Water System (SOBWS). Carolina Water Service, Inc. will provide sanitary sewer service with a maximum flow of 9,000 gpd.

PUD ALLOCATION:

Total Land Area	267.05 acres
Total Open Space	131.83 acres
General Business Allocation	26.70 acres

I. NARRATIVE OF REQUEST:

- The developer is seeking approval of a special use permit for 36-hole miniature golf course, amphitheater, sky trail rope course, retail, and a cafe.
- According to the applicant, the existing wastewater disposal fields will be abandoned and relocated prior to operation of the proposed uses. Modifications to the wastewater treatment plant and disposal area require NCDENR permit modifications prior to construction and/or installation. The plans to relocate the wastewater disposal area must be approved by the county.
- On March 28, 2011, the applicant notified the county of plans idle Corolla Light WWTP #1 and divert all existing wastewater flow from the Corolla Light WWTP #1 to the Monterey Shores wastewater treatment plant.
- On April 4, 2011, NC DENR, DWQ, indicated the state would be receptive to the proposal submitted by Outer Banks Ventures and Burgin Engineering. The proposal includes idling Corolla Light #1 WWTP, abandoning the disposal fields at the Corolla Light #1 plant, and redirecting the flow from Corolla Light #1 WWTP to Monterey Shores facility. According to DWQ the allowance is contingent upon:
 - Proper modification being made to applicable permits.
 - Inclusion of permit conditions in the modified Monterey Shores permit providing protection of prior designees for allocation purposes.
 - Inclusion of any other permit conditions deemed appropriate to ensure proper safeguarding of the plan as a whole.
 - Other existing disposal sites (already permitted) that remain available to receive wastewater if needed, including the sub-surface system serving the Corolla Light facility and the newly permitted Outer Banks Ventures system.
- A revised site plan (submitted on February 24, 2011) was reviewed by staff, presented to the Planning Board on March 8, 2011, and reviewed by the TRC on March 16, 2011. This plan is under review by the TRC and includes the following modifications:
 - Temporary tents for the amphitheater and vending areas.
 - An increase in seating in the amphitheater from 264 seats to 308 seats.
 - Installation of chain link fencing along the perimeter of the miniature golf.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

1. Completeness of application.

Suggested Findings:

- a. The application is complete provided assurances for wastewater treatment and disposal, including green area, are submitted from NC DENR, Carolina Water, and Outer Banks Ventures.

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

Suggested Findings:

- a. The proposed uses are listed as permissible uses in the Table of Permissible Uses.
- b. Chapter 4 of the UDO requires a special use permit for specific uses located in commercial areas of a PUD.

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

Suggested Findings:

- a. The conditions proposed will meet the minimum requirements of the ordinance.

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

Suggested Findings:

- a. The proposed development should have little to no negative impact on public health or safety provided assurances for wastewater disposal, including green area, are submitted from NC DENR, Carolina Water, and Outer Banks Ventures.

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. Existing commercial uses are located within the vicinity of the proposed development.

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

Suggested Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. Design criteria should be established to ensure that commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. The policy emphasis for the Corolla subarea suggests clustered commercial development. The proposed use is in keeping with the policies of the plan, some of which are:

Policy OB2: So as to minimize COMMERCIAL STRIP DEVELOPMENT and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC 12.

Policy CA2: A CANOPY OF STREET TREES shall be encouraged along all major highways in the County. This canopy may be implemented through the preservation of existing trees or the planting of trees that will reach substantial size at maturity. The preservation or planting of such trees shall be encouraged in the area immediately adjoining the right-of-way.

Policy ES7: MARITIME FOREST and SAND DUNES shall receive a high level of environmental protection and special consideration when reviewing public and private sector development proposals in Currituck County.

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. It appears the county has adequate public facilities to service this development.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends conditional approval provided the following items are submitted:

Planning Department

1. A copy of the NC DENR modified permits, permitted green area, *wastewater treatment plant capacity and allocations*, utility area maps, and easements that affect this property must be provided. Proposed development located within an easement must be relocated or provide legal documentation that authorizes the activities and improvements. (DRP) *Staff commentary: On March 28, 2011, the applicant provided documentation to relocate the wastewater treatment from Corolla Light WWTP #1 to Monterey Shores WWTP. Carolina Water must provide assurances that would secure wastewater treatment and disposal of current customers and vested properties.*

IV. PLANNING STAFF RECOMMENDATION:

The proposed development meets the criteria for granting a Special Use Permit and therefore staff recommends conditional approval provided the following items can be corrected or addressed:

1. A copy of the NC DENR modified permits, permitted green area, wastewater treatment plant capacity and allocations, utility area maps, and easements that affect this property must be provided. Proposed development located within an easement must be relocated or provide legal documentation that authorizes the activities and improvements. (DRP)
2. The applicant shall demonstrate the wastewater treatment facilities can manage the current demands and future allocations/demands of Corolla Light, PUD, Buck Island, PUD, and Monterey Shores, PUD. (DRP)
3. The proposed development is adjacent to existing single family dwellings in Corolla Light, and considering the potential for amplified sound the board should give careful consideration to the hours of operation. The applicant requests hours of operation from 8:00-9:00 am to midnight, during the season. It should be noted that the Currituck County Code of Ordinances, Noise Control Ordinance, exempts sound emanating from events for which a special use permit has been issued by the Board of Commissioners.(Sec 9-35)

Should the Board recommend approval of this request, staff recommends the following permit conditions:

1. The proposed development shall be subject to the special use permit, as amended, issued by the Board of Commissioners on October 6, 2008 as well as the conditions of this permit.
2. The issuance of the special use permit does not constitute site plan approval. Modifications to the concept plan may be necessary to meet the minimum ordinance and other codes. A site plan, grading and drainage plan, landscape plan, tree preservation and maritime forest comparison plan, and lighting plan that meets the minimum commercial (non-residential) site plan design standards must be approved by TRC. (DRP, UDO 9.6)
3. Prior to any land disturbing activities, the applicant shall submit the following documents to the county:
 - a. A copy of the NC DENR modified permits or authorization, permitted green area, utility area maps, and easements that affect this property must be provided. Proposed development located within an easement must be relocated or provide legal documentation that authorizes the activities and improvements.
 - b. Written agreement from Carolina Water, utility provider, and Outer Banks Ventures, applicant, securing the wastewater treatment and disposal of current demands and vested, future allocations. The written agreement shall provide the following minimum information:
 - (1) A comprehensive description of current and proposed wastewater treatment and disposal operations and upgrades for Corolla Light, PUD, Buck Island, PUD, and Monteray Shores, PUD.
 - (2) A comprehensive analysis of the current and proposed wastewater allocations for Corolla, Light, PUD, Buck Island, PUD, and Monteray Shores, PUD. The analysis shall include all allocations provided by Carolina Water for future users.
4. Provide the estimated number of trips per hour, using the Traffic Engineers Trip Generation Manual, to determine potential off-site improvements.
5. Existing vegetation located in the required 25' type A bufferyard (eastern rear property line) shall be retained. No land disturbing activities, with the exception of planting vegetation, should occur within this area.
6. In an effort to provide protection for the public traveling along Ocean Trail and the sidewalks, a 10 foot vegetative buffer shall be provided between the miniature golf holes and the property line. No land disturbing activities, with the exception of planting vegetation, should occur within this area.
7. The landscape plantings shall consist of native, salt tolerant vegetation.
8. Low Impact Development techniques such as cisterns that capture the rainwater from the roof, bio-retention areas/rain gardens, constructed wetlands, and use of porous pavement should be incorporated where possible. Cisterns should not discharge stormwater as sheet flow or concentrated flow across the ground as a means to drain cisterns. Water captured in cisterns should be reused within the development through building design, for maintenance of the building and grounds, in LID techniques such as rain gardens or constructed wetlands, or other uses approved by the county. (LUP Policy WQ5).
9. The development should include preservation of the existing features of the site including topography along NC 12 as well as and significant vegetation. (LUP Policy WQ5, LUP Policy CA2)
10. Where possible, a pedestrian interconnection between the Corolla Light Town Center and the proposed development should be provided, and a cross access vehicular

connection is encouraged. The connection shall be coordinated with the adjacent property owner and the county.

11. Pedestrian crossings (NC12) located at the entrance of the Whalehead Club shall not be provided at this time. The pedestrian crossing at the entrance of the Whalehead Club shall be considered upon finalization of the Heritage Park Master Plan.
12. The architectural style and materials of all proposed buildings and fencing shall preserve the existing coastal community character of the Currituck Outer Banks. The proposed development shall be established to protect and preserve the existing community in scale, architectural style, materials, landscaping, and site design (emphasis on uniformity and outer banks style architecture, native, salt tolerant plants. (Full Service LUC)
13. Fencing visible from NC 12 should be designed in an architectural style and of materials emphasizing the coastal community character of the Currituck Outer Banks. Use of chain link fencing along these areas shall be prohibited. (Full Service LUC)

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended denial** of PB 10-32 due to it in a residential neighborhood, lighting, noise, hours of operation, across from Heritage Park, and not in harmony with the area at their March 8, 2011 meeting.

PLANNING BOARD DISCUSSION (3/8/11)

Ms. Wilson stated the parking proposal is to accommodate 186 bicycles and 150 vehicle parking spaces. Does this number of bicycles factor into the reduction in parking?

Ms. Voliva stated that on the plan there is a difference of 15 spaces from what is required and what is being proposed.

Ms. Wilson stated when doing calculations from the scale on the plan it there are 12 bikes per foot of space.

Ms. Voliva stated a parking reduction must be addressed in a traffic study which is a condition.

Mr. West stated that the access would be solely from NC12 to Corolla Village Road.

Mr. Willis stated he had no comment at this time but would be happy to answer any questions.

Mr. Clark asked Mr. Willis if he has gotten the permits from NCDENR for permitted green area, utility area maps and easements that affect this property.

Mr. Willis stated no. He has a number of options of how he can resolve this and he is in the process of determining which one is the most feasible.

Mr. Clark stated it has been three months since this case has been before the Planning Board and why he doesn't have them.

Mr. Willis stated he is making decisions based on his engineering expertise as to which is the best way to resolve the issues of the wastewater disposal.

Ms. Wilson stated the site plan is showing that in the furthest southern portion of the parking lot there are 10 spaces for future parking spaces and you are short of parking.

Mr. Willis stated when this site plan was submitted he was not aware he was short of parking but would be glad to construct these parking spaces.

Ms. Taylor asked what the hours of operation of the amphitheater are.

Mr. Willis stated activity would be during the fall, spring, and summer. Activity will occur during the day as well as night which may have amplified sound.

Ms. Taylor stated this project is in the middle of a residential neighborhood.

Mr. Sides stated he represents the Corolla Civic Association. The Association has concerns about this proposal because there are many unanswered questions. There is a lack of clarity as to what Mr. Willis is proposing and the parking issues. This proposal is incompatible with the Heritage Park. The existing trees need to be protected. Mr. Sides stated he would like Mr. Willis to define the project, have a wastewater treatment plan submitted and approved, provide complete detail of the fun park and that it is compatible with the small area plan, noise and lighting is adequately addressed, buffering and adequate parking.

Ms. Harrison is concerned with the amplified sound, hours of operation, buffering, security, parking and there are still many unanswered questions.

Mr. Harrison asked if there was an ordinance which addresses noise and a time constraint, which he was under the impression that it was 10:00 p.m. Mr. Harrison stated he is concerned with what is being proposed, parking, lighting, hours of operation, and buffering.

Mr. Clark stated the Currituck County Code of Ordinances, Noise Control Ordinance, exempts sound emanating from events for which a special use permit has been issued by the Board of Commissioners.

Mr. Woody stated the Board of Commissioners can set the hours of operation.

Ms. Voliva stated the Unified Development Ordinance establish the lighting requirements for the Outer Banks Overlay which 50% of the lights have to be turned off.

Mr. Seery provided pictures of how the proposal will affect his property. Mr. Seery is concerned with the environmental impacts this project will have, lighting, noise, wastewater runoff, lights from vehicles, the increase of traffic on NC12, and having only one access.

Mr. Taylor is concerned with the Corolla Village Road access.

Mr. Willis stated they will comply with all county ordinances that apply to lighting.

ACTION

Ms. Taylor moved to deny PB 10-32 due to incompatibility with a residential neighborhood, lighting, noise, hours of operation, across from Heritage Park, not in harmony with area. Ms. Wilson seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (2/8/11)

Mr. Willis stated he had a meeting with the state on wastewater which took place February 7, 2011. As a result of that meeting communication was sent to the county that states it is possible to construct the project with modifications to the setbacks with the wastewater plant and change in the method of disposal. This project has been presented to two community groups in the Outer Banks. Mr. Willis presented a new site plan which is consistent with the comments from the state. As part of the process this site plan will go back to the Technical Review Committee (TRC). The parking has been changed since some of the uses have been eliminated from the project. Mr. Willis is asking that the Planning Board recommend approval of the new site plan contingent upon staff being satisfied since they have met the requirements of the UDO. The only concern they have about staff recommendations are the proposed hours of operation.

Mr. Midgette stated that the disposal has to be moved before anything can be done.

Mr. Willis stated the disposal is being moved to a different site.

Mr. Clark asked what is the parking percentage with the new site plan.

Mr. Willis stated there is no need for a parking relief with the new site plan.

Mr. Midgette stated he is concerned with approving or disapproving a project because staff has not had adequate time to review the new site plan.

Mr. Willis stated that Corolla Light is a PUD and they are asking for approval of the uses that are being proposed.

Mr. Woody stated it is not uncommon that after the political process the site plan goes back to the TRC.

Mr. Kovacs stated there are complete different uses on the new site plan which are not included on the original site plan.

Mr. Willis stated the uses have not changed just the layout has changed.

Mr. Seery is asking the Planning Board to reject this proposal because it is not in harmony with Corolla, stormwater runoff, lighting, noise, public safety issues and decreasing property value.

Mr. Harrison is asking that the Planning Board deny this request because of the water problem in Corolla Light and concern with stormwater runoff, safety and security issues, setbacks from the parking lot to his property, and public walking through private property.

Mr. Sides stated he represented the Corolla Civic Association and presented a power point presentation on lack of clarity, public health concerns, lighting, noise, pollution, and not in harmony with the community. Mr. Sides is asking that this project be delayed until the county can see if it is consistent with the Corolla Village Small Area Plan. Mr. Sides on behalf of the Corolla Civic Association is asking the Planning Board to table this request until the wastewater facility has been moved and a complete set of information is provided on what this fun park will involve.

Mr. Willis stated he wants the Planning Board comments on the uses which are being proposed on this site. This is an opportunity to get input from the public, planning board and staff. Mr. Willis stated they are interested in resolving stormwater and wastewater problems and trying to do their part as good stewards of the environment. The lighting on this site will not provide a public nuisance. The amphitheater may provide some noise at times. Changes have been made to the proposal to reflect staff and public comments. Heritage Park has talked about an amphitheater for 14 years which is designed for special events weekly. Mr. Willis stated the proposed amphitheater will be used for family orientated activities and events.

The Planning Board discussed that NC DENR needs further research and evaluation is required to determine the applicability of a 100' setback to the plant.

Mr. Willis stated that if you stay out of the 100' setback all the uses are permissible.

Mr. Midgette stated that this was tabled at the last Planning Board meeting because clarification was needed from NC DENR.

Mr. Willis stated the issue before the Planning Board is whether or not he has the right to do what they are proposing to do under the laws of the State of North Carolina.

Mr. Woody stated the board is to decide if the use is an appropriate use for the property and make a recommendation to the Board of Commissioners. Part of the deliberation is to make sure it is in compliance with county, state and federal regulations.

Mr. West stated that as a board if the uses are acceptable they would need to know about the setbacks and if the wastewater a permissible use.

Mr. Willis stated the state permit cannot be granted without zoning. If he doesn't have zoning approval then he can't get the permit which is required by the county.

Mr. Woody stated the board has to decide if they have the information needed to make a decision.

The Planning Board discussed the new site plan which has not been reviewed by staff or the planning board.

Mr. Woody stated no uses can go over the disposal area, there is a 100' setback from the wastewater treatment plant, the disposal area has to move, and authorization is required from Carolina Water. The applicant will not be able to build on the site until these things occur.

Mr. Willis stated all wastewater disposal will be removed from the site.

ACTION

Ms. Taylor motioned to table PB 10-32 due to not enough information for the wastewater treatment, not enough time to review new site plan and the community is entitled to see new site plan. Mr. West seconded the motion. Ayes: Mr. Kovacs, Ms. Wilson, Mr. Clark, Mr. West, Ms. Taylor, Ms. Newbern, Mr. Wright, and Mr. Midgette. Nays: Mr. Bell.

PLANNING BOARD DISCUSSION (1/11/11)

Ms. Taylor asked if the staff recommendations in this request are incorporated into the Corolla Village Small Area Plan and if not, could they be added.

Ms. Voliva stated it could be requested that they work with the Corolla Village Small Area Plan.

Mr. Clark asked what is the standard relief the county gives for parking percentage.

Ms. Voliva stated there is not a specified percentage. It is up to the permit issuing authority to determine whether or not parking relief should be granted. Staff is asking for a traffic study that would address bike and pedestrian traffic, as well as any off site improvements, i.e. as turn lane.

Mr. Willis stated he is on the committee for the Corolla Village Small Area Plan (SAP). They have asked that this particular piece of property be apart of the plan. Mr. Willis stated he is a strong supporter of the goals of the Corolla Village SAP. Corolla Light was approved under the ordinance in 1984 as one of the first Planned Unit Developments (PUD). The process that Corolla Light has to go through as a PUD has evolved through the years. Corolla Light has GB and PUD Overlay zoning districts, but any use that is proposed they still have to get a special use permit. Mr. Willis stated if they were going to propose an amphitheater which is not specifically governed by the county ordinance; before he knows that he can get a special use permit for this use he has to do a full set of detailed construction drawings which is costly. Mr. Willis stated that the uses they are proposing, they have the right to do under the zoning approved, but they want feedback from the county. Mr. Willis stated the uses are needed in terms of entertainment aspects for the community. Mr. Willis stated as developers for Corolla Light they have been working the wastewater issue in conjunction with the county. The two existing wastewater plants, which are 25 years old will be replaced and moved. These wastewater changes for this project were not submitted to the state prior to submitting to the county. The changes have now been submitted to the state, but Mr. Willis has not received back from the state confirmation that what they are proposing is okay.

Mr. Willis stated they are building this project to make money, important to the area, and feedback from guests is that there is not enough to do in Corolla. Mr. Willis stated the main objective in coming to the Planning Board and Board of Commissioners is to get guidance on the uses to tell them what uses they have the right to do and what uses they cannot do. Mr. Willis asked that you consider the project and make a recommendation so it can move to the Board of Commissioners so they can get feedback from the commissioners on the uses. Mr. Willis stated the new Unified Development Ordinance will address these issues.

Mr. Midgette asked Mr. Willis if he has read the staff recommendations.

Mr. Willis is concerned with the hours of operations that are proposed.

Ms. Wilson asked if the three wastewater disposal fields will be eliminated.

Mr. Willis stated the wastewater plant will completely go away and wastewater use will be handled completely different than what is there now. There will be some type of wastewater disposal on the property.

Mr. Snider stated that having an amusement park across from the Heritage Park will not be in harmony with the area. Mr. Snider stated this is not consistent with area.

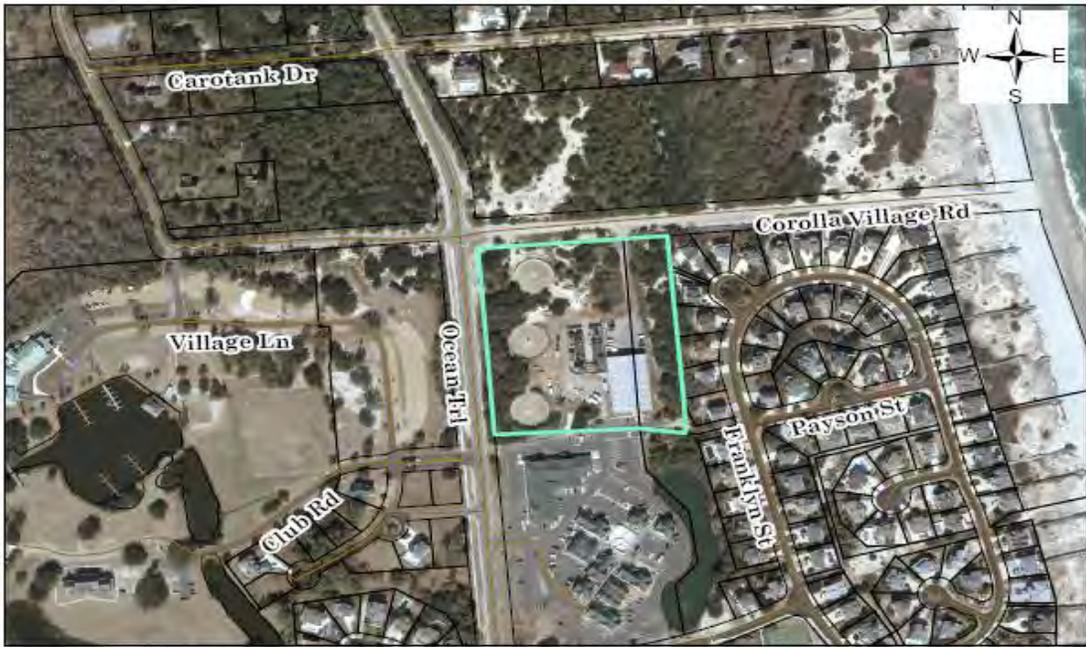
Mr. Harrison stated he owns a house which is in direct view of the parking lot. Mr. Harrison is concerned what impact this will have on the value of his property. People come to Corolla to be with their families. Mr. Harrison stated it would be used for 12 weeks and will sit idle for the rest of the year. Mr. Harrison is asking that the board deny the request.

Mr. Willis talked about the commercial use of the wastewater disposal. Corolla Light is a resort village which has an indoor sports center which was controversial when it was first proposed. Mr. Willis stated there are over 3,000 lots which are platted north of the paved road in Currituck County which is not commercial. For these people where are the facilities and services for those houses going to be constructed. There are commercial uses to the south and Mr. Willis feels this project will have less impact.

Ms. Wilson stated that although there are plans to move two of the wastewater disposal plants, the proposed carousel and amphitheater would still be built over an active wastewater disposal field.

ACTION

Ms. Taylor moved to table PB 10-32 due to the lack of information from NC DENR for permits and the lack of adequate parking. Mr. Clark seconded the motion. Motion carried unanimously.



PB 10-32 Corolla Light, Phase 10
Special Use Permit

0 125 250 500 750 Feet
Currituck County Planning Department



PB 10-32 Corolla Light, Phase 10
Special Use Permit

0 260 520 1,040 1,560 Feet
Currituck County Planning Department





PB 10-32 Corolla Light, Phase 10
Land Use Classification Map



MEMORANDUM

To: Outer Banks Ventures, Inc.
Mitch Halloran, Coastal Engineering and Surveying

From: Planning Staff

Date: March 16, 2011

Re: Corolla Light, Phase 10 Site Plan TRC Comments

The following comments have been received for the March 16, 2011 TRC meeting. Revisions to the plan may be submitted at any time, but must be approved by the TRC. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva 252-232-6032

Approved with comments

1. The site plan review is subject to the issuance of the special use permit including any conditions. If the special use permit is not granted by the BOC staff recommendation is denial.
2. The existing conditions (page 2 of 9) must illustrate all improvements accurately. The existing features shall include existing wastewater disposal fields, adjacent ownership information, all existing water and wastewater lines on the property (including size), easements, leased area, correct property lines, building usage, and Corolla Village Road right of way.
3. The plans appear to indicate the removal of existing wastewater disposal fields. Wastewater disposal area plans (including pipes) and permits must be provided.
4. Please submit a complete landscape plan that indicates required bufferyards (including widths), the common names and sizes of all proposed plants and trees. The landscape plan shall indicate the required bufferyard and shall extend along all property lines. Shared access to the Corolla Light Town Center can reduce the bufferyard along the southern property line.
5. Please demonstrate how the proposed development complies with the maritime forest guide.
6. The site plan (page 3 of 9) indicates a 25% credit for existing trees within the 25 foot bufferyard. Please provide rationale for this calculation. How will the existing trees and vegetation be protected during construction.
7. Please verify the parking calculations. There appears to be an error in the required number of parking spaces.
8. The plan indicates what appears to be a walkway through the islands in the parking area. If the walkway is provided, staff suggests alignment with an entrance into the facility.
9. Please provide rationale for the proposed pedestrian sidewalk along NC 12. Planning staff would like to discuss this proposal and possible pedestrian alternatives. In areas where connections involve crosswalks on state roads, thermoplastic markings on pavement should be used.
10. Vehicular interconnection with the adjacent parking lot should be considered.

11. Please provide trip generation calculations for vehicles projected to use the proposed parking lot.
12. Does the applicant intend to control parking area users (attendant, fees, gate, etc)? Can beachgoers utilize the parking area?
13. Please correct the total number of handicap parking spaces provided on plan.
14. Please correct or remove Note #11.
15. Wheel stops shall be installed at 18' of parking depth.
16. A loading and unloading space provided and shall be located so that deliveries are convenient and can be completed without obstructing or interfering with parking spaces or drive aisles.
17. Please correct the rear minimum building setback line (eastern line). The required setback is 25 feet.
18. Please provide an exterior lighting plan that is compliant with the Chapter 4 of the UDO.
19. Please indicate the location and material type for proposed fencing of the site.
20. Please clarify the proposed grading of the miniature golf area.
21. Please clarify the use of septic tanks with central wastewater disposal systems.
22. Please indicate the proposed fire hydrant location.
23. The typical parking layout (sheet 6 of 9) indicates asphalt parking, and the legend on sheet 7 do not appear consistent, please clarify. It may be helpful to duplicate the legend on the site plan sheet as well.
24. No land disturbing activities shall be within 10 feet of the property line, except for drainage improvements or underground utilities. In addition, landscaping and fencing may be permitted in the 10 foot setback provided the improvements do not impede the flow of stormwater.
25. The stormwater and grading plan (Page 4 of 9) illustrates a proposed control outlet structure to a pond located to the south. Please provide permit information and allowances (easements) that will authorize the connection.

Currituck Soil and Water, Mike Doxey

Denied/Resubmit

1. The overflow pipe leaves the property. Provide permission for this to happen.
2. Submit a professional soil scientist report to verify the seasonal high water table.
3. None of the impervious coverages are the same, clarify.

Currituck County Engineer, Eric Weatherly

Denied

1. Calculations show the total coverage as 151,034sf while the stormwater permit shows the total impervious area to be 97,658sf. The front page of the plans show the gross site impervious coverage to be 140,801sf. Please clarify what was used to calculate impervious coverage and the differences between the application, calculations, and plans. Show delineated drainage basins.
2. The overflow pipes drain off-site. Provide justification for use of the off-site pond.
3. Provide elevation of the Seasonal High Water Table to justify storage in infiltration calculations. How do you account for soil voids?
4. Provide downstream sewer analysis showing adequate capacity of off-site pond.
5. Show limits of disturbance for stormwater overflow pipe that runs parallel to existing building.
6. Provide all applicable State Permits.

7. Please provide inverts on gravity sewer and stormwater overflow pipes.
8. The existing wastewater disposal system on this site is not shown in the existing conditions on the plans. Please show the current conditions accurately. The plans do not show if or where the disposal will be relocated. Please clarify. If the disposal is to be relocated – where are the plans?
9. Provide easement for connection of proposed gravity sewer into off-site manhole.
10. Is there any green area designated for this site?
11. Provide sewer commitment letter.
12. Verify 100' setback from sewer treatment plant.
13. Verify with Public Utilities on proper location of water meter.
14. Provide Pre/Post discharge calculations.
15. Provide predicted water surface elevation in ponds.
16. Provide building pad elevations.

Currituck County Utilities, Pat Irwin
Approved

Currituck County Emergency Management, James Mims 252-232-6641
Denied/Resubmit

1. Provide fire hydrant location.
2. Notes indicate sprinkling the buildings. Indicate fire department connections. The fire department connections should be located so that connecting from the fire hydrant to the fire department connection will not block the full width of the fire apparatus access.
3. Please show a template indicating the access from the main entrance to the café is suitable for the fire apparatus.
4. The distance from the café to the fire apparatus access is greater than 150 feet. This is measured to the farthest point of the combustible construction.
5. As there is no handicap access to the golf area there is no clearly defined access for a medical stretcher on this uneven surfaced area.

Currituck County Code Enforcement Officer, Stacey Smith
Reviewed

Currituck County Local Volunteer Fire Department, Chief Rick Galganski 252-619-4442
Approved

1. Approved with previous recommendations.

Currituck County GIS, Harry Lee
Approved

1. Addresses are as follows:
 - a. 1102 Corolla Village Road = Existing WWTP Building
 - b. 1104 Corolla Village Road = Future Retail Building. If broken into suites, addresses will be 1104A, 1104B, etc.
 - c. 1106A Corolla Village Road = Café Building
 - d. 1106B Corolla Village Road = Amphitheater
 - e. 1106C Corolla Village Road = Mini Golf Shop
 These addresses are subject to change if the site development plan is changed.

Currituck County Building Inspections, Spence Castello

Denied/Resubmit

1. Mini golf must be handicap accessible.
2. Amphitheater is required to have two exits that are handicap accessible. Only one is shown on the plans.
3. Restroom facilities do not appear to be adequate.
4. Show accessible path to all buildings and facilities.

Currituck County Parks and Recreation, Jason Weeks

No comment

NC Division of Coastal Management, Charlan Owens

No comment

NC DENR Aquifer Protection, David May

See email from David May

NC DENR, Land Quality, Pat McClain

Reviewed

1. An erosion and sedimentation control plan must be submitted to and approved by my office prior to initiating any development activity on this tract.

NC State Archaeology, Lawrence Abbot

No comment

Albemarle Regional Health Services, Joe Hobbs 252-232-6603

Reviewed

1. Consult with NC Division of Water Quality (Surface Water Protection) Washington Regional Office 252-946-6481 concerning wastewater treatment and disposal approval for this proposed retail, food, and entertainment development.
2. Food and lodging establishments proposed at this project will need to be reviewed by the Health Department before approval can be granted. Please contact Joseph F. Hobbs RS ARHS/Currituck Environmental Health Section at 252-232-6603.

The following agencies did not provide comment:

Currituck County Schools, Dr. Megan Doyle

Currituck County Economic Development, Peter Bishop

Currituck County Sheriff, Susan Johnson

Navel Facilities Engineering Command, Community Plans Liaison Officer William DuFault

NCDOT, Gretchen Byrum

NC DENR Environmental Health/Onsite Wastewater, Bob Uebler

NC DENR, Environmental Management, Roger Thorpe

NC DENR, Marine Fisheries, Kevin Hart

NC DENR, Public Water, Siraj Chohan

NC DENR Water Quality, Kim Colson

NC DENR Water Quality/Surface Water Protection, Al Hodge

NC Wildlife, Maria Dunn

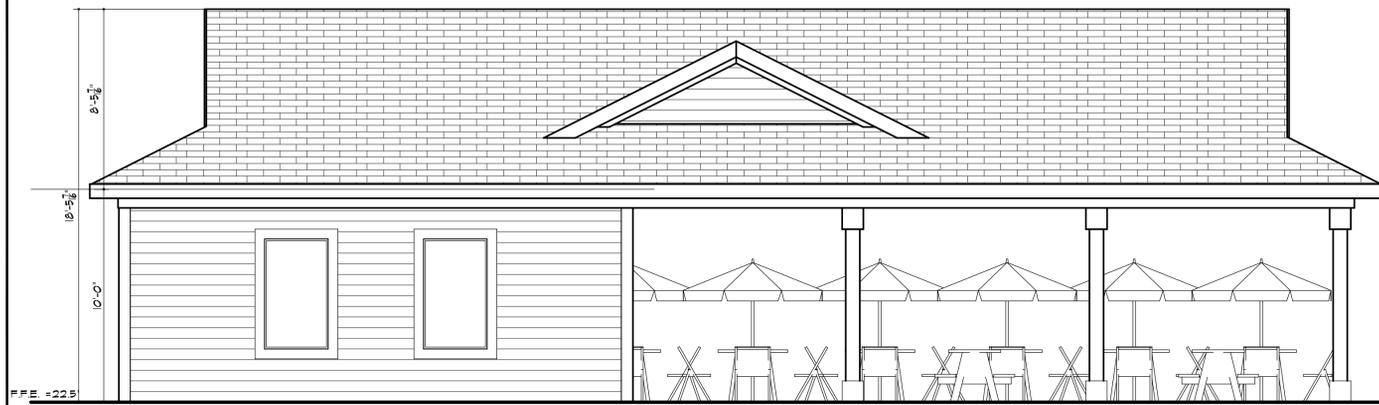
Centurylink, Kimberly Hoevenair

Charter Communications, Sam Scilabba
Dominion Power, Troy Lindsey
Embarq, Hester Jones
US Army Corps of Engineers, Kyle Barnes

The following items are necessary for resubmittal:

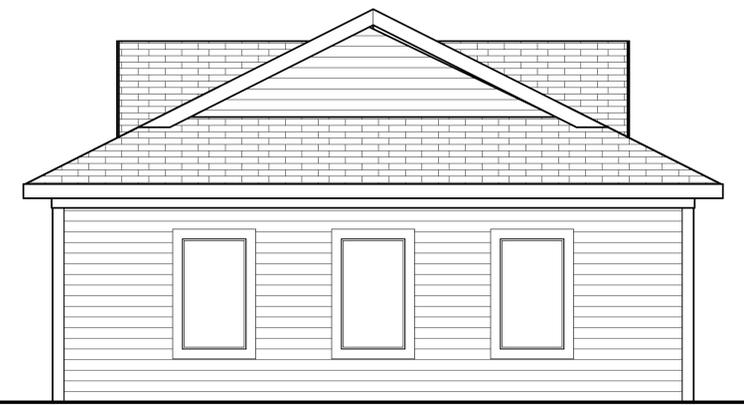
- 3 - full size copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

THIS PAGE LEFT BLANK



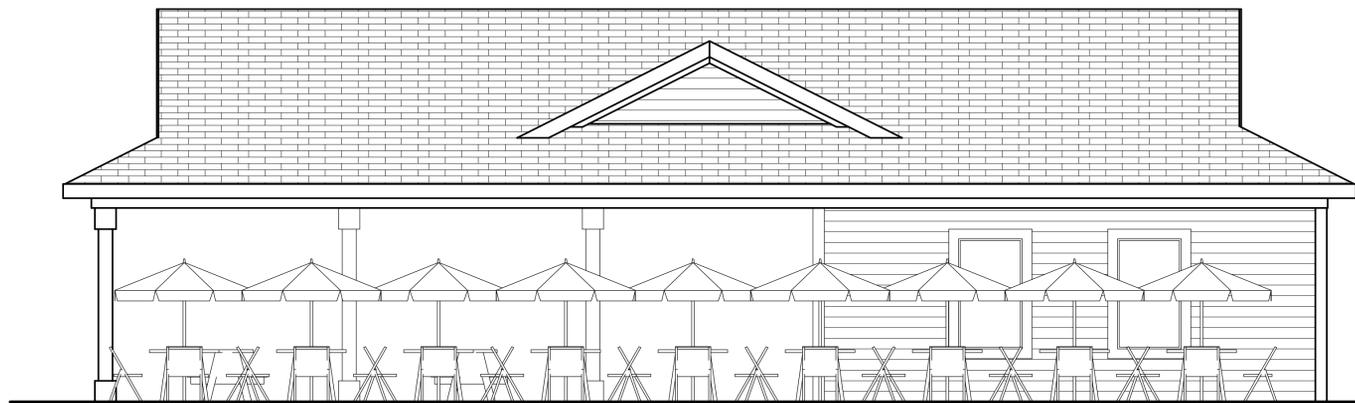
NORTH ELEVATION

1/4"=1'-0"



EAST ELEVATION

1/4"=1'-0"



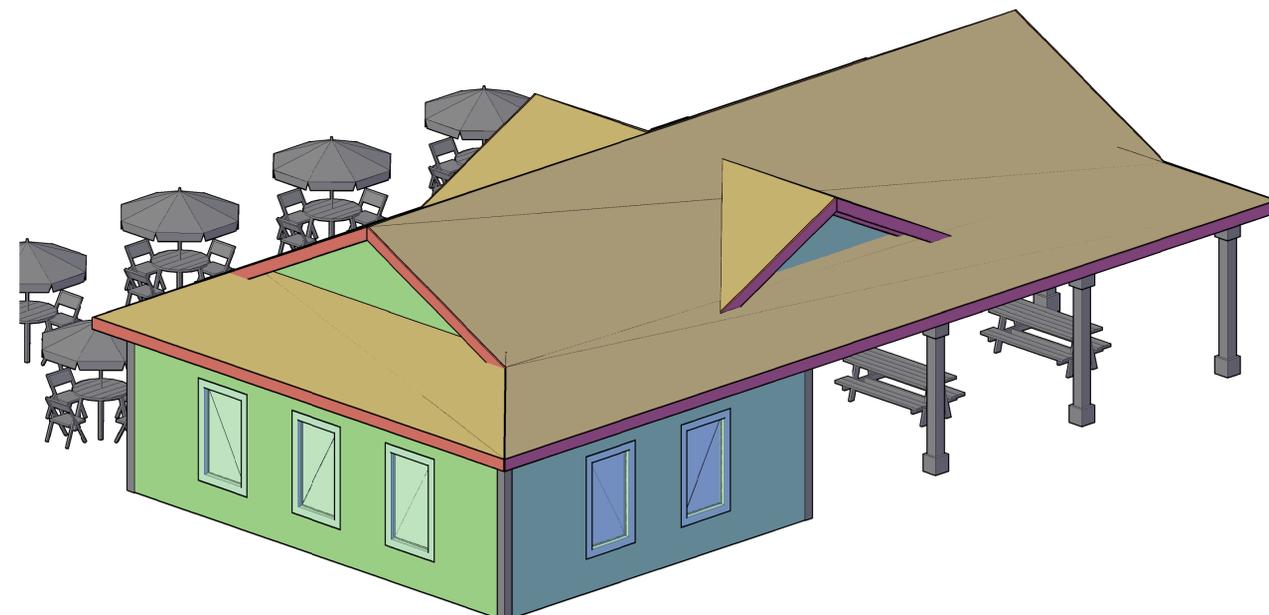
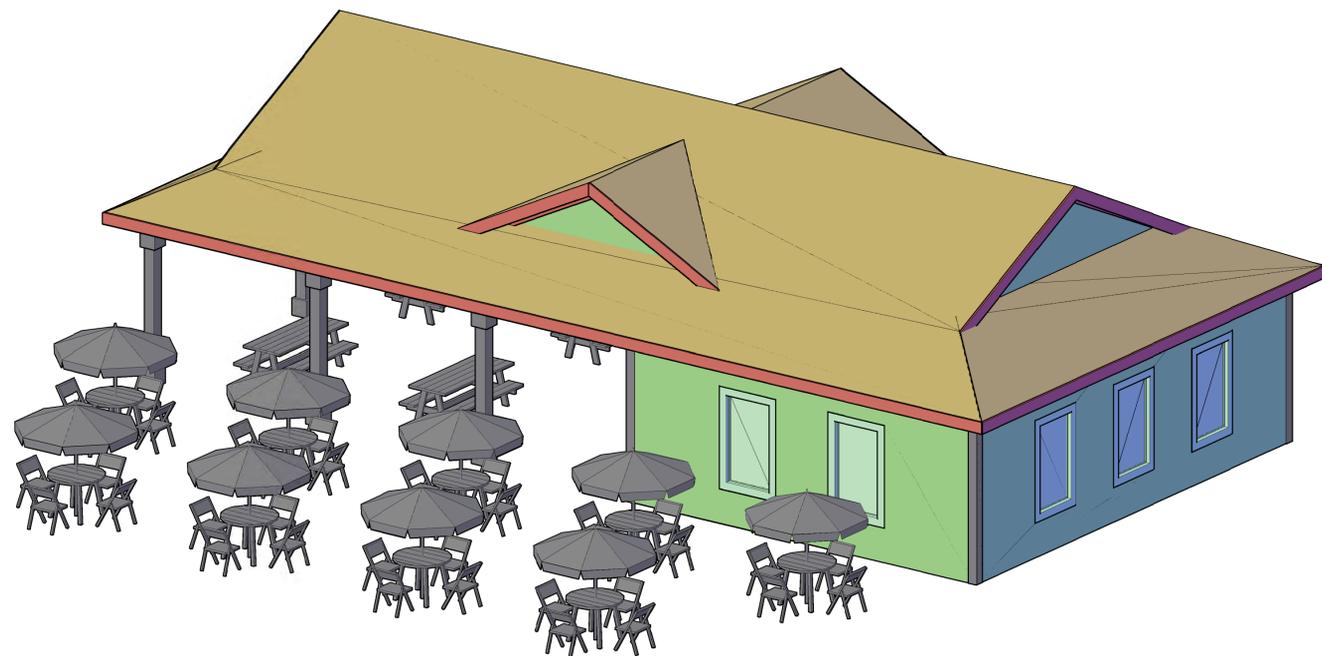
SOUTH ELEVATION

1/4"=1'-0"



WEST ELEVATION

1/4"=1'-0"



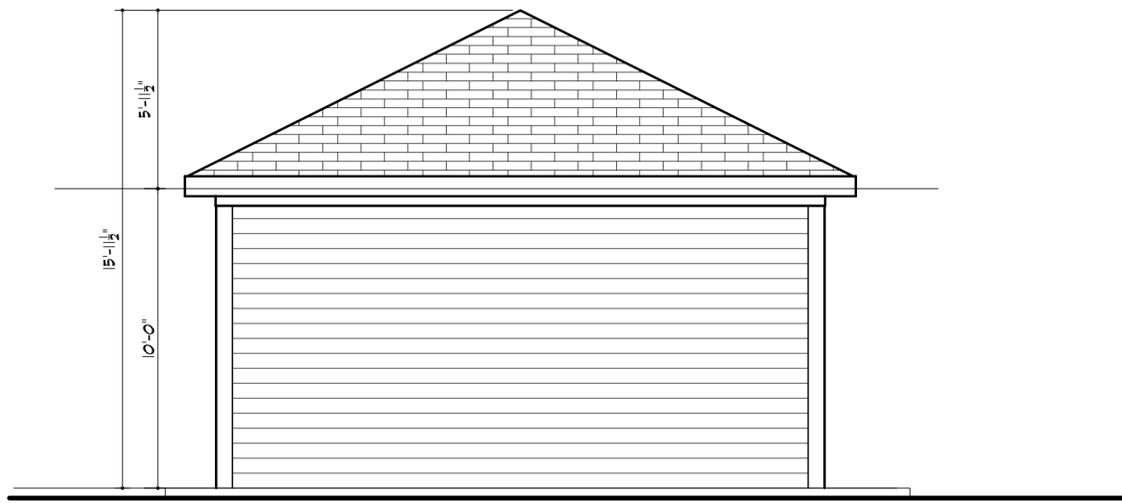
P.O. Box 1124
 454 N. Kitty Hawk Rd.
 Kitty Hawk, NC 28541
 (252) 261-4151
 (252) 261-1535
Coastal
 ENGINEERING & SURVEYING, INC.
 CIVIL - Structural
 Site Development

COPYRIGHT © 2011
 COASTAL ENGINEERING & SURVEYING, INC.
 THIS DOCUMENT IS THE PROPERTY OF
 COASTAL ENGINEERING & SURVEYING, INC.
 ALL RIGHTS RESERVED.
 NO PART OF THIS DOCUMENT
 OR ANY INFORMATION CONTAINED
 HEREIN IS TO BE REPRODUCED OR
 TRANSMITTED IN ANY FORM OR
 BY ANY MEANS, ELECTRONIC OR
 MECHANICAL, INCLUDING PHOTOCOPYING,
 RECORDING, OR BY ANY INFORMATION
 STORAGE AND RETRIEVAL SYSTEM,
 WITHOUT PERMISSION IN WRITING
 FROM COASTAL ENGINEERING & SURVEYING, INC.
 ALL RIGHTS RESERVED.

NO.	DATE	REVISIONS	BY

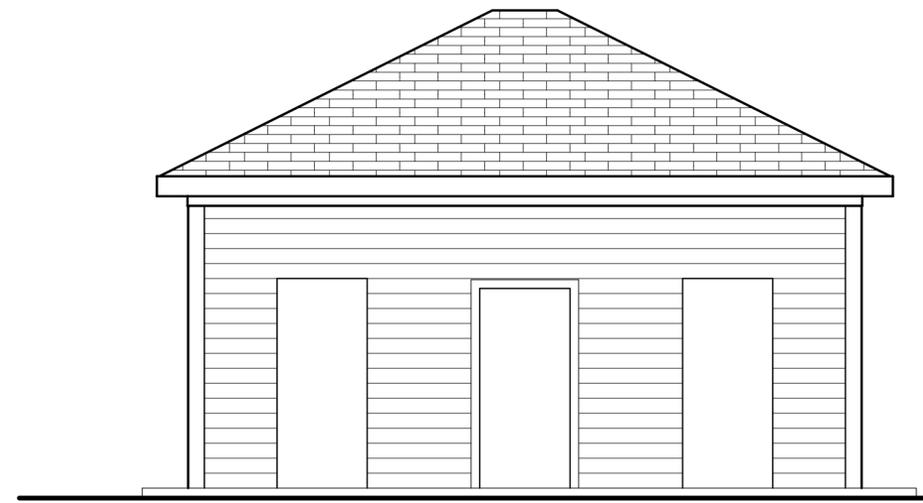
OUTER BANKS VENTURES
 COROLLA LIGHT WWTP#1 - PHASE 10
 POPLAR BRANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA
CAFE-ELEVATIONS

DATE: 02282011
 CHECKED: CB
 PROJECT NO: P594
 CAD FILE: COROLLA LIGHT
 SHEET: D1 of D1



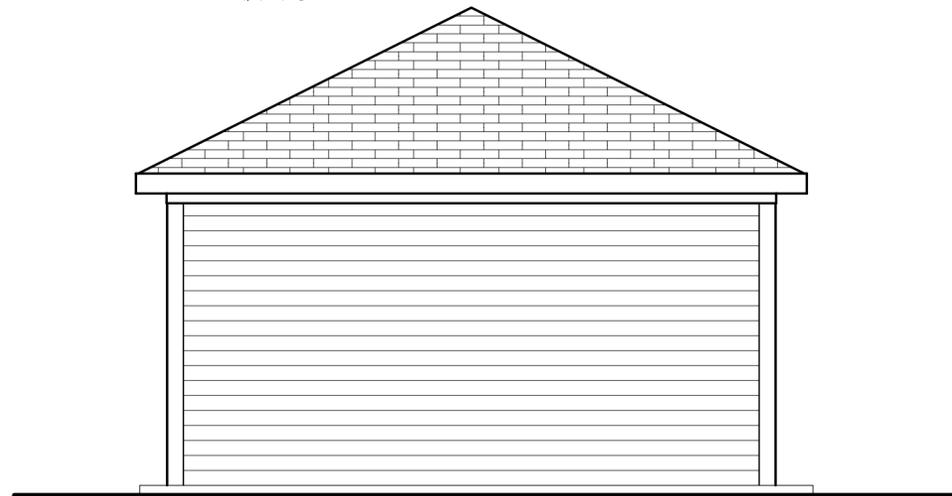
WEST ELEVATION

1/4"=1'-0"



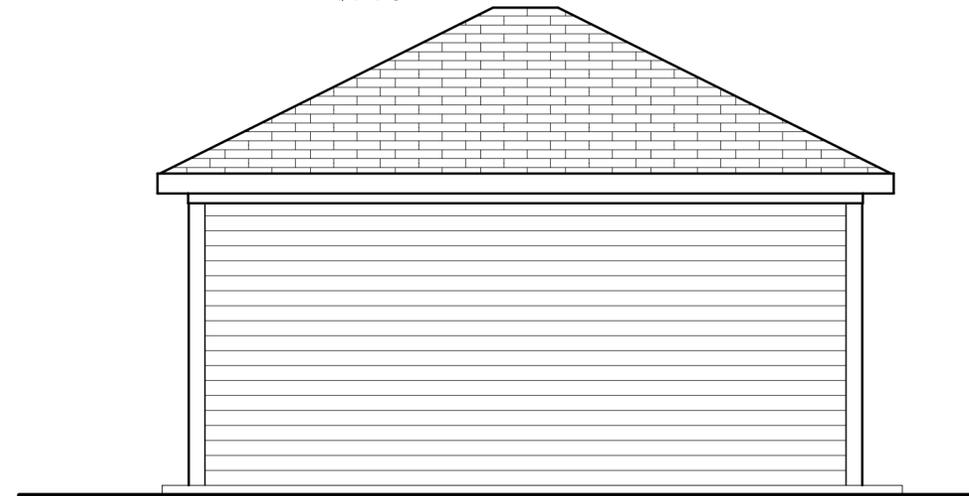
NORTH ELEVATION

1/4"=1'-0"



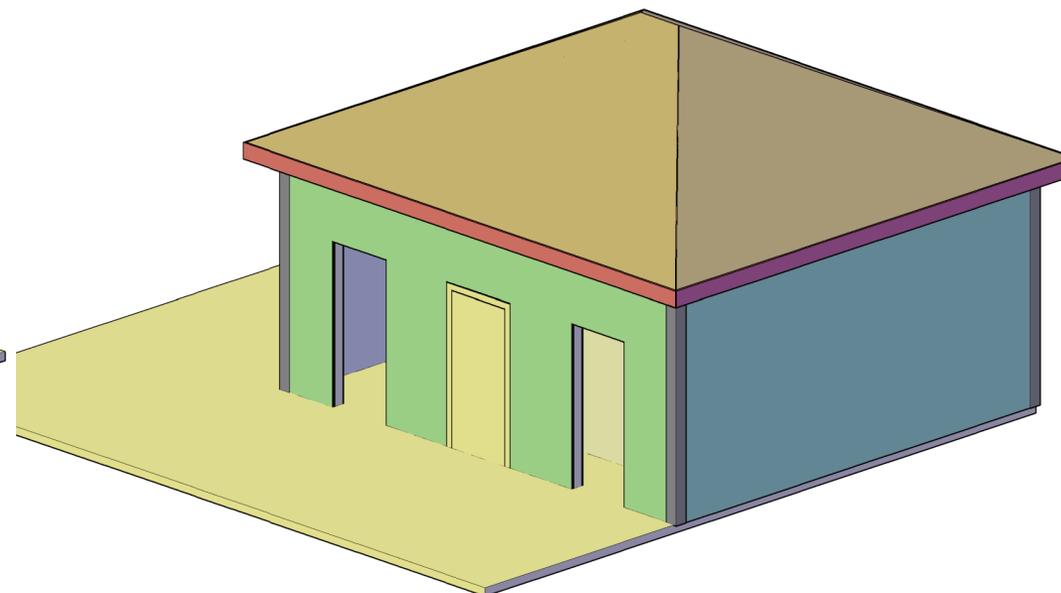
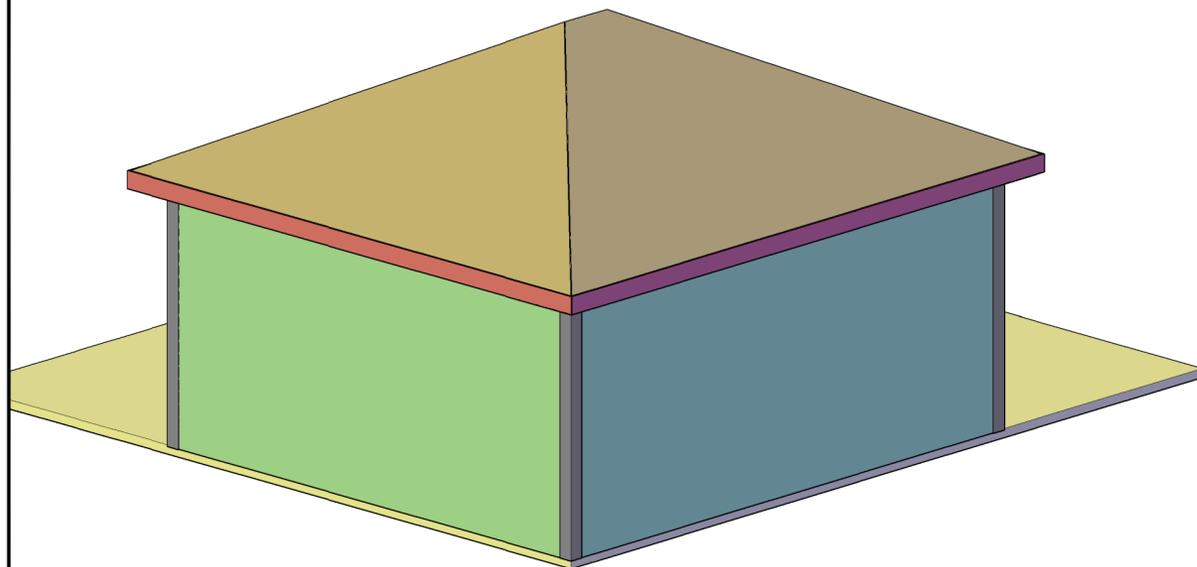
EAST ELEVATION

1/4"=1'-0"



SOUTH ELEVATION

1/4"=1'-0"




Coastal
 ENGINEERING &
 SURVEYING, INC.
 P.O. Box 1124
 434 W. Kitty Hawk Rd.
 Kitty Hawk, N.C. 27949
 (252)-261-4151
 (252)-261-1335
 Civil - Structural
 Site Development

REVISIONS		BY
NO.	DATE	DESCRIPTION

OUTER BANKS VENTURES
 COROLLA LIGHT WWTP#1 - PHASE 10
 POPLAR BRANCH TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA
BATH HOUSE ELEVATIONS

DATE: 02.23.2011 SCALE: 1/4"=1'-0"
 CHECKED: CB DRAWN: BN
 PROJECT NO: P594
 CAD FILE: COROLLA LIGHT
 SHEET: D1 of D1



Currituck County

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

MEMORANDUM

To: Board of Commissioners
From: Planning Staff
Date: March 25, 2011
Re: PB 11-04 Three of a Kind, Inc. – Text Amendment

The enclosed text amendment applies to funds held by the county when a subdivision is a calculated distance away from existing water mains. The current ordinance requires a payment of cost + 20% for water improvements. This payment is placed in an escrow account and used for installing water mains in the subdivision when connection to the centralized water system becomes available for that subdivision. Three of a Kind, Inc. is requesting that the county return the money to the developer if the waterlines have not been installed within three years of such payment.

Pat Irwin, Public Utilities Director, does not support the three year time frame (unless payment of tap fees is received for all lots). However, Mr. Irwin would support a ten year period for reimbursement.

While Mr. Innes makes a valid point that cash is held in an escrow account for water lines that may never be installed, staff recommends for denial of the amendment. The existing ordinance not only ensures that funds are available in escrow when water mains are installed, it also encourages new development to locate in close proximity to existing infrastructure rather than rural areas where services do not exist or are not planned.

The Land Use Plan addresses location of developments in the following policies:

POLICY ES1: New development shall be permitted to locate only in areas where ADEQUATE INFRASTRUCTURE is available.

POLICY PP3: The costs of infrastructure, facilities, and services related to the DEMAND CREATED BY NEW GROWTH AND DEVELOPMENT shall be borne, in equitable portion, by those creating the additional demand, so as to lessen the burden on the general property tax payer.

Should you have any questions, do not hesitate to contact staff at 232-3055.

The Planning Board **recommended denial** of PB 11-04 at their March 8, 2011 meeting.

PLANNING BOARD DISCUSSION (3/8/11)

Mr. West asked if the bond is posted is it a percentage of the estimated cost or is it the actual cost.

Mr. Woody stated it is an estimated cost plus 20 percent.

Mr. West asked what if the cost to install the water lines is more than the bond.

Mr. Woody stated the cost is absorbed by the county.

Mr. West asked what if the cost is less.

Mr. Woody stated the county may refund the difference back to the developer. The bonds are in an escrow account which can only be used for the installation of water lines in that subdivision for which the bond is held.

Mr. Kovacs asked if the subdivisions are being built at the present time.

Mr. Woody stated they are platted and one subdivision is built out and the other subdivision has some homes on it as well as vacant lots.

Mr. Kovacs asked if the cost for water line hook-ups has been passed along to the homeowners or potential buyers.

Mr. Innes stated it is not a bond but rather a cash deposit. Mr. Innes stated the ordinance has a section that a deposit is required for roadways or maintenance of roadways, homeowners association to common areas, and water line installation. The first two allows for a letter of credit or bond be posted.

Mr. West asked when a lot is sold does it include the water hook-up fee?

Mr. Innes stated the developer would have to pay for the water hook-up so the fee is passed along to the buyer if the subdivision is close to county water. Mr. Innes is asking for a timeframe of 3 years and Mr. Irwin is asking for 10 years. Mr. Innes would like to work out a timeframe between these years.

ACTION

Mr. West moved to deny PB 11-04 due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promotes orderly growth and development. Mr. Kovacs seconded the motion. Motion carried unanimously.

Three of a Kind, Inc.
PB 11-04
UDO AMENDMENT REQUEST

An amendment to Chapter 9 Infrastructure to require the county to return money held for installation of water lines and related apparatus to the developer if the waterlines have not been installed within three years after such payment.

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

Item 1: That Section 9.2.6.4 is amended as follows:

9.2.6.4 Fees (PB 08-49, 10/20/08)

All connection fees shall be paid for each residential lot that is required to be connected to the county water system prior to final plat approval. All connection fees shall be paid for each commercial lot required to be connected to the county water system at the time of issuance of the building permit authorizing construction to begin. **Any payment(s)/deposit(s) made to Currituck County or otherwise provided to Currituck County for the installation of water lines and/or related apparatus for or related to subdivision or plat approval shall be returned to the developer or its designee if the water lines have not been installed within three years of such payment(s)/deposit(s).**

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

Item 3: This ordinance amendment shall be in effect from and after the _____ day of _____, 2011.

Board of Commissioners' Chairman

Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: __AYES_____NAYS_____

PLANNING BOARD DATE: 3/8/11
PLANNING BOARD RECOMMENDATION: _____
VOTE: __AYES _____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

This page intentionally left blank.

BOARD OF ADJUSTMENT

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Christian Conner	District 1		Vance Aydlett		12/1/2012
Bryan Bass	District 2		John Rorer		12/31/2011
Theresa Dozier	District 3		Butch Petrey	3/7/2011	1st Term 12/31/2013
Paul Beaumont (4)*	District 4		Owen Etheridge		2nd Term 12/31/2010
Cameron Tabor	District 5		Marion Gilbert	2/21/2011	1st Term 12/31/2013
Ralph Jones	At Large		Paul Martin		12/31/2011
Donald Ferebee	At-Large		Paul O'Neal	12/31/2009	12/31/2011

* May Not Be Reappointed

ECONOMIC DEVELOPMENT BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Elizabeth White	District 1		Vance Aydlett	Reappointed 1/2011	1/2014
David Palmer	District 2		John Rorer	Reappointed 1/2011	1/2014
Tameron Kugler	District 3		Butch Petrey	1/2009	1/2012
Dr. Ed Cornet	District 4		Owen Etheridge	Unexpired Term 1/2013	1/2013
Kevin Burwell	District 5		Marion Gilbert	1/2010	1/2013
Frances Walker	At-Large		Paul Martin	1st Term 1/2011	1/2014
Ken Edgar	At-Large		Paul O'Neal	Reappointed 1/2011	1/2014

Commissioner Paul O'Neal

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10415-532000	Supplies	\$ 681	
10415-514000	Travel		\$ 681
		<u>\$ 681</u>	<u>\$ 681</u>

Explanation: *Legal (10441)* - Transfer funds to supplies needs due to excessive copies for planning and litigation cases.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10430-521000	Rent	\$ 200	
10430-545000	Contracted Services	\$ 660	
10430-532100	Ballot Programs & Imprint		\$ 860
		<u>\$ 860</u>	<u>\$ 860</u>

Explanation: *Elections (10430)* - Transfer funds to rent and contracted services for increased rent during the November election and pest control for the Elections office.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10440-514000	Travel	\$ 726	
10440-514500	Training & Education	\$ 137	
10445-514500	Training & Education	\$ 137	
10440-545100	Credit Card Fees		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: *Finance (10440); Human Resources (10445)* - Transfer funds from credit card fees for MAPS training/Laserfische training and travel for this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10480-514000	Travel	\$ 165	
10480-521000	Equipment Lease	\$ 10,524	
10480-557300	Excise Tax on Deeds	\$ 8,000	
10480-557301	Floodplain Mapping Fee	\$ 7,000	
10480-557303	ARM Fee	\$ 1,200	
10480-557400	Children's Trust Fund	\$ 1,000	
10480-558100	Domestic Violence Centers	\$ 5,300	
10320-507000	Marriage Licenses		\$ 11,000
10320-410000	Excise Tax on Deeds		\$ 6,165
10480-514500	Training & Education		\$ 500
10480-545100	Data Processing		\$ 10,524
10480-557302	Deed of Trust Fee		\$ 5,000
		<u>\$ 33,189</u>	<u>\$ 33,189</u>

Explanation: *Register of Deeds (10480)* - To increase appropriations for revenue based expenses in the Register of Deeds and to reclassify equipment lease and data processing fees.

Net Budget Effect: Operating Fund (10) - Increased by \$17,165.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10490-532003	Supplies - Court Facilities	\$ 1,713	
10490-545000	Contracted Services - Other	\$ 1,500	
10490-590003	Capital Outlay - Court Facilities	\$ 38,370	
10460-592000	Courthouse Projects		\$ 33,773
10310-400010	Ad Valorem Taxes - Current Levy		\$ 7,810
		<u>\$ 41,583</u>	<u>\$ 41,583</u>

Explanation: *Court Facility Fees (10490)* - To increase appropriations for shelving and supplies for the Clerk of Courts Office, to replace heat pump in Courtroom A and for operations for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$7,810.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10540-557002	Permit Incentive Plan	\$ 10,000	
10310-400010	Ad Valorem Taxes - Current Levy		\$ 10,000
		<u>\$ 10,000</u>	<u>\$ 10,000</u>

Explanation: *Inspections (10540)* - To increase appropriations refunds to customers that meet the terms of the Permit Incentive Plan.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10550-514500	Training & Education	\$ 257	
10550-513000	Utilities	\$ 2,850	
10550-531002	Aviation Fuel	\$ 150,000	
10550-535000	Credit Card Maintenance	\$ 3,500	
10550-506000	Insurance Expense		\$ 1,264
10550-507000	Retirement Expense		\$ 1,500
10350-467100	Aviation Fuel		\$ 131,250
10350-467101	Tax Exempt Fuel Sales		\$ 10,000
10350-468000	Sale of Fixed Assets		\$ 6,195
10310-400010	Ad Valorem Taxes - Current Levy		\$ 6,398
		<u>\$ 156,607</u>	<u>\$ 156,607</u>

Explanation: *Airport (10550)* - To increase appropriations for additional fuel sales and operating costs for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$153,843.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10775-514500	Training & Education	\$ 62	
10775-514000	Travel		\$ 62
10790-514500	Training & Education	\$ 246	
10790-514000	Travel		\$ 246
		<u>\$ 308</u>	<u>\$ 308</u>

Explanation: Senior Center (10775); Library (10790) - To transfer funds for operations.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
51380-425000	Public School Capital Fund	\$ 5,250	
51848-590000	Capital Outlay		\$ 5,250
		<u>\$ 5,250</u>	<u>\$ 5,250</u>

Explanation: *School Construction (51848)* - To reduce School Technology budgeted from the Public School Capital Building Fund. Technology funds run directly through the School budget and do not pass through the County.

Net Budget Effect: School Construction Fund (51) - Reduced by \$5,250.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-533200	Lab Tests Water	\$ 122	
60808-533201	Lab Tests Sewer	\$ 6,000	
60808-533600	System Supplies Water		\$ 122
60808-516001	Repairs and Maintenance		\$ 1,000
60808-561001	Professional Services		\$ 4,000
60808-545001	Contracted Services		\$ 1,000
		<u>\$ 6,122</u>	<u>\$ 6,122</u>

Explanation: *Ocean Sands Water and Sewer Fund (60808) - Transfer for operations for the remainder of this fiscal year.*

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
66868-495015	T F - Occupancy Tax Fund	\$ 5,700,000	
66868-590000	Capital Outlay		\$ 5,700,000
		<u>\$ 5,700,000</u>	<u>\$ 5,700,000</u>

Explanation: *Southern Outer Banks Water System (66868)* - Loan from Occupancy Tax for the purchase of the Pine Island and Corolla Light Water Systems and to renovate the Corolla Light storage tank.

Net Budget Effect: Southern Outer banks Water System (66) - Increased by \$5,700,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-590000	Capital Outlay	\$ 1,700	
61818-516000	Repairs & Maintenance		\$ 1,700
		<u>\$ 1,700</u>	<u>\$ 1,700</u>

Explanation: *Mainland Water System (61818)* - Transfer funds to replace a sewer pump on the Mainland Water plant that failed April 2, 2011.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 18th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10795-532000	Supplies	\$ 8,000	
10795-516001	Repairs & Maintenance - Maple Park		\$ 8,000
		<u>\$ 8,000</u>	<u>\$ 8,000</u>

Explanation: *Recreation (10795)* - Transfer funds for supplies needed for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

R E S O L U T I O N

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 18, 2011 authorized the attached list of vehicles from the Sherriff's Department, pursuant to GS 160A and 270(b), be declared surplus for public auction the date to be determined; and

WHEREAS, the volunteer fire and rescue departments within the county shall have the option to obtain the attached list of surplus property prior to auction in accordance with the adopted Surplus Property Disposal Policy for Volunteer Fire and Rescue Departments.

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners reserves the right to reject any and all bids.

ADOPTED, this the 18th day of April, 2011.

O. Vance Aydlett, Chairman

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

FY 2001-2002
 CURRITUCK COUNTY
 SURPLUS VEHICLE LIST

AUC #	Veh I.D.	Year	Make	Model	VIN	Color	Mileage	Condition / Remarks	DEPT	BUYER#	PRICE
								★ ALL VEHICLES HIGH MILEAGE ★			
3024		1994	CHEV	CAPRICE	1G1BL5ZPORR151251	WHITE	200,000	POOR / TRANSMISSION	SHERIFF		
5512		2001	FORD	CROWN VIC.	2FAFP71W132X10546	WHITE	148,704	POOR / FRONT END	SHERIFF		
5509		2002	FORD	CROWN VIC.	2FAFP71W12X10546	WHITE	162,709	POOR / DOESN'T RUN	SHERIFF		
5741		2004	FORD	CROWN VIC.	2FAFP71W134X112273	WHITE	152,379	FAIR / PAINT	SHERIFF		
5962		2005	FORD	CROWN VIC.	2FAFP71W145X137068	WHITE	173,614	FAIR / DAMAGE	SHERIFF		
5959		2005	FORD	CROWN VIC.	2FAFP71W195X137068	WHITE	139,031	FAIR / DAMAGE	SHERIFF		
5965		2005	FORD	CROWN VIC.	2FAFP71W145X137071	WHITE	129,948	FAIR / DAMAGE	SHERIFF		
6097		2006	FORD	CROWN VIC.	2FAFP71W156X119016	WHITE	118,516	FAIR	SHERIFF		



MEMORANDUM

To: Board of Commissioners

From: Patrick Irwin
Public Utilities Director

Ref: Revising the County wide Fats, Oil, and Grease (FOG) Program and the County wide Sanitary Sewer Program

Date: April 18, 2011

Background

The Public Utilities Department has existing Fats, Oils, and Grease (FOG) and Sanitary Sewer Programs that have been approved. We would like to change the programs to cover all Currituck County Wastewater Systems.

Analysis

If we make the changes to the programs by identifying individual districts as being covered by all wastewater systems operated by Currituck County the plans will not have to be changed every time we add a new treatment plant or collection system.

Conclusion

The County's Public Utilities Department recommends the adoption of these changes so that when new systems are built or purchased they will be under the existing Fats, Oils, and Grease (FOG) and Sanitary Sewer Programs.



Fats, Oils, and Grease (FOG) Program

Currituck County, North Carolina

Table of Contents

1. Introduction	1
2. Definitions	1
3. FOG Reduction Best Management Practices	2
4. General Requirements.....	2
5. Authority.....	3
6. Design Guidelines.....	3
6.1 Grease Traps.....	3
6.2 Grease Interceptor Design.....	3
7. Maintenance Practices/Records	5
8. Determination of Compliance with Maintenance Requirements	5
9. Inspection and Sampling	6
10. Variance.....	6
11. Enforcement	6

1. Introduction

Fats, oils, and grease (FOG) is the leading cause of sanitary sewer overflows (SSO) in North Carolina, and FOG is a primary concern of Currituck County. FOG includes animal fats, vegetable oils, and by-products from food service establishments. Residential and commercial users alike commonly introduce FOG into home and building plumbing, and into County-owned sanitary sewer systems. (~~i.e. Newtown Water and Sewer District, Moyock Commons Sewer District, and Ocean Sands Water and Sewer District~~).

Over time, FOG can build up and form blockages in pipes leading to wastewater backing up into homes, businesses, and resulting in sanitary sewer overflows (SSO) in the streets. Cleanup can be expensive for homeowners, and especially expensive for businesses such as restaurants, which can also be subject to fines and closures. In addition to heavy remediation costs, SSOs carry the potential for health risks which come from contact with disease-causing organisms. Raw sewage can carry bacteria, viruses, and parasitic organisms which cause a number of diseases, ranging from mild gastroenteritis (diarrhea) to life threatening ailments such as cholera, dysentery and hepatitis. SSOs also increase sewer system maintenance costs and present potential impacts to the environment.

2. Definitions

“County Engineer” shall mean the duly designated Department Head of the County Engineering Department or Department of Public Works, or his duly authorized agent.

“District” shall mean any centralized sewer system (consisting of wastewater collection and treatment) operated by Currituck County. ~~including, Newtown Water and Sewer District, Moyock Commons Sewer District, and Ocean Sands Water and Sewer District.~~

“FOG” shall mean material either liquid or solid, composed primarily of fat, oil, or grease from animal or vegetable sources. Examples of FOG include kitchen cooking grease, vegetable oil, bacon grease, etc.

“Food Handling Facilities” shall mean any commercial facility discharging kitchen or food preparation wastewaters including restaurants, motels, hotels, cafeterias, hospitals, schools, bars, churches, etc.

“Grease Trap” shall mean indoor, "under the counter" units designed to collect, contain, and remove food wastes and grease from the wastewater while allowing the remaining wastewater to be discharged to the District's wastewater collection system by gravity.

“Grease Interceptor” shall mean a device, usually located underground and outside of a Food Handling Facility designed to collect, contain, and remove food wastes and grease from the wastewater while allowing the remaining wastewater to be discharged to the District's wastewater collection system by gravity.

“*Oil Water Separator*” shall mean a device, designed to remove oil (e.g. petroleum-based) from the waste stream while allowing the remaining wastewater to be discharged to the District's wastewater collection system by gravity.

“*User*” shall mean any person, establishment, or facility that contributes, causes, or permits the contribution of FOG into the District's sanitary sewer system.

3. FOG Reduction Best Management Practices

The easiest and most efficient way of reducing FOG in plumbing and in the District's wastewater collection system is to prevent it at the source, the drain. Household sinks (bathroom and kitchen) and toilets all discharge to the sanitary sewer system. Residences are encouraged to mix fats, oils, and grease with absorbent waste such as paper towels, coffee grounds, kitty litter, or shredded newspaper, and discard them in the trash. Controlling grease at its source is critical in reducing blockages and backups which result from grease build-up. Appendix A is a *Fact Sheet For Best Management Practices* for commercial establishments prepared by the North Carolina Pretreatment, Emergency Response, and Collection Systems Unit. Special procedures may be required for specific applications.

In addition to controlling FOG at the drain, the District performs systematic annual cleaning operation and maintenance procedures at its pump stations and collection lines. Cleaning includes flushing and vacuuming of residues and deposits in the collection system. The District cleans a minimum of 10% of the total system per year.

4. General Requirements

In order to reduce sewer blockages, Food Handling Facilities that discharge into the District's sanitary sewer system must install a Grease Interceptor. Grease Interceptors shall be required at the User's expense, when such User operates food preparation or serving facilities. Grease Interceptors may be required in other commercial or industrial applications when deemed necessary by the County Engineer. The County Engineer reserves the right to make determinations of Grease Interceptor or Grease Trap adequacy and need based on review of all relevant information regarding Grease Interceptor/Trap performance, maintenance, and facility site and building review to require repairs, modifications or replacement of such Interceptors or Traps. Automotive-related facilities that may contribute petroleum-based oil to the District's sanitary sewer collection system are required to install an approved Oil-Water Separator. Wastewater from sanitary facilities shall not be introduced into any Grease Interceptor, Grease Trap or Oil/Water Separator. New Food Handling Facilities will not be allowed to initiate operations until a Grease Interceptor is approved and inspected by the County Engineer. Any facility with an existing Grease Interceptor or Trap that anticipates expanding food handling or preparation operations must receive approval from the County Engineer.

5. Authority

The North Carolina Clean Water Act of 1999 requires that municipal wastewater systems obtain a permit from the North Carolina Department of Environment and Natural Resources (NCDENR) for the operation of wastewater collection systems. All Currituck County wastewater systems are permitted by NCDENR. ~~Permits for each of the District's collection systems have been obtained, and are listed below.~~

- ~~• Ocean Sands Wastewater Collection System: DWQ Permit No. WQCS00273~~
- ~~• Newtown Sanitary District Collection System: DWQ Permit No. WQ0004082~~
- ~~• Moyock Commons Sewer District Collection System: DWQ Permit No. WQ0015053~~

Each permit requires the implementation of a FOG enforcement program, and routine inspection and cleaning of the District's collection system to monitor FOG. This document fulfills these requirements.

6. Design Guidelines

Detailed plans, showing the Grease Interceptor facilities and operating procedures, must be approved by the County Engineer prior to construction. The review and approval by the County Engineer shall in no way relieve the User from the responsibility of meeting effluent discharge limitations or properly maintaining the device.

6.1 Grease Traps

Small, indoor, point source Grease Traps incorporated into the kitchen plumbing may be allowed for existing facilities if the installation of a suitable outdoor Grease Interceptor is infeasible, a "hardship" is acknowledged, and a variance is approved by the County Engineer. Certain conditions may be imposed by the County Engineer, such as an increased clean out frequency. All Grease Traps must be designed and installed in accordance with the latest edition of the Uniform Plumbing Code.

6.2 Grease Interceptor Design

For new and existing facilities, in-ground outdoor Grease Interceptors are required, unless a variance is granted by the County Engineer. Grease Interceptors are typically pre-cast concrete units that are plumbed to receive only kitchen wastes (pot sinks, prep sinks, can wash, floor drains, dishwasher, and food grinder waste). The Grease Interceptor should be located as close to the source as possible, and in a manner that is fully accessible for regular and safe maintenance, cleaning and sampling, without creating a nuisance. A registered North Carolina Professional Engineer must seal all designs that encroach in public right-of-ways (not on private property).

Minimum design criteria for pre-manufactured Grease Interceptors shall include:

- Minimum capacity of 1,000 gallons
- 2-inch inlet and outlet differential
- 3-inch minimum wall thickness and reinforced with 6-inch x 6-inch, #10 gauge welded wire
- Minimum 2:1 length/width ratio
- At least two compartments with an interior baffle wall located two-thirds to three-quarters of the distance from the inlet end wall, vented at the top and with adequate flow through holes
- Outlet tee constructed of PVC, PE or equivalent, minimum class 160 pipe extending 50 percent of liquid depth
- Minimum concrete compressive strength of 3,500 psi
- 24-inch minimum access openings over both compartments brought up to at least finished grade and protected from surface water runoff. Access covers shall be cast iron or equivalent.
- Design shall facilitate sampling of the interceptor's effluent, measurement of the grease layer, and clean out pumping operations.
- Watertight per vacuum or exfiltration test
- Properly sealed joints to prevent infiltration or exfiltration.
- Minimum structural criteria should include:
 - Minimum structural design at 150 lbs./ft² (non-traffic installations)
 - H-20 bridge load for vehicular traffic conditions
 - ACI Building Code 318 (reinforced concrete design)
 - ASTM C1227-93 Standards for Pre-cast Concrete Tanks
 - ASTM C890 Structural Design Load for Pre-cast Water and Wastewater Structures.

A licensed North Carolina Plumbing Contractor shall install all Grease Interceptors and Grease Traps in compliance with the latest edition of the Uniform Plumbing Code and obtain a building permit from the County prior to installation.

The User shall verify the minimum tankage required based on the anticipated flow rates and organic loads, using generally accepted methods of design such as Environmental Protection Agency, North Carolina Division of Environmental Health, or Uniform Plumbing Code methods. The User shall be solely responsible for the performance of the device and its ability to consistently reduce effluent FOG concentrations below 100 mg/l as measured by EPA Method 1664A.

7. Maintenance Practices/Records

Grease Interceptors and Traps should be cleaned as frequently as necessary to maintain FOG concentrations below 100 mg/1 in the effluent, but in no case shall cleaning intervals exceed 30 days. Grease Traps may require more frequent cleaning. Grease Interceptors that accumulate a grease cap of greater than 25% of the Interceptor's depth are also considered in violation. Special maintenance requirements may be imposed for undersized installations, which are the result of a hardship or have received a variance. All waste removed from the Grease Interceptor or Trap must be disposed of at a facility permitted by the North Carolina Division of Solid Waste Management to receive such waste. The User shall be responsible for the proper removal and lawful disposal of the Grease Interceptor/Trap waste. The use of enzymes, chemical, or biological additives is not considered acceptable Grease Interceptor/Trap maintenance practice.

All Food Handling Facilities that discharge into the District's sanitary sewer system shall maintain written records on site of Grease Interceptor maintenance. A copy of an approved Grease Interceptor Maintenance form is provided in Appendix B. A Grease Interceptor Maintenance Log form that summarizes maintenance activities is provided in Appendix D. This form should be clearly posted to summarize maintenance activities and compliance with these regulations. Maintenance records must be kept for at least three (3) years and shall be provided upon request from representatives of the District or the Albemarle Regional Health Services (local North Carolina Division of Environmental Health). Failure to provide maintenance records upon request shall be considered a violation.

8. Determination of Compliance with Maintenance Requirements

A Grease Interceptor shall be considered out of compliance if any of the following conditions exist:

- The grease layer exceeds 25% of the units depth.
- FOG concentrations are found to exceed 100 mg/1 as measured by EPA Method 1664A.
- Maintenance cleaning has not been accomplished every 30 days.
- Failure to submit records.
- Inspection hindrance.

- Failure to maintain on-site records.
- Failure to maintain Interceptors or Traps in proper working order.
- Source of sewer blockage.
- Source of sanitary sewer overflow.
- Falsification of records.

Typically, the FOG generator will be evaluated based on maintenance cleaning compliance. The District may perform random inspections to determine if grease layers exceed 25% of the interceptor's depth and/or collect samples for determination of effluent FOG concentrations.

9. Inspection and Sampling

The County Engineer may conduct inspections of Food Handling Facilities connected to the sanitary sewer system, as the County Engineer deems necessary to ascertain whether the purpose and requirements of these FOG regulations are being met. Persons or occupants of premises where wastewater is created, discharged or suspected to be discharged, shall allow the County Engineer ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, and records examination. The County Engineer shall have the right to set up on the Users property such devices as are necessary to conduct sampling, inspection, and compliance monitoring operations. Denial of the County Engineer access to the User's property shall be deemed a violation. Unreasonable delays may be considered denial of access. A Grease Interceptor Inspection Form is contained in Appendix C.

10. Variance

A variance to the design and maintenance requirements contained herein may be requested. The User must submit sufficient documentation as required by the County Engineer that explains the need to vary from design or maintenance requirements. After review of the documentation, the County Engineer will notify the Food Handling Facility in writing of acceptance or denial of the variance request. If a variance is granted and the User subsequently increases anticipated food service production or, the County Engineer later determines that the discharge adversely impacts the sanitary sewer collection system or treatment works, the variance may be revoked.

11. Enforcement

If any residence or Food Handling Facility is determined to be the source, in whole or in part, of a sanitary sewer blockage and/or overflow, the residence or Facility will be assessed a fine of not less than \$100 and not more than \$5,000, plus remediation costs for clean up, in addition to any fines dispensed from the State of North Carolina. The fines contained herein are not

exclusive and the County Engineer may use other methods to remedy the situation, such as the termination of wastewater service, legal action, etc. Fines for violations are listed below:

Minor Violations

Violation	Offense			
	1st	2nd	3rd	4 th & Up
Inspection Hindrance	Warning	\$50	\$75	\$100
Failure to Maintain On-Site Records	Warning	\$50	\$75	\$100

Moderate Violations

Violation	Offense			
	1st	2nd	3rd	4th & Up
Failure to Maintain Grease Interceptors and Traps in Proper Working Order	Warning	\$75	\$100	\$150
Failure to Clean Out Grease Interceptors and Traps Every 30 Days	Warning	\$75	\$100	\$150

Major Violations

Violation	Offense	
	Minimum Fine	Maximum Fine
Source of Sewer Blockage	\$500	\$5,000 plus State Fines
Source of Sanitary Sewer Overflow	\$1,000	\$5,000 plus State Fines
Falsification of Records	\$1,000	\$5,000 plus State Fines



Sanitary Sewer Ordinance

Currituck County, North Carolina

Table of Contents

1. General Provisions	3
1.1 Purpose and Policy	3
1.2 Applicability of Sewer Use Provisions	3
1.3 Definitions	3
2. Applicability of Sewer Use Provisions	6
2.1 Administrative Authority	6
2.2 Sewer Use Required.....	6
3. Mandatory Connection and Abandonment of Private Disposal Systems.....	7
4. Building Sewers	7
4.1 Method of Connection.....	7
4.2 Maintenance of Building Sewer/Damages.....	9
5. Use of Public Sewers.....	9
6. Industrial Uses and Users Prohibited	10
7. Limitations on Wastewater Strength.....	10
7.1 Federal Pretreatment Standards	10
7.2 State Requirements	10
7.3 District’s Right of Revision	11
7.4 Local Limits	11
7.5 Dilution.....	12
7.6 Reports	12
8. Discharge of Certain Materials Prohibited	12
9. Pre-Treatment of Wastewater	14
9.1 Grease Removal.....	14
9.2 Sand, Grit and Oil removal	15
9.3 Preliminary Treatment Devices	15
10. Accidental Discharges	15
11. Inspection and Sampling	16
12. Confidential Information.....	16
13. Enforcement	17
13.1 Consent Order	17
13.2 Suspension	17
13.3 Civil Penalties	17
14. Effective Date	17

1. General Provisions

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect discharges into the wastewater collection and treatment system of any centralized sewer operated by Currituck County (~~Newtown Water and Sewer District, Moyock Commons Sewer District, and Ocean Sands Water and Sewer District~~), herein referred to as the "District", and enables the District to comply with all applicable State and Federal laws.

The objectives of the ordinance are:

- a. To prevent the introduction of pollutants into the public wastewater system which will interfere with the operation of the system or the treatment or disposal of wastewater;
- b. To prevent the introduction of pollutants into the public wastewater system which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
- c. To protect both District personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public; and
- d. To provide for equitable distribution of the cost of operation, maintenance and improvement of the public wastewater system.
- e. To ensure that the District complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements and any other federal or state laws to which the wastewater system is subject.

This ordinance provides for the regulation of direct and indirect discharges into the District's System, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees necessary to carry out the program established herein.

1.2 Applicability of Sewer Use Provisions

The ordinance shall apply to the District and users of the District's System.

1.3 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

- a) "Act" or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.
- b) "Approval Authority" shall mean the Director of the Division of Water Quality of the North Carolina Department of Environment, and Natural Resources or his designee.
- c) "Board" shall mean the members of the Currituck County Board of Commissioners.
- d) "Biochemical Oxygen Demand" (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade, expressed in terms of weight and concentration, milligrams per liter (mg/l).
- e) "Building Sewer" shall mean a sewer conveying wastewater from the premises of a user to the System.
- f) "Department of Environment and Natural Resources or NCDENR". The North Carolina Department of Environment and Natural Resources, Division of Water Quality or its successor. For the purposes of this Section references to the Division of Water Quality or DWQ shall be deemed to be DENR.
- g) "Director" shall mean the Currituck County Public Utilities Director.
- h) "Domestic user" shall mean any person who discharges domestic wastewater to the public sanitary sewer.
- i) "Domestic wastewater" shall mean wastewater generated from normal human living processes which have constituent strength within the range defined for standard strength wastewater, and which contains no constituents of a quantity or concentrations exceeding the limits stated in Section 7. Normal human living processes include wastewater from bathroom and toilets, noncommercial kitchens and non industrial and noncommercial laundries. The discharge rate shall not exceed twenty-five thousand (25,000) gallons per day.
- j) "Environmental Protection Agency" (EPA) shall mean the United States Environmental Protection Agency.
- k) "Flow" shall mean the quantity of wastewater expressed in gallons or cubic feet per twenty-four (24) hours.
- l) "Grease interceptor" shall mean any device constructed in conformity with the plumbing code, operated by the customer of the wastewater system for removing oil and grease before contributing liquid wastes to the wastewater system.
- m) "Hauled wastewater" shall mean any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, grease/grit interceptors, and vacuum-pump tank trucks.

- n) "Indirect discharge" or "Discharge". The discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- o) "Industrial user or User" shall mean any person which is a source of indirect discharge.
- p) "Industrial wastewater" shall mean the wastewater generated from activities, operations or processes which require water and which add to the wastewater pollutant constituents at a strength or at a quantity or concentration exceeding allowable limits defined in Section 7 of this Article.
- q) "Interference" shall mean the inhibition, or disruption of the District treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any State or Federal requirements or prevents sewage sludge disposal in compliance with specified applicable State and Federal Statutes.
- r) "Medical Waste" shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- s) "Owner" shall mean the fee simple owner of real property whose premises is or can be provided utility service by the District.
- t) "POTW Treatment Plant" shall mean the portion of the POTW designed to provide treatment to wastewater.
- u) "Pretreatment Regulations" shall mean the introduction of pollutants or wastes into the POTW from any nondomestic source regulated under Section 301 (b), (c), or (d) of the Act.
- v) "Publicly Owned Treatment Works" (POTW) shall mean the treatment works as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works plant.
- w) "Significant Industrial User" shall mean (1) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N; and (2) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW Treatment Plant (excluding sanitary wastewater); contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant, or is designated as such by the Currituck County Public Utilities Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW Treatment Plant's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

- x) "Suspended Solids" shall mean the total suspended matter that floats on the surface of, or is suspended in wastewater, and which is removable by a standard glass fiber filter.
- y) "User" shall mean any person who discharges, causes, or permits the discharge of wastewater into the POTW.
- z) "Wastewater" shall mean the liquid and water-carried domestic wastes from dwellings, commercial buildings, and mobile sources, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

2. Applicability of Sewer Use Provisions

This Article shall apply to all users of the District's wastewater system. By discharging wastewater into the wastewater system, industrial users within the District service area agree to comply with the terms and conditions established in this Article as well as any permits, enforcement actions, or orders issued hereunder.

2.1 Administrative Authority

The Public Utilities Director is hereby assigned the responsibility of administering all provisions of this Article, and shall exercise these responsibilities in accordance with the intent of this Article in a fair and objective manner. The Director may exercise discretion when necessary to administer these provisions fairly and responsibly. Any powers or responsibilities granted to or imposed on the Director may be delegated by the Director to other County or District personnel.

2.2 Sewer Use Required

- a) When the owner of a property inside the District service area shall use such property in any manner which results in the generation of wastewater, and such wastewater shall be discharged into a public sanitary sewer, the owner shall install, at his expense, a suitable building sewer and any other facilities necessary to connect the building sewer directly to the public sewer at an access point provided by the District.
- b) When the District is unable to serve single-family residential property through the gravity sanitary sewer system, as determined by the POTW director, the District may, upon written notification, approve the owner of the property to purchase and install a motor, lines, and pump so that wastewater can be pumped to the public sewer at the provided access point. It will be the responsibility of the property owner to complete the sewer connection with the purchased equipment and to maintain the pump, lines and motor to the property line at his own expense.
- c) Whenever a building sewer connected to the public sanitary sewer becomes clogged, broken, out of order or detrimental to the use of the public sewer, the owner having charge of any building or premises through which the building sewer collects wastewater shall, upon notification of the POTW director, reconstruct, alter, clean or repair the building sewer as the condition of such may require within thirty (30) days after receiving notification.

3. Procedures for New Connections

3.1 Application for Service

An owner or developer proposing to extend utility lines and/or to make other improvements to be served by the District shall first obtain approval by the District. The applicant shall employ at the applicant's expense an engineer registered in the State of North Carolina to prepare plans for the project. Approval of plans or specifications for a project does not relieve the owner/developer/applicant from meeting the requirements or obtaining other approvals that may be necessary for other regulating agencies including but not limited to Currituck County, North Carolina Department of Transportation, and North Carolina Department of Environment and Natural Resources. The submission of a master plan and/or engineering report may be required at the discretion of the Director in addition to plans and specifications and other documentation described herein.

The applicant shall construct infrastructure to be accepted by the District utilizing the District-approved Technical Standards and Specifications. No extension to the sanitary sewer system of the District shall be made and no application shall be approved except in accordance with the requirements of this ordinance.

3.2 Abandonment of Private Systems

All private septic systems and other similar facilities shall be properly abandoned, or removed at the time service to the POTW is made available to real estate upon which is located any structure serviced by a private septic system, and the applicable property owner shall be required to connect to the POTW at the time of such abandonment or removal.

Upon 24 hours notice, representatives of the District may enter any property having a private wastewater disposal system for the purpose of inspecting such system and making such other investigations and tests as are deemed necessary. Entry shall be made during the daylight hours unless abnormal or emergency circumstances require otherwise.

4. Standards for Building Sewers

4.1 Method of Connection

Connections of Building Sewers to the District's wastewater collection system will be made in accordance with the following requirements:

- a) All Connections shall be made in accordance with the provisions of the State of North Carolina Building Code Volume II, Plumbing, current edition.
- b) No person, unless authorized, shall uncover, make any connections with, or disturb any portion of the District's wastewater collection system, except in accordance with the applicable provisions of this Ordinance.

- c) All costs and expenses incident to the installation and connection of the Building Sewer for non-residential connections and connections occurring after the initial installation of the POTW shall be borne by the Owner. The owner shall indemnify and hold harmless the District from any loss or damage to the POTW that may directly or indirectly be occasioned by the installation of the Building Sewer.
- d) A separate and independent Building Sewer shall be provided for every building. An exception may be granted where one building on an interior lot stands at the rear of another and it is not economically feasible for the District to provide a tap to the rear building. In such event, the Building Sewer may be extended to the tap for the front building and the whole considered as one (1) Building Sewer. Exceptions such as these require a permit to be issued by the District, and shall require a written agreement between the Owners and the District as to the share of the costs of construction and maintenance that each will contribute.
- e) All Building Sewers shall be brought to the building at an elevation below the lowest floor level having sanitary facilities. In all buildings in which any building drain is below a point which will permit a minimum average slope of the Building Sewer of one (1) foot per one hundred (100) feet, wastewater carried by such Building Sewer shall be lifted by pumping units or other approved means and discharged through a Building Sewer having that minimum average slope. Costs of the pumping units, piping, and power shall be borne by the Owner.
- f) Old building sewers may be used in connections with new buildings only when they are found, upon examination and testing by the District, to meet all requirements of this ordinance.
- g) No connections that will allow inflow to enter the POTW shall be permitted. Such prohibited Connections shall include but not be limited to roof down spouts, exterior foundation drains, or other sources of storm water or groundwater.
- h) The Building Sewer shall include any preliminary treatment, pretreatment, flow equalizing facilities for grease, oil, grit and sands traps or other interceptors as required by these Rules and Regulations.
- i) Connections to POTW will be made at the tap provided for the structure to be served.
- j) Any new connections to the POTW shall be prohibited unless sufficient capacity is available in all downstream portions of the POTW and at the POTW Treatment Plant, including, but not limited to capacity for flow, BOD and suspended solids, as determined by the District.
- k) The size of gravity sewer collection and gravity outfall lines shall be determined by the ultimate size of the area to be serviced and by the projected use and population of the area. The sewer collection and outfall lines shall be designed to maintain a velocity of at least two (2) feet per second at full flow.
- l) The District may require the developer to install sewer collection and outfall lines at a deeper depth and/or larger size than that needed by the existing proposed immediate development in

order to provide future service to undeveloped area anticipated to be developed in the future or an existing development which will require service.

4.2 Inspection and Testing

The applicant for the connection shall notify the District when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the District or its representative.

Sewer collection and outfall lines shall be tested and inspected by the Director, County Engineer, or their designees to determine the accuracy of alignment and grade. The allowable amount of infiltration is defined as 0 gallons per diameter inch per mile per day.

The District shall be allowed to inspect the work at any stage of construction.

4.3 Maintenance of Building Sewer/Damages

- a) Whenever a Building Sewer connected to POTW becomes clogged, broken, out of order or detrimental to the use of POTW, or the public health and welfare, the Owner of any building or premises through which the Building Sewer collects wastewater shall, upon notification by the Director, reconstruct, alter, clean or repair the Building Sewer, as the condition of such may require, within thirty (30) days after receiving notification.
- b) No Person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the POTW.

5. Use of Public Sewers

- a) It shall be unlawful to discharge into any natural outlet within the District or in any area under the jurisdiction of the District any wastewater or other polluted water.
- b) It shall be unlawful within the District to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. Temporary portable toilet facilities may be permitted by special permit issued by the District for the purpose of providing toilet services for construction projects or special events or purposes.
- c) Construction of any new structures within the District from which wastewater is or shall be discharged shall not occur without first securing a connection to the POTW.
- d) The Owner of any building or property which is located within the District, or in any area under the jurisdiction of the District, and from which wastewater is discharged, shall be required to connect to the POTW, at the Owner's expense, within sixty (60) days after service of official notice to do so, provided that said public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the North Carolina Building

Code and this ordinance. Said official notice shall be given by the District, or its designated agent, and shall be served upon the Owner personally or by certified mail.

- e) In the event an Owner shall fail to connect to a public sewer in compliance with a notice given under this section, the District may undertake to have said connection made and shall charge the cost thereof against the property and said charge shall be a lien against said property. Such charge, when made, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of Currituck County in which the land is situated and shall be collected and remitted to the District in the same manner as assessments for local improvements. The rights of the District under this subdivision shall be in addition to any other remedial or enforcement provisions of this ordinance.
- f) Storm water and all other unpolluted water shall be discharged to a storm sewer or other appropriate outlet, subject to existing regulatory requirements.
- g) No connection shall be permitted that will allow inflow other than sanitary waste to enter the District's wastewater collection and treatment system. Said prohibited connections shall include but not be limited to the connection of roof downspouts, exterior foundation drains or other sources of storm waters or groundwater to a building sewer which is connected directly or indirectly to a public sanitary sewer.

6. Industrial Uses and Users Prohibited

Discharge of wastewater into the sewer from a Significant Industrial User within the District is prohibited.

7. Limitations on Wastewater Strength

7.1 Federal Pretreatment Standards

Federal Pretreatment Standards and general regulations promulgated by the EPA pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this ordinance unless the Director has applied for, and obtained from the Currituck County Engineer, approval to modify the specific limits in the federal pretreatment standards. In all other respects, industrial users subject to Pretreatment Standards shall comply with all provisions of these rules and any permit issued thereunder, notwithstanding less stringent provisions of the Pretreatment Regulations or any applicable pretreatment standard.

7.2 State Requirements

State requirements and limitations on discharges shall be met by all Users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this ordinance.

7.3 District's Right of Revision

The District reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives of this ordinance.

7.4 Local Limits

Any discharge to the District's wastewater system shall meet the average discharge limits listed below. If the limits are exceeded, then the District reserves the right to require pre-treatment or preliminary treatment of waste prior to discharge into the District's wastewater system, or may assess a surcharge on the user.

Parameter	Value (mg/L)
Aluminum	2
Ammonia-Nitrogen	17
Arsenic	0.003
Barium	0.15
Beryllium	0.2
BOD	200
Boron	1
Cadmium	0.003
CBOD	200
Chlorides	343
Chromium	0.002
COD	600
Copper	0.041
Cyanide	0.015
Iron	2.9
Lead	0.049
Manganese	60
Mercury	0.0003
Methylene Chloride	0.1
Nickel	0.021
Oil and Grease (Hexane Extraction)	73
Organic Nitrogen	18
Phosphorus Ortho	3
Phosphorus Total	6.1
Selenium	0.2
Silver	0.005
Sulfates	250
Sulfides	8
Tetrachloroethylene	0.5

TKN	35
Total Solids	831
Total Suspended Solids	200
Trichloroethylene	0.5
Zinc	0.165

7.5 Dilution

No User shall increase the use of process water, or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any local or state requirements or federal pretreatment standards.

7.6 Reports

Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the Pretreatment Regulations shall be submitted to the District by affected Users.

8. Discharge of Certain Materials Prohibited

No person shall discharge or cause or allow to be discharged, directly or indirectly, into the POTW any of the following waste pollutants:

- a) All waste of any type generated from any source outside the designated sewer service area as provided for in this Agreement.
- b) All waste generated from septic tank contents, portable toilets, privy vault contents, sewage holding tanks and the like generated from within the limits of the designated sewer service area.
- c) Any wastes which may directly or indirectly impair the proper functioning of the POTW.
- d) Any wastes with strength or pollution effects of which are not effectively altered by ordinary treatment processes, or the presence of which in the receiving stream would violate State and Federal water quality standards.
- e) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, and any wastes with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Centigrade). At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

- f) Solid or viscous substances in amounts which will cause obstruction to the flow in the sewer resulting in interference with the operation of the POTW. Substances and items include, but are not limited to, grease, garbage with particles greater than one-half inch (1/2 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- g) Any wastewater having a pH less than 5.0 or more than 10.0 or wastewater having any other corrosive property capable of causing damage to the POTW, the POTW Treatment Plant, or District personnel.
- h) Any wastewater having a temperature greater than 150 degrees Fahrenheit (65 degrees Centigrade), or which will inhibit biological activity in the POTW Treatment Plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 105 degrees Fahrenheit (40 degrees Centigrade).
- i) Any pollutants which result in the presence of toxic gases, vapors or fumes in the receiving waters of the POTW in a quantity that may cause any worker health and safety problems. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act as amended.
- j) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- k) Any substance which may cause treated effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW Treatment Plant to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- l) Any wastewater which imparts color which cannot be removed in the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions.
- m) Any wastewater containing any radioactive wastes or isotopes that violate any statute or any rule, regulations, or ordinance of any public agency or State or Federal regulatory body.
- n) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 degrees Centigrade and 65.6 degrees Centigrade); and any wastewater containing oil and grease concentrations of mineral origin of

greater than 25 mg/l, whether emulsified or not. See Section 8.2 for requirements for grease interceptors.

- o) Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.
- p) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the POTW.
- q) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200; or wastewater causing, alone or in conjunction with other sources, the treated effluent to fail a toxicity test.

It is unlawful for any person to make or maintain a connection between eaves trough, rainspouts, footing drains, or any other conductor used to carry natural precipitation or ground water, and the sanitary system or any part thereof.

Any property owner in violation of this section and upon receiving notice of said violation, shall disconnect the conductor from the POTW. Any property owner in violation of this section shall be assessed a monthly surcharge, the amount of which will be established by the Board, for each month that the conductor is not permanently disconnected. Failure to permanently disconnect the conductor, or reconnection of a disconnected conductor, may result in the suspension from use of POTW.

9. Pre-Treatment of Wastewater

9.1 Grease Removal

- a) Grease traps or other interceptors shall be provided at the user's expense, when such user operates an establishment preparing, processing or serving food and/or food products. Grease interceptors are required for the proper handling of liquid wastes containing oil and/or grease to ensure concentrations do not exceed one hundred sixty (25) mg/l by weight (hexane extractable).
- b) All such traps, tanks, chambers or other interceptors shall be of a type and capacity approved by the Director and as outlined in the District's Technical Standards and Specifications Manual and the Fats, oils, and grease policy. The interceptor shall be readily and easily accessible for cleaning and inspection. No more than twenty (20) percent of the interceptor's total volume will be used for a sludge pocket. The interceptor shall be kept free of materials including kitchen utensils, paper or plastic products, and rags which may settle into the required sludge pocket, and all other floating material shall be skimmed from the trap or basin tank at intervals of a frequency sufficient to avoid accumulation of scum covering the surface of the liquid.
- c) All such interceptors shall be serviced and emptied of the waste content as required, but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the public sanitary sewer.

- d) No waste removed from the interceptor shall be reintroduced into the sanitary sewer or back into the interceptor which will cause the interceptor's discharge to exceed sewer use ordinance limits. The owner shall be responsible for sanitary disposal of such waste.
- e) The owner shall maintain a written record of trap maintenance for three (3) years. A copy of this record shall be sent to the District on the 15th day of the month following service.

9.2 Sand, Grit and Oil removal

- a) Sand, grit, and oil traps or other interceptors shall be provided at the owner's expense when they are necessary for the proper handling and control of liquid wastes containing sand, grit, oil, or flammable waste in excessive amounts.
- b) All such interceptors shall be of a type and capacity approved by the Director and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of their contents as required, in order to maintain their minimum design capability to intercept grit, sand, oil, and flammable waste prior to the discharge of wastewater to the public sanitary sewer.
- c) Wastes removed from sand, grit and oil interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.
- d) The owner shall maintain a written record of trap maintenance for three (3) years. A copy of this record shall be sent to the District on the 15th day of the month following service.

9.3 Preliminary Treatment Devices

Where pretreatment, or grease; oil, grit and sand traps or other interceptors are provided for any wastewater, they shall be continuously maintained in satisfactory condition and effective operation by the owner at his expense.

10. Accidental Discharges

Accidental discharges of prohibited waste into the POTW, directly or through another disposal system, or to any place from which such waste may enter the POTW, shall be reported to the District and County by the persons responsible for the discharge, or by the Owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the District on account thereof under any state or federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

The responsible person shall send a letter describing the prohibited discharge to the District and County within seven (7) days after obtaining knowledge of the discharge. The letter shall include the following information:

- a) the time and location of the spill;

- b) description of the accidentally discharged waste, including estimate of pollutant concentrations;
- c) time period and volume of wastewater discharged;
- d) actions taken to correct or control the spill;
- e) a schedule of corrective measures to prevent further spill occurrences.

11. Inspection and Sampling

The District may conduct such tests as are necessary to enforce this ordinance, and employees of the District may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the District for the purpose of determining whether the User is in compliance with regulations, the cost of such tests shall be charged to the User and added to the User's User Fee. In those cases where the District determines that the nature or volume of a particular User's wastewater requires more frequent than normal testing, the District may charge such User for the tests, after giving the User ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the User's User Fee.

While performing the necessary work on private properties referred to in this section, the authorized employees of the District shall observe all safety rules applicable to the premises established by the User.

Duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement shall be done in all accordance with the terms of the easement pertaining to the private property involved.

12. Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User. Any such request must be asserted at the time of submission of the information or data.

When requested by the person furnishing a report, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this ordinance, state disposal system permit, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

13. Enforcement

13.1 Consent Order

The District is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order.

13.2 Suspension

The District may suspend the wastewater treatment service when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, or interferes with the POTW.

13.3 Civil Penalties

Any User who is found to have failed to comply with any provisions of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be fined up to one thousand dollars (\$1,000) per day per violation.

14. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

CURRITUCK COUNTY
NORTH CAROLINA
April 4, 2011

The Board of Commissioners met at 6:00 p.m. to discuss the Foreign Trade Zone and at 6:30 p.m. to discuss draft ordinance to regulate Outdoor Tour Operators through issuance of Franchises.

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 Aydlett, Commissioners O'Neal, Gilbert, Martin, Etheridge and Rorer.

Invocation and Pledge of Allegiance

The Reverend Glenn McCranie, was present to give the invocation.

Approval of Agenda

Commissioner O'Neal moved to delete Item 6 and 7 and add resolution to support HB-162, and take Item 2 in consent agenda out to be discussed under Item 5A. Commissioner Etheridge seconded the motion. Motion carried.

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 Recognizing Fair Housing Month**
- Item 4 **Public Hearing and Action:** PB 10-26 Currituck County Sign Ordinance: Request to amend the Unified Development Ordinance, Chapter 7 Signs and Chapter 17 Definitions of the UDO.
- Item 5 **Public Hearing and Action:** PB 10-04 Outer Banks Harley Davidson: Request for a special use permit request for two special events, Outer Banks Bike Week, April 16 - 24, 2011 and Outer Banks Bike Fest, September 30 - October 2, 2011.
- Item 5A **Resolution exempting Moyock Wastewater Project from the requirements of Section 143-64.31 of the NC General Statutes**
- Item 6 **Public Hearing and Action:** PB 10-23 Quible and Associates: Request to amend the Unified Development Ordinance Chapter 2: Zoning Districts, Chapter 3: Special Requirements, and Chapter 17 Definitions to modify recreational campground requirements.

Deleted

Item 7 **Public Hearing and Action:** PB 11-03 Ocean Meadows RV Resort: Request to rezone 61.58 acres from Residential (R) with a Planned Adult Retirement Overlay(RET) to Conditional District-Residential Recreational District(CD-RR) located in Powells Point on the north side of South Spot Road approximately 1000 feet east of Caratoke Highway (US 158) intersection, Tax Map 124, Parcel 28, Poplar Branch Township.

Deleted

Item 8 **Discussion on Currituck Chamber Proposal**

Item 9 **Appointments to Tourism Advisory Board**

Item 10 **Appointment to Board of Adjustment**

Item 11 **Appointments to Fire and EMS Board**

Item 12 **Consent Agenda:**

1. Approval of March 21, 2011, Minutes
2. Resolution exempting Moyock Wastewater Project from the requirements of Section 143-64.31 of the NC General Statutes
3. Appointment of Jack Riggle to replace Lee Foreman on the Whalehead Drainage Advisory Board
4. Budget Amendments
5. Ratification of letter to Governor endorsing Jerry Old for Board of Transportation membership
6. Ratification of contract with Carolina Water Services of NC, Inc.to acquire water assets
7. Division of Mental Health, Developmental Disabilities & Substance Abuse Services Quarterly Fiscal Monitoring Report
8. Resolution opposing HB DRH60052-SB-13 "Designation of Coastal Game Fish"
9. **Resolution in Support of HB 162 Exemption Small Farm Processors from Wastewater Requirements**

Item 13 Commissioner's Report

Item 14 County Manager's Report

Adjourn

Public Comment

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

Chairman Aydlett opened the public comment period.

Commissioner Gilbert commended the member of the Airport Advisory Board for the recent function at airport.

Commissioner Etheridge commended the theater students and teacher, Mr. White, at the High School for their recent show.

Commissioner O'Neal discussed the chart that lists the direct hits from a hurricane. Since 1871 there have been no hurricanes that have made landfall in Currituck County. He questioned why the insurance rates were higher in Currituck than any of the sites that have had major hits from hurricanes.

Peter Bishop, ED Director, stated that there would be a Vision meeting at the Waterlily Fire Station on Tuesday, April 5, 2011.

Proclamation Recognizing Fair Housing Month

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

**PROCLAMATION
FOR
FAIR HOUSING MONTH
APRIL 2011**

WHEREAS, April 2011 marks the 43rd anniversary of the Federal Housing Act of 1968 and the 28th anniversary of the North Carolina Fair Housing Act. Both laws prohibit discrimination in housing because of race, color, sex, religion, national origin, handicap and familial status; and

WHEREAS, the Currituck County Board of Commissioners, Albemarle Area Association of Realtors, Elizabeth City State University Community Development Program, and Northeastern Community Development Corporation, and county and local governments, concerned citizens and the housing industry, are working to make fair housing opportunities possible for all our citizens. Through their efforts, they are encouraging others to abide by the letter and the spirit of the fair housing laws; and

WHEREAS, one of the most important concerns of Currituck County citizens is the availability of housing to them as individuals and families. By supporting and promoting fair housing and equal opportunity, we are contributing to the health of our County and our State;

NOW, THEREFORE, the Currituck County Board of Commissioners does hereby proclaim April 2011 as "**Fair Housing Month**" in Currituck County and urges our citizens to rededicate themselves to ensuring that fair housing laws

are always upheld and citizens are protected against discrimination.

Public Hearing and Action: PB 10-26 Currituck County Sign Ordinance: Request to amend the Unified Development Ordinance, Chapter 7 Signs and Chapter 17 Definitions of the UDO.

Ben Woody, Planning Director, reviewed the request and changes made after meeting with citizens and business owners on the Outer Banks.

At the March 21st Board of Commissioners meeting, Staff was directed to provide additional information for Outer Banks shopping center signage in relation to the number of businesses. In an email dated Friday, March 25, Staff presented four options to the Board for consideration. Based on feedback from the Board, the enclosed text amendment reflects the following change:

- The maximum size of Outer Banks shopping center signage was decreased from 128 to 80 square feet.

Additionally, staff corrected several typos in the draft and clarified language for calculating sign height and establishing a landscape area. These changes are not substantive, but are pointed out as a matter of disclosure.

Finally, the Board discussed the use of flags and banners during the March 21st public hearing. The proposed Mainland flag requirements allow for 5 flags per lot, with a maximum area of 20 square feet, and maximum height of 20 feet. The proposed Outer Banks flag requirements, which were the topic of discussion, allow for 1 open flag, 1 open house flag, and 3 flags for a subdivision entrance. Should the Board decide to amend the flag requirements for the Outer Banks, Staff provides the following alternative (with a total number similar to the Mainland):

- Up to 4 flags per commercial lot; plus 1 flag attached to the building for each individual unit or business.
- Up to 4 flags per subdivision entrance; plus 1 model home banner per subdivision.

**Currituck County
PB 10-26
UDO AMENDMENT REQUEST**

An amendment to Chapter 4 Overlay District, Chapter 7 Signs, and Chapter 17 Definitions of the UDO to reflect changes proposed by the Sign Ordinance Evaluation Committee.

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 is amended by deleting Section 4.7.4.

Item 2: That Chapter 7 is amended by adding the bold underline text and deleting the strike through text as follows:

Section 7.1 Purpose

The purpose of this ~~section~~ chapter is to support and complement the various land uses allowed in Currituck County by the adoption of policies and regulations concerning the placement of signs in order to. ~~The erection of signs is controlled and regulated in order to promote the healthy, safety, welfare, convenience, and enjoyment of travel on roadways, as well as protect the public investment in such roadways. The provisions of this section are also intended to promote the reasonable, orderly, and effective display of such signs, displays, and devices.~~

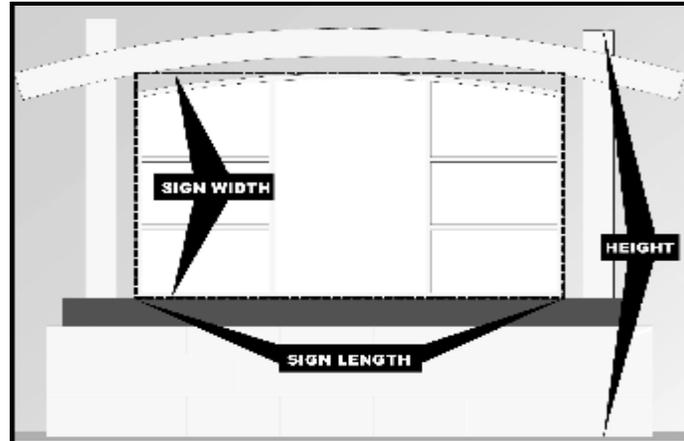
- A. Promote the general health, safety, and welfare of the community;
- B. Protect the public investment in roadways, as well as individual property values;
- C. **Minimize visual distractions to motorists** by promoting the reasonable, orderly, and effective display of signs;
- D. **Preserve the environment from excessive and obtrusive signs in support of the Currituck resort and tourism industry; and,**
- E. **Enhance the image, appearance, and economic vitality of the community.**

Section 7.2 General Provisions

The following general provisions shall apply to all signs:

- A. No sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with the provisions of this ordinance.
- B. Measurements
 - 1. Sign area shall be determined by drawing the smallest **rectangular or square** geometric form to encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material

or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Sign area shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the UDO regulations and is clearly incidental to the display itself.



2. A two-sided or multi-sided sign shall be regarded as one sign (**calculate square feet of one face only**) so long as:
 - a. With respect to V-type signs, **the angle between the faces does not exceed 45 degrees** ~~the two sides are at no point separated by a distance that exceeds 15 feet;~~ and,
 - b. With respect to double faced (back to back) signs, **the signs are structurally attached and** the distance between the backs of each face of the sign does not exceed three feet.
3. **Sign height shall be measured from natural grade or from the nearest adjacent street grade to which the sign is oriented, whichever is higher, to the top of the highest component of the sign.**

C. Illumination

1. ~~Lights shall not shine into the street right-of-way or adjoining properties. If necessary, lights can be shielded by shrubs or decorative features of the sign.~~ **Illuminated signs shall be designed, installed, and maintained in a manner that avoids glare or reflection on adjoining properties and does not interfere with traffic safety.**
2. A sign shall not be erected that contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates.
3. ~~All illuminated signs shall be turned off during non-operating hours to decrease unneeded lighting with the exception of those used for safety or security purposes.~~

3. Outer Banks Overlay **Commercial** Districts Additional Requirements

- a. All signs, if illuminated, shall be illuminated externally, **with the exception of neon signs.**
- b. Sign lighting shall not exceed 15 foot candles at any location on the property and shall not exceed 1.5 foot-candles measured at ground level.

D. Clearing of Vegetation

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

1. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;
2. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and /or,
3. In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.

E. Design, Construction, Maintenance

1. All signs shall be adequately secured to meet all applicable building code standards and shall be maintained in good structural condition.
2. Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign **or sign structure** shall be replaced or repaired.
3. A sign that includes a reference to a closed establishment shall remove the reference to the closed establishment within 30 days. The sign shall be altered in such a way as to not detract from the overall appearance of the sign. Exposed lighting, such as occurs with the removal of a transparent panel, is not acceptable under any circumstance.
4. Flags shall be attached to a singular pole or building and shall have no other means of support (i.e. be free-flying). Flags that are shredded, torn, tattered, or frayed must be replaced or removed **within 15 calendar days of receiving written notification upon written notification from the administrator.**

F. **Professional Appearance**

All signs shall present a professional appearance by being designed and constructed using material, lettering, and graphic standards commonly used in the sign industry. Hand crafted and lettered signs are not prohibited in their entirety, but are subject to removal if in the opinion of the administrator the sign does not meet the spirit of this ordinance.

G. Indemnification

All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify the County of Currituck, its officers, agents, and employees against any and all claims of negligence resulting from such work.

H. Removal by Administrator

Signs unlawfully placed in any street right-of-way or on any public property, including signs affixed to street and traffic signs or public utility poles, may be removed by the administrator without notice. Each sign so removed will be held for 10 days and retrieval of each sign will incur a fee as prescribed in the adopted fee schedule. Removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing the signs.

Section 7.3 Exempt Signs

The following signs are exempt from the requirements of this chapter:

- A. Signs **and legal notices** erected by or on behalf of, or pursuant to, the authorization of a governmental body, including **but not limited to, legal notices traffic, directional, or regulatory signs.**
- B. Informational signs that identify public property, or convey public information, **or display other identification not having a commercial message.**
- C. Signs **designed to** directing and guiding **vehicular and pedestrian** traffic and parking on private property, but bearing no advertising matter.
- D. ~~Traffic, directional or regulatory signs~~ **Religious or civic symbols for noncommercial purposes, including lights and decorations temporarily displayed on holidays.**
- E. Official signs of a non-commercial nature erected by public utilities.
- F. **Residential flags or** flags, pennants, and insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
- G. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.

- H. **Vendor signs located at convenience stores. Such signs shall not be attached to public utility poles or traffic signs.**
- I. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

Section 7.4 Prohibited Signs

The following signs are expressly prohibited:

- A. Off-premise advertising signs (billboards), **including digital billboards.**
- B. Signs located within the sight distance triangle or public right-of-way.
- C. Signs attached to the structure of a lawfully permitted sign without a permit **except as otherwise provided by this ordinance.**
- D. Signs attached to any traffic sign, utility pole, or tree except as otherwise provided by this ordinance.
- E. A sign that by its location, color, illumination, size, shape, nature, or message would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- F. Signs that emit a sound, odor, or visible matter such as smoke or vapor.
- G. Signs that exhibit statements, suggestive words, or pictures of an obscene or pornographic nature.
- H. Banners, inflatable signs or balloons, flags (except those exempted by this ordinance), pennants, streamers, propellers, whirligigs, umbrellas with logos or commercial messages, and animated display boards.
- I. Signs or portions of signs designed to move by any means or give the appearance of movement in any manner except for **suspended signs intended for pedestrians and** flags as described in this ordinance.
- J. Roof signs.
- K. **Vehicle signs on vehicles or trailers that are not currently licensed and registered by the Department of Motor Vehicles.**
- L. Outer Banks Overlay District Additional Requirements
 - 1. Signs located on any land subject to periodic inundation by tidal saltwater.
 - 2. Signs with reflective lettering **except those exempted by this ordinance.**

3. Any sign abandoned for more than six months and dilapidated signs where the cost to renovate or repair the sign is **50 percent or** more of the sign replacement cost.
4. Internally illuminated signs or signs which contain a visible light source **except as otherwise provided by this ordinance.**
5. Portable signs (mobile marquees).
6. **Electronically controlled message signs.**

Section 7.5 Signs Allowed without a Zoning Permit

The signs listed in Tables 7.5.1 and 7.5.2 are allowed without issuance of a zoning permit provided the requirements of this chapter are met.

- A. Signs allowed by this section shall have a minimum setback of 10 feet from side property lines ~~except as otherwise provided.~~
- B. Signs allowed by this section shall not be illuminated **except as otherwise provided.**
- ~~C. Sign height shall be determined by measuring from natural grade.~~

**Table 7.5.1 Signs Allowed WITHOUT a Zoning Permit
Excluding Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Community Identification ¹	2 per entrance	60	15
Contractor ²	1 per lot	32	10
Church-Directional	1 per street or intersection	8	8
Flags	<u>One flag per 40' of street frontage, 5/lot</u> <u>-One flag per pole.</u>	<u>One square foot for every two linear foot of road frontage.</u> <u>3620 each</u>	20
Home Occupation	1	6	6
Special Event ³	10	<u>32</u>	10
Political ⁴	n/a	32	10
<u>Real Estate, Commercial</u>	<u>1 per lot</u>	<u>32</u>	<u>10</u>
<u>Real Estate, Residential Lot</u>	<u>1 per lot</u>	<u>8</u>	<u>4</u>
<u>Real Estate, Subdivision</u>	<u>500' apart</u>	<u>75</u>	<u>10</u>
Roadside Market ⁵	n/a	32	n/a
Window (<u>including neon signs</u>)	n/a	25% of glass pane	n/a

1. **May be externally illuminated and located within a private right-of-way, but not within the sight distance triangle.**
2. **Shall be removed upon issuance of the Certificate of Occupancy or completion of work.**
3. Shall not be erected earlier than 30 days before the event and must be removed no later than 10 days after the event **and must be in conjunction with an approved special event.**
4. ~~Shall be erected no more than 60 days prior to~~ and must **be removed within 10 days following each separate election date.**
5. May not be erected more than 30 days before the seasonal opening of such enterprise and shall be removed no later than 30 days after the enterprise closes for the season.

**Table 7.5.2 Signs Allowed WITHOUT a Zoning Permit
Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Agent On Duty	1 per lot	6 <u>8</u>	3 <u>4</u>
Community Identification ¹	1 per entrance	48	6
Contractor ²	1 per lot	6	3
Cottage Name	1 per lot/unit	12	n/a
<u>Cottage For Rent</u>	<u>1 per lot/unit</u>	<u>2</u>	<u>n/a</u>
Church Directional	1 per street or intersection	2 <u>8</u>	6 <u>8</u>
Flag, Open ³	1	24 <u>15</u>	Eave of roof
Flags, Open House ⁴	3	24	10 for flags at entrance
<u>Flags, Subdivision</u>	<u>1 pole per major entrance with up to 3 flags per pole</u>	<u>24 per flag</u>	<u>35</u>
Heritage Park Community Event ¹²	3	32	6
Home Occupation	1	6	6
Landscape Contractor	1 per lot	2	2
Local Event ⁵	6	6	4
Special Event ⁶	3	32	6
Open House	4	6 <u>8</u>	3 <u>4</u>
Open House Directional ¹³	n/a	6	4
Political ⁷	n/a	32	10
For Sale or Lease, Subdivision or Commercial Lot <u>Real Estate, Commercial or Subdivision</u> ¹⁴	1	32	6
For Sale, Individual Residential Lot <u>Real Estate, Residential Lot</u> ⁸	1 per lot	6 <u>8</u>	3 <u>4</u>
Roadside Market ⁹	n/a	32	n/a
Shopping Center, Directional	Up to a total of 32 sq. ft.	32	6
Security	1 per lot	2	2
Tent/Sandwich ¹⁰	1 per business unit	40 <u>8</u>	4
Window (<u>including neon signs</u>)	n/a	25% of glass pane	n/a

1. **May be externally illuminated and located within a private right-of-way, but not within the sight distance triangle.**
2. **Shall be removed upon issuance of the Certificate of Occupancy or completion of work.**
3. Shall be anchored to wall, porch post, or railing of subject business. **Shall be removed at the close of each business day.**
4. Two at entrance to subdivision and one attached to open house.
5. Up to a maximum of 4 off-premise and 2 on-premise. May be erected up to 72 hours before event and shall be removed within 48 hours after event. Signs shall display no commercial messages or logos.
6. Shall not be erected earlier than ~~30~~ 7 days before the event **and must be removed no later than 48 hours after the event and must be in conjunction with an approved special event.**
7. Shall be erected no more than 60 days prior to ~~and must be~~ **removed within 10 days following each separate election date.**

8. **One additional on-premise sign shall be allowed for an open house and one open house directional sign shall be allowed at the subdivision entrance and each intersection**
9. May not be erected more than 30 days before the seasonal opening of such enterprise and shall be removed no later than 30 days after the enterprise closes for the season.
10. **The sign may be displayed only from October 1st thru May 15th. The sign may be displayed one day before the store is open for business, and does not have to be removed daily if the store remains open on consecutive days. If the store is closed for three or more consecutive days the sign must be removed until the store is again open. Sign height shall be determined by measuring from natural grade.**
11. ~~May be erected up to 7 days prior to event and shall be removed within 48 hours after event. Signs shall display no commercial messages or logos.~~
12. ~~One at entrance to subdivision and one at each intersection.~~
13. ~~One permitted per new subdivision, new shopping center, or vacant commercial lot excluding vacant commercial units and outparcels. Limited to three years from permit issuance and sign must be installed parallel to NC-12.~~

Section 7.6 On-Premise Signs Allowed with a Zoning Permit

The signs listed in Tables 7.6.1 and 7.6.2 are allowed on lots containing at least one approved non-residential use upon issuance of a zoning permit provided the requirements of this chapter are met.

- A. All signs allowed by this section shall have a minimum setback of 10 feet from side property lines ~~except as otherwise provided~~. Signs exceeding 10 feet in height shall have a minimum 10 foot setback from a **public or private** right-of-way ~~except as otherwise provided~~.
- B. ~~Sign height shall be determined by measuring from natural grade.~~
- C. ~~Portable signs displayed longer than 30 days become freestanding signs and must be anchored according to the Building Code and meet all requirements of this ordinance.~~
- D. No more than 50 percent of the area of a sign can be a message board, reader board, or electronically controlled message sign. The message must remain stationary for a minimum of five seconds, except for time and temperature. **Electronically controlled message signs are prohibited in the Outer Banks Overlay District.**

**Table 7.6.1 On-Premise Signs Allowed WITH a Zoning Permit
Excluding Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Freestanding, Individual Lot	1 per street frontage. ^{1,2}	250 <u>128</u> ³	25 <u>20</u>
Shopping Center, Freestanding	1 per street frontage. ¹	# of Businesses	<u>25</u>
		<u>4-10 = 200</u>	
		<u>>10 = 160-300</u>	
Shopping Center, Outparcel	1 per lot	400 <u>64</u>	<u>10</u>
Wall	n/a	<p><u>20 percent of wall surface to which sign is attached, not to exceed 400 square feet.</u></p> <ul style="list-style-type: none"> • 30% of wall area not to exceed: <ul style="list-style-type: none"> 200-sf max. for each building less than 5,000 sf of gross floor area. 400-sf max. for each building between 5,000 square feet and 9,999 square feet of gross floor area. 600-sf max. for each building greater than 10,000 square feet of gross floor area. 	n/a

1. **One additional sign shall be permitted for frontages that exceed 500 feet, not including outparcel frontage. The signs shall be spaced a minimum of 250 feet apart or at approved access points.**
2. A total of two temporary signs are permitted per property. The total maximum size of one sign or two signs combined cannot exceed 40 square feet. If the property contains more than one street front, one additional temporary sign is permitted not to exceed 40 square feet.
3. **For frontages that exceed 160 feet an additional 32 square feet of signage shall be permitted.**

**Table 7.6.2 On-Premise Signs Allowed WITH a Zoning Permit
*Outer Banks Overlay District***

Sign Type¹	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Freestanding, Individual Lot	1 per street frontage ²	48	<u>6 8</u>
Shopping Center, Freestanding	1 per street frontage ²	48- <u>80</u> ³	<u>6 12</u>
Shopping Center, Outparcel	<u>1 per lot</u>	32	<u>6</u>
Wall	<u>n/a</u>	32 ⁴	<u>Eave of Roof</u>

1. Monopole signs are prohibited.
2. One additional sign shall be permitted for frontages that exceed 500 feet, not including out parcel frontage. The signs shall be spaced a minimum of 250 feet apart or at approved access points.
3. Freestanding signage for a secondary road frontage shall not exceed 24 square feet in area and 8 feet in height.
4. The maximum square footage is an allowance per wall of a business or business unit. Businesses with 5,000 square feet or greater of gross floor area may have wall signage up to 54 square feet in area per wall.

E. Landscaping Requirements

This section shall apply to all shopping center and freestanding signs:

1. Landscaping shall be required that encompasses the entire base of the sign at a minimum rate of two square feet of landscape area per one square foot of sign area.
2. Required landscaping shall contain an appropriate combination of shrubs and ground cover. Ground cover must consist of vegetation and/or mulch.

Item 3: That Chapter 17 is amended as follows:

Awning/Canopy: A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway or window

Commercial: Any activity involving the sale of goods or services carried out for profit.

Convenience Store: A retail store that is a part of a gas station.

Mass Gathering: A performance or special event which is expected to draw 100 or more participants and spectators.

Public Institution: an organization that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control and that is supported primarily by public funds.

Shopping Center: A development consisting of four or more establishments that share pedestrian circulation, vehicle access, parking facilities, landscaping, and a master sign plan on a tract of land at least four acres in area. A group of commercial establishments planned, developed and/or managed as a unit with off-street parking provided on the property that is located on a tract of land at least four acres in area.

Shopping Center, Outparcel: A lot located on the perimeter of a shopping center development, with frontage on the arterial street serving the shopping center, that is subordinate to the shopping center development for access, parking, and drainage.

Sign:

Any device that is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision two part b. of this definition; and is designed to attract the attention of such persons or to communicate information to them.

Site-triangle Sight Distance Triangle

A triangular-shaped portion of land established at street and driveway intersections in which nothing is erected or placed in such a manner as to limit or obstruct the line of sight of motorists entering or leaving an intersection or business. **A sight distance triangle of 10 feet by 35 feet is required where vehicular areas intersect with street rights-of-way and 10 feet by 70 feet at street intersections. Nothing over 24 inches or less than 7 inches in height shall be located within this area.**

Sign, Awning/Canopy: Any message printed on an awning or canopy.

Sign, Community Identification: A sign located at the entrance of a subdivision or multi-family development.

Sign, Contractor: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, Cottage For Rent: A sign placed on a residentially zoned dwelling that is in a rental program offered by a rental company or private owner.

Sign, Cottage Name: A sign placed on a dwelling displaying the name of the house or cottage.

Sign, Digital Billboard: Billboards that can electronically change their images or text.

Sign, Directional: An off-premise sign that displays the name and direction to an institutional use, religious use, or historic property.

Sign, Externally Illuminated: A sign where the source of illumination is outside the sign and light is reflected off the surface of the sign from an external source.

Sign, Freestanding: A sign that is attached to, erected on, or supported by some structure (such as pole, mast, frame or other structure) that is not itself an integral part of a building or other structure whose principle function is something other than the support of a sign. ~~A sign that stands without supporting elements, such as "sandwich sign", is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.~~

Sign, Governmental: A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

Sign, Inflatable: Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Sign, Informational: Any on-premise sign containing no other message, copy, announcement, or decoration other than instructions or directions to the public. Such signs include but are not limited to the following: handicapped parking, loading area, restrooms, property address, building identification, and other noncommercial courtesy messages.

Sign, Internally Illuminated: A sign, including neon signs, where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

Sign, Local Event: A sign that identifies a local event such as a library book sale, art exhibit, or other noncommercial event expected to attract less than 100 participants and spectators.

Sign, Monument: A sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports. The entire bottom of the sign is affixed to the ground.

Sign, Off Premise Direction Sign

~~A sign authorized by the Board of Commissioners in the Outer Banks Overlay District in Corolla Village, businesses located within 1200' of Caratoke Highway, and businesses located along the Atlantic Intracoastal Waterway (Coinjock~~

Canal) that displays the name of the business only and the direction in which it is located. The off-premises directional sign is similar in size and style to street name signs.

Sign, Political: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Sign, Portable (Mobile Marquee): A temporary freestanding, on-premise sign which is not designed to be permanently affixed to a base or ground.

Sign, Railing: Any sign attached to a railing.

Sign, Real Estate: A sign indicating that a property is available for sale, lease, or rent.

Sign, Roadside Market: A temporary sign advertising: 1) a farm or tract upon which are grown fruits or vegetables that may be picked or gathered by the purchaser; 2) an approved roadside market selling fruits or vegetables; or 3) produce, seafood, or related agricultural products offered for sale at an approved roadside market.

Sign, Roof: A sign that is mounted on the roof of a building between the roof eave and roof peak.

Sign, Suspended: A sign suspended or hanging down from a marquee, awning, or porch.

Sign, Vehicle: Any sign attached to or painted on a vehicle, motorized or drawn, parked and visible from a public right-of-way intended to advertise a product or service.

Sign, Vendor: An incidental sign advertising the sale of goods or rendering of services available at a commercial establishment on the same lot as the establishment.

Sign, Wall: A sign fastened to or painted on the wall, canopy, or awning of a building or structure in such a manner that the wall, canopy, or awning becomes the supporting structure for or forms the background surface of the sign. A sign fastened to a wall shall not project more than 12 inches from such building or structure. A canopy or awning sign may project more than 12 inches from such building or structure.

Sign, Window: Any sign attached to the window glass of a commercial building.

Special Events

Circuses, fairs, carnivals, festivals, or other types of special events that:

- a. run for longer than one day but not longer than two weeks,

- ~~b. are intended to or likely to attract substantial crowds; and,~~
- ~~c. are unlike the customary or usual activities generally associated with the property where the special event is to be located.~~

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.

Item 4: The date reference in Table 7.5.2 for Tent/Sandwich signs (*The sign may be displayed only from October 1st thru May 15th.*) shall be restored on the 1st day of October 2011.

Chairman Aydlett opened the public hearing.

Alicia McDonnell, Corolla, stated that she supports the ordinance as amended.

David Singletary, supports digital billboards and offered the county a special rate for events.

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

Commissioner Petrey moved to approve due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. The following substantive changes outlined by staff are to be included:

1. Maximum size of 80 Sq. ft. for OBX shopping center signage.
2. Signage within residential subdivisions limited to:
 - a. Maximum of 4 flags at each major entrance.
 - b. Open House directional signage at internal intersections.
 - c. Maximum of 1 flag at the model home.
 - d. Maximum of 1 banner or sign attached to model home.
 - e. Permanent flagpole is permitted at substantial subdivision build out.

Commissioner Martin seconded the motion. Motion carried.

Public Hearing and Action: PB 10-04 Outer Banks Harley Davidson: Request for a special use permit request for two special events, Outer Banks Bike Week, April 16 - 24, 2011 and Outer Banks Bike Fest, September 30 - October 2, 2011.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
Date: April 4, 2011
PB 10-04 Outer Banks Harley Davidson Special Use Permit**

ITEM: PB 10-04 Outer Banks Harley Davidson Special Use Permit request for two special events, Outer Banks Bike Week, April 16 -24, 2011, and Outer Banks Bike Fest, September 30 - October 2, 2011.

LOCATION: 8739 Caratoke Highway, Harbinger (existing Harley Davidson dealership).

TAX ID: 0131-000-0088-0000

ZONING DISTRICT: General Business (GB)

PRESENT USE: Motorcycle Retail
OWNER: MDS Investment LLC
% Maurice Slaughter
2211 Frederick Blvd
Portsmouth VA 23704

APPLICANT: Same

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	GB
SOUTH	Residential	GB
EAST:	Residential	GB
WEST:	Post Office	GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service within the Point Harbor subarea.

SIZE OF SITE: 3.2 acres

UTILITIES: The business is served by county water and an on-site septic system. Port-a-johns are proposed for the special events.

I. NARRATIVE OF REQUEST:

- The Outer Banks Harley-Davidson in Harbinger is the hub for all Bike Week activities. The facility is utilized to house additional vendors, live music, and serves as the starting point for poker runs and scenic tours.
- This is the 9th year for Outer Banks Bike Week and attendance has grown each year, with last year's attendance reaching over 10,000 attendees.
- Guided tours are proposed around the sound, to Corolla, and to Knotts Island via the ferry.

II. Special UDO requirements for special events (Section 3.10.4)

1. The amount of noise generated shall not disrupt the activities of adjacent land uses.
2. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.
3. Parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
4. In cases where it is deemed necessary, the board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
5. If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

III. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Zoning (Tammy Glave 252-232-6025):

Approved with corrections:

1. The original site plan approval was for three additional buildings. The existing building was required to have 46 parking spaces (approved at 1:400 instead of 1:200), so there are extra parking spaces available at this time. Please note that drive aisles cannot be blocked. The applicant plans to restrict this parking area to motorcycles only.
2. Overflow and non-motorcycle parking must be adequately addressed. The applicant has signed permission for satellite parking at Carolina Designs Realty, Barrier Island Welcome Center, Mutiny Tattoo, and Harbinger Post Office. Mutiny Tattoo is the only location approved for customer satellite parking. All other listed locations are either greater than 300' from the subject property or are considered unsafe for pedestrians

(crossing Caratoke Highway). Carolina Designs Realty, Barrier Island Welcome Center, and Harbinger Post Office may be used for employee satellite parking only.

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

Reviewed with comments:

1. Event Coordinator needs to consult with health department concerning these 2 proposed events(OUTER BANKS BIKE WEEK APRIL 16-24 2011 and OUTER BANKS BIKE FEST SEPT. 30 thru OCT. 2 2011).
2. Event Coordinator needs to fill out one COORDINATOR'S APPLICATION for a TEMPORARY FOOD EVENT PER EVENT and submit application to health dept. 4 weeks prior to event.
3. Each FOOD VENDER will need to consult with health dept., fill out a required application with a \$75.00 dollar fee and submit to health dept. at least 2 weeks before event.
4. An approved public water supply must be available to serve the vendors. Consult with Health Department concerning this issue.
5. Port-a-Jons will be required and maintained properly by a NC Licensed Portable Sanitation Management firm.
6. PLEASE CONSULT WITH HEALTH DEPT. AS SOON AS POSSIBLE FOR HELPFUL ASSISTANT WITH THESE PROPOSED EVENTS.
*PLEASE CONTACT MS. ANGELA RODRIGUEZ REHS
ENVIROMENTAL HEALTH SPECIALIST AT (252)232-6603 THANK YOU.

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

Approved with corrections:

1. Park Rental Fees will not be waived for this event as it is my opinion that the number of vehicles could in fact hinder the public's use of the park facility. I recommend approval if the overflow parking is addressed properly. Signage will need to be posted at the park 1 week in advance of the event date.

Currituck County Emergency Management (James Mims, 252-232-4024)

Approved with comment:

1. Maintain designated egress from property and structures.
2. Acquire proper permits for any tents, canopies, and air supported structures.
3. Respond to the following Emergency Managers comments: From the EM perspective...the 2nd of the two weeks is in the height of hurricane season. 1st, do they have a "rain date" or alternate plans in the event of a hurricane and a plan to convey these possible schedule changes? 2nd, do they understand the resources they are counting on could be otherwise occupied if we are in the midst of preparing for and conducting an evacuation? 3rd, will they comply with our evacuation orders and be proactive in conveying the information to their attendees?

IV. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

1. Completeness of application.
Suggested Findings:
 - a. The application is complete.

2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".
Suggested Findings:
 - a. Special events are an allowable use within the General Business (GB) zoning district with a special use permit.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. The proposed plan meets the minimum requirements of the ordinance.

4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. So long as the non-motorcycle parking is adequately addressed, the events should have little impact on public health or safety with the proposed precautions in place [no parking signs in right-of-ways, private security (off-duty deputies), designation of satellite parking areas across Caratoke Highway for employees only, and satellite parking for customers only on the same side of Caratoke Highway as the event].

5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located
Suggested Findings:
 - a. The Unified Development Ordinance indicates that special events are allowed in the GB zoning district with a special use permit.
 - b. The special events will take place at an existing retail business.

6. The special use will be in conformity with the Land Use Plan or other officially adopted plan.
Suggested Findings:
 - a. The 2006 Land Use Plan classifies this site as Limited Service within the Point Harbor subarea. The policy emphasis is to allow portions of the Point Harbor area to continue to evolve as a full service community. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY ED1: New and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity based economy of Currituck County.

POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions, and spin-offs shall also be recognized.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

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

IV. STAFF RECOMMENDATION:

- A. The submittal does appear to meet all of the requirements for approval, so **staff recommends conditional approval** of this special use permit subject to the findings of fact, TRC comments, and non-motorcycle parking being addressed. **If non-motorcycle parking is not adequately addressed prior to the Board of Commissioners' Public Hearing, then staff recommends denial of this special use permit.** It should be noted that this approval is valid only for the two events listed. Events held in subsequent years will require renewal of the special use permit.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of PB 10-04 with staff recommendations, facts of finding, and the parking must be addressed by the applicant.

NOTE: The county has requested that NCDOT and Emergency Management provide Variable Message Signs warning motorist of potential traffic congestion at this location.

PLANNING BOARD DISCUSSION (3-8-11)

Mr. West asked if staff has received any recommendation from Mr. Johnson on the non-motorcycle parking.

Mr. Woody stated no but the applicant may address this tonight. Mr. Woody stated the sheriff's department offered to work with Mr. Johnson to find parking on private property.

Mr. Johnson stated they are actively looking for alternate parking for non-motorcycle vehicles. The event is spread out over 10 days which will stretch out parking. They have submitted a request to use Sound Park for parking April 21-23. Major events have been

moved to the Nags Head dealership. Mr. Johnson stated they will conform to the parking requirements. The first weekend will have limited activities.

Mr. Midgette asked is security has been addressed.

Mr. Johnson stated they have been in touch with Currituck County Sheriff's Department and they will have their own security as well.

Mr. Stone stated this event will overlap Easter weekend and he has concerns with it during this weekend.

Mr. Hunsicker is opposing this request.

Mr. Kovacs asked if the dates could be changed.

Mr. Johnson stated no.

ACTION

Ms. Newbern moved to approve PB 10-04 with staff recommendations, findings of facts, and the parking must be addressed by the applicant. Ms. Taylor seconded the motion. Ayes: Mr. Kovacs, Mr. Clark, Mr. Bell, Ms. Newbern, Ms. Taylor and Mr. Midgette. Nays: Ms. Wilson and Mr. West.

The following comments have been received for the February 16, 2011 TRC meeting. In order to be scheduled for the March 8, 2011 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on February 21, 2011. TRC comments are valid for six months from the date of the TRC meeting.

Zoning (Tammy Glave 252-232-6025):

Approved with corrections:

1. The original site plan approval was for three additional buildings. The existing building was required to have 46 parking spaces (approved at 1:400 instead of 1:200), so there are extra parking spaces available at this time. Please note that drive aisles cannot be blocked. The applicant plans to restrict this parking area to motorcycles only.
2. Overflow and non-motorcycle parking must be adequately addressed. The applicant has signed permission for satellite parking at Carolina Designs Realty, Barrier Island Welcome Center, Mutiny Tattoo, and Harbinger Post Office. Mutiny Tattoo is the only location approved for customer satellite parking. All other listed locations are either greater than 300' from the subject property or are considered unsafe for pedestrians (crossing Caratoke Highway). Carolina Designs Realty, Barrier Island Welcome Center, and Harbinger Post Office may be used for employee satellite parking only. (*The applicant is trying to obtain parking from Powells Point Christian Church for non-motorcycle vehicles. They are to provide how many vehicles are expected and the number of spaces available at the church.*)
3. According to Section 3.10.4 of the UDO, the following special requirements must be met:

- a. The amount of noise generated shall not disrupt the activities of adjacent land uses.
- b. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.
- c. Parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
- d. In cases where it is deemed necessary, the board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
- e. If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

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

Reviewed without comment.

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

Reviewed with comments:

1. Event Coordinator needs to consult with health department concerning these 2 proposed events(OUTER BANKS BIKE WEEK APRIL 16-24 2011 and OUTER BANKS BIKE FEST SEPT. 30 thru OCT. 2 2011).
2. Event Coordinator needs to fill out one COORDINATOR'S APPLICATION for a TEMPORARY FOOD EVENT PER EVENT and submit application to health dept. 4 weeks prior to event.
3. Each FOOD VENDER will need to consult with health dept., fill out a required application with a \$75.00 dollar fee and submit to health dept. at least 2 weeks before event.
4. An approved public water supply must be available to serve the vendors. Consult with Health Department concerning this issue.
5. Port-a-Jons will be required and maintained properly by a NC Licensed Portable Sanitation Management firm.
6. PLEASE CONSULT WITH HEALTH DEPT. AS SOON AS POSSIBLE FOR HELPFUL ASSISTANT WITH THESE PROPOSED EVENTS.
*PLEASE CONTACT MS. ANGELA RODRIGUEZ REHS
ENVIROMENTAL HEALTH SPECIALIST AT (252)232-6603 THANK YOU.

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

Approved without comment.

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

Reviewed without comment.

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

Approved with corrections:

1. Park Rental Fees will not be waived for this event as it is my opinion that the number of vehicles could in fact hinder the public's use of the park facility. I recommend approval if the overflow parking is addressed properly. Signage will need to be posted at the park 1 week in advance of the event date.

Currituck County Emergency Management (James Mims, 252-232-4024)

Approved with comment:

1. Maintain designated egress from property and structures.
2. Acquire proper permits for any tents, canopies, and air supported structures.
3. Respond to the following Emergency Managers comments: From the EM perspective...the 2nd of the two weeks is in the height of hurricane season. 1st, do they have a "rain date" or alternate plans in the event of a hurricane and a plan to convey these possible schedule changes? 2nd, do they understand the resources they are counting on could be otherwise occupied if we are in the midst of preparing for and conducting an evacuation? 3rd, will they comply with our evacuation orders and be proactive in conveying the information to their attendees? *(In the event of a hurricane, the event will be cancelled. They will follow evacuation orders and advise participants of those orders)*

NC Division of Coastal Management (Charlan Owens, 252-264-3901)

Reviewed without comment.

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

Approved without comment.

County Engineering Department (Eric Weatherly, 252-232-6035)

Reviewed without comment.

Please note that comments were not received from the following:

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

Currituck County Economic Development (Peter Bishop, 252-232-6015)

Currituck County Code Enforcement/CAMA (Stacey Smith, 252-232-6027)

Currituck County Building Inspections (Spence Castello, 252-232-6020)

Currituck County Schools (Megan Doyle, 252-232-2223)

Local Volunteer Fire Chief

NCDOT (Jim Hoadley, 252-331-4737)

NC State Archeology (Lawrence Abbott, 919-807-6554)

US Army Corps of Engineers (Kyle Barnes, 910-251-4584)

NC DENR Public Water (Siraj Chohan, 919-715-3235)

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

NC DENR Environmental Management (Roger Thorpe, 252-948-3923)

NC DENR Aquifer Protection, David May

NCDENR Environmental Health/Onsite Wastewater, Bob Uebler
 NCDENR, Marine Fisheries, Kevin Hart
 NCDENR Water Quality/Surface Water Protection, Al Hodge
 NC Wildlife, Maria Dunn
 Embarq, Hester Jones
 Dominion Power, Troy Lindsey
 Charter Communications, Sam Scilabba
 Centurylink, Kimberly Hoevenair

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans, if applicable.
- 1- 8.5"x11" copy of all revised plans, if applicable.
- 1- PDF digital copy of all revised documents and plans.

**POST EVENT REPORT FOR THE
 BOARD OF COMMISSIONERS
 May 17, 2010**

PB 10-04 Outer Banks Harley Davidson Special Use Permit

The Outer Banks Harley Davidson held its Outer Banks Bike Week on April 18-25, 2010. On May 12, 2010, Kevin Johnson, President and Chief Operating Officer, met with Mary Beth Newns, Emergency Management Director; Sandy Casey, Chief Deputy; Jason Banks, Lieutenant; Ben Woody, Planning Director; and Tammy Glave, Planner II.

Staff concludes that the following special use permit and fire code requirements were not met at this event:

Parking

1. Parking generated by the event was to be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.

Violation: The Sheriff's office advised that vehicles were parked along Caratoke Highway, Church Road, and East Mobile Road. Pedestrians were crossing Caratoke Highway to access the event creating a safety hazard. Vehicles parked along Church Road and East Mobile Road blocked access to some of the dwellings along those roads.

Potential Solution: Applicant to provide satellite parking lots (possibly County park) and shuttle customers to the event. The applicant will also pursue using the parcel across from the Powells Point Christian Church (0131-000-0093-0000).

2. The application was to provide "No Parking" signs along Caratoke Highway and Church Road and enforce towing.

Violation: Upon inspection, there were no "No Parking" signs along Caratoke Highway and only a few along Church Road. The applicant had

placed "No Parking" signs along the sides of the roads, but the customers ran over them or removed them. The applicant did not enforce towing in the no parking areas. The Sheriff's office subsequently enforced towing.

Potential Solution: The applicant will contact NCDOT about divided lanes (one lane for bikes and another for cars), temporary stop light, barricading roads, etc. Ultimately, the applicant wishes to provide a satellite parking lot with a shuttle service.

Security

1. The applicant was to provide adequate security for the event.

Violation: The Sheriff's office provided one deputy for the event. One deputy was not able to adequately protect the public health and safety.

Potential Solution: The Sheriff's office determined that a minimum of two deputies will be required on weekdays and three or four deputies would be required on the weekends. Hiring a private security firm was also encouraged.

Fire Code

1. There were sheds, a fuel tank, etc. in the fire lane that were to be removed prior to the event.

Violation: The fire lane was not cleared prior to the event.

Potential Solution: The fire lane is to be cleared immediately.

In conclusion, everyone is in agreement that Bike Week was a success and will be encouraged to continue so long as the above issues are adequately addressed. The applicant said they had about 12,000 people at this event and expect it to grow to 25,000-30,000 people.

Commissioner Aydlett opened the public hearing.

Kevin Johnson, representing applicant, stated that he was addressing the parking and other safety concerns. There will be 2 deputies and most of the events will be in Dare County.

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

Commissioner Martin moved to approve both events with findings of fact, TRC comments and staff recommendations included in the case analysis. Commissioner Etheridge seconded the motion. Motion carried.

Discussion on Resolution exempting Moyock Wastewater Project from the requirements of Section 143-64.31 of the NC General Statutes.

Commissioner O'Neal asked Ike McRee, County Attorney, to review why the county was requesting such legislation.

Commissioner O'Neal moved to approve because this would save money and time. Commissioner Etheridge seconded the motion. Motion carried.

**RESOLUTION EXEMPTING MOYOCK WASTEWATER PROJECT
FROM THE REQUIREMENTS OF SECTION 143-64.31
OF THE NORTH CAROLINA GENERAL STATUTES**

WHEREAS, N.C. Gen. Stat. §143-64.31 requires the initial selection of firms to perform architectural, engineering, and surveying services without regard to price; and

WHEREAS, Currituck County proposes to enter into a contract for engineering services related to the design, permitting and construction of a county wastewater treatment plant facility in Moyock; and

WHEREAS, Currituck County has identified qualified, reputable and capable engineering firms interested in providing engineering services for the Moyock Wastewater Project and the Board of Commissioners for Currituck County finds that negotiation with the identified engineering firms is necessary and expedient for the timely completion of the Moyock Wastewater Project.

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

Section 1. The Moyock Wastewater Project is hereby exempt from the provisions of N.C. Gen. Stat. §143-64.31 for the reasons stated in this resolution.

Public Hearing and Action: PB 10-23 Quible and Associates: Request to amend the Unified Development Ordinance Chapter 2: Zoning Districts, Chapter 3: Special Requirements, and Chapter 17 Definitions to modify recreational campground requirements.

deleted

Public Hearing and Action: PB 11-03 Ocean Meadows RV Resort: Request to rezone 61.58 acres from Residential (R) with a Planned Adult Retirement Overlay(RET) to Conditional District-Residential Recreational District(CD-RR) located in Powells Point on the north side of South Spot Road approximately 1000 feet east of Caratoke Highway (US 158) intersection, Tax Map 124, Parcel 28, Poplar Branch Township.

deleted

Discussion on Currituck Chamber Proposal

Commissioner Gilbert moved to table and meet with staff and Chamber staff to review proposal. Commissioner Rorer seconded the motion. Motion carried.

Appointments to Tourism Advisory Board

Chairman Aydlett moved to reappoint Petrina Ramey. Commissioner Gilbert seconded the motion. Motion carried.

Commissioner Gilbert requested to table her appointment. Commissioner Petrey seconded the motion. Motion carried.

Appointment to Board of Adjustment

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

Appointments to Fire and EMS Board

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

Consent Agenda:

1. Approval of March 21, 2011, Minutes
2. Resolution exempting Moyock Wastewater Project from the requirements of Section 143-64.31 of the NC General Statutes-**see Item 5A.**
3. Appointment of Jack Riggle to replace Lee Foreman on the Whalehead Drainage Advisory Board
4. Budget Amendments
5. Ratification of letter to Governor endorsing Jerry Old for Board of Transportation membership
6. Ratification of contract with Carolina Water Services of NC, Inc., to acquire water assets
7. Division of Mental Health, Developmental Disabilities & Substance Abuse Services Quarterly Fiscal Monitoring Report
8. Resolution opposing HB DRH60052-SB-13 "Designation of Coastal Game Fish"
9. **Resolution in Support of HB 162 Exemption Small Farm Processors from Wastewater Requirements**

Commissioner Martin moved to approve. Commissioner Rorer seconded the motion. Motion carried.

Debit

Credit

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10450-516000	Repairs & Maintenance		\$ 475
10450-516200	Vehicle Maintenance	\$ 475	
		<u>\$ 475</u>	<u>\$ 475</u>

Explanation: Tax (10450) - Transfer funds to repair appraiser's vehicle.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10530-503500	Salaries - Temporary Services	\$ 6,100	
10530-514000	Travel		\$ 200
10530-514500	Training & Education		\$ 6,100
10530-531000	Gas, Oil, etc	\$ 10,000	
10530-526000	Advertising		\$ 500
10530-545000	Contract Services		\$ 3,300
10530-536000	Uniforms		\$ 6,000
		<u>\$ 16,100</u>	<u>\$ 16,100</u>

Explanation: Emergency Medical Services (10530) - Transfer operating funds for additional temporary services and fuel for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
61818-533800	Chemicals	\$ 8,650	
61818-545000	Contract Services	\$ 1,500	
61818-532000	Supplies		\$ 8,650
61818-590003	Fire Hydrants		\$ 1,500

\$	10,150	\$	10,150
----	--------	----	--------

Explanation: *Mainland Water (61818) - Operating transfer for Mainland Water to purchase additional chemicals and for additional required Consumer Confidence reporting.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
60808-590000	Capital Outlay	\$ 14,000	
60808-516000	Repairs & Maintenance		\$ 2,000
60808-561000	Professional Services		\$ 12,000
66868-590000	Capital Outlay	\$ 7,000	
66868-516000	Repairs & Maintenance		\$ 2,000
66868-590441	Technology > \$1,000		\$ 5,000
		<u>\$ 21,000</u>	<u>\$ 21,000</u>

Explanation: *Ocean Sands Water and Sewer District (60808); Southern Outer Banks Water System (66868) - Transfer existing funds to capital outlay in the Ocean Sands Water and Sewer District and in the Southern Outer Banks Water System to replace the scada system that controls both water and wastewater systems. The current system crashed and is obsolete; therefore, complete replacement is required.*

Net Budget Effect: Ocean Sands Water and Sewer Fund (60) - No change.
Southern Outer Banks Water System Fund (66) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
21690-587012	T T - Fires Services Fund Appropriated Fund	\$ 2,163	
21390-499900	Balance		\$ 2,163
22690-587012	T T - Fires Services Fund Appropriated Fund	\$ 6,243	
22390-499900	Balance		\$ 6,243

		Balance	
24690-587012	T T - Fires Services Fund Appropriated Fund	\$ 1,930	
24390-499900	Balance		\$ 1,930
12541-588000	Contingency	\$ 10,336	
12390-495021	T F - Poplar Branch Fire District		\$ 2,163
12390-495022	T F - Fruitville Fire District		\$ 6,243
12390-495024	T F - Crawford Fire District		1,930
		\$ 20,672	\$ 20,672

Explanation: *Poplar Branch Fire District (21690); Fruitville Fire District (22690); Crawford Fire District (24690) - To transfer residual funds in the above fire districts to the Fire Services fund and to close the fire district funds.*

Net Budget Effect: Fire Services Fund (12) - Increased by \$10,336.
 Poplar Branch Fire District Fund (21) - Increased by \$2,163.
 Fruitville Fire District Fund (22) - Increased by \$6,243.
 Crawford Fire District Fund (24) - Increased by \$1,930.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>	Increase Expense	Expense
10460-532000	Supplies	\$ 1,500	
10460-516000	Maintenance & Repair		\$ 1,500
63838-545900	Tire Disposal	\$ 6,600	
63838-571500	Recycling		\$ 6,600
		\$ 8,100	\$ 8,100

Explanation: *Public Works (10460); Solid Waste (63838) - To transfer funds for supplies and tire disposal for the remainder of this fiscal year.*

Net Budget Effect: Operating Fund (10) - No change.
 Solid Waste Fund (63) - No change.

**RESOLUTION OPPOSING THE HOUSE BILL DRH60052-SB-13
 "DESIGNATION OF COASTAL GAME FISH"**

WHEREAS, the Fisheries Reform Act (FRA) recognizes that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State

while struggling to earn a living in an industry whose resources are managed by both the State and Federal agencies and whose labor accounts for revenue, jobs and is significant to the tax base; and

WHEREAS, designating "Game Fish Status" for Red Drum, Striped Bass, Spotted Sea Trout and other fish species will deprive consumers in North Carolina and the nation of access to fresh, locally harvested seafood; and

WHEREAS, allocating 100% of the resources to less than 3% of the population of our state and to specific user groups would be a travesty of fairness, a violation of the Fisheries Reform Act, and devastating to the economies of coastal communities; and

WHEREAS, designating a resource to "Game Fish Status Only" has never enhanced the resource, and will threaten coastal communities with the loss of jobs and access for all citizens; and

WHEREAS, North Carolina, as a recognized leading producer of seafood, has one of the most diverse fisheries in the United States and should be allowed to continue harvesting wild caught fish species in order to bring to market a wonderfully fresh, sustainably managed, revenue producing, proven resource for all its citizens;

NOW, THEREFORE BE IT RESOLVED that the Currituck County Board of Commissioners strongly oppose imposing "Game Fish Status" by the legislature, and ask that they honor the Fisheries Reform Act by continuing to make all fish species available for the benefit and enjoyment of all North Carolina citizens.

**RESOLUTION IN SUPPORT OF HB 162
EXEMPTION SMALL FARM PROCESSORS FROM WASTEWATER
REQUIREMENTS**

WHEREAS, Small farms and agricultural processors are key components to Currituck County's business landscape, cultural heritage and overall character; and,

WHEREAS, Currituck County is well represented by small agricultural producers, including but not limited to: greenhouses & nurseries, canning operations, breweries, organic farms, wineries, vineyards, roadside markets and truck-crop farming; and,

WHEREAS, Several individual Currituck County businesses have faced the burden of the State's permitting process for small amounts of agricultural use wastewater, only to discover expensive treatment and disposal options that are often prohibitive for business start-up, growth and new ventures; and,

WHEREAS, Certain types of rinsewater and wastewater, specifically in fermenting and brewing operations, can provide nutrients and act as fertilizer to on-premises crop production, enhancing yields while simultaneously re-using water and establishing a greener product cycle; and,

WHEREAS, the establishment of HB 162 would provide relief for small agricultural producers and farmers while simultaneously protecting surface waters such as Currituck Sound through prohibitions in direct discharge and non-treatment of certain animal waste products; and,

WHEREAS, HB 162 carries the support and endorsement of the NC Winegrowers Association and several Currituck County businesses, including the Weeping Radish Farm Brewery and Sanctuary Vineyards.

NOW THERE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY NORTH CAROLINA THAT:

Currituck County strongly supports HB 162 "Exempt Small Farm Processing from Wastewater Permit Requirements" and respectfully requests its passage by the North Carolina General Assembly during the 2011 Legislative Session.

Commissioner's Report

Commissioner Gilbert stated that the Moyock Volunteer Fire Department will have a breakfast and Easter egg hunt next Saturday. Relay for Life will be on April 15th, at the High School.

Commissioner Petrey thanked all the Veterans in the county for their service.

Commissioner Rorer commended the Master Gardener program.

Commissioner Martin stated that there would be a prayer breakfast at the Coinjock Baptist Church on April 30, 2011.

Commissioner O'Neal stated he was opposed to the use of alcohol on county property such as the Cooperative Extension Center, Rural Center.

County Manager's Report

Dan Scanlon, County Manager, stated that he had received a letter recognizing the staff at the Water Department, Bud Norton and David Hamm.

Adjourn

There was no further business, the meeting adjourned.

BUDGET AMENDMENT

The Currituck County Board of Commissioners as the Currituck County Tourism Development Authority, at a meeting on the 3rd day of January, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-587066	T T - SOBWS	\$ 5,700,000	
15390-499900	Appropriated Fund Balance		\$ 5,700,000
		<u>\$ 5,700,000</u>	<u>\$ 5,700,000</u>

Explanation: *Tourism Promotion (15442)* - Transfer funds to the Southern Outer Banks Water System for a 5 year loan at 2.5% interest fo start up costs to purchase the Corolla Light and Pine Island Water Systems, renovate the elevated storage tank at Corolla Light and expand the existing Southern Outer Banks water system.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$5,700,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners as the Currituck County Tourism Development Authority, at a meeting on the 3rd day of January, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-514000	Travel	\$ 2,200	
15442-514500	Training & Education		\$ 2,200
		<u>\$ 2,200</u>	<u>\$ 2,200</u>

Explanation: *Tourism Promotion (15442)* - Transfer funds for travel for the remainder of this fiscal year.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board