



**BOARD OF COMMISSIONERS
AGENDA**

AUGUST 20, 2012

Table of Contents

Agenda	2
Public Hearing and Action:	
12-14 Case Analysis	4
Consideration and Action:	
Freedom Forest Memo	8
Freedom Forest Letter	9
Mr. Steve Murray, Albemarle Food Bank, Proclamation for Hunger Action Month	
Resolution	10
Approval of Ordinance Amendment on Unattended Property on Beach, 2nd reading	
Ordinance	12
An Ordinance of the Currituck Board of Commissioners amending the Code of Ordinances to regulate Outdoor Tour	
Ordinance	14
Change Order for Maple Commerce Park, time extension only	
Change Order	20
Project Ordinance for Connector Taxiway and Parking Apron: DOA Grant 36244.10.5.2	
Airport Project Ordinance	23

REVISED

Currituck County
Board of Commissioners Agenda
Historic Currituck County Courthouse

Date: Monday, August 20, 2012

Time: 7:00 PM

7:00 pm Call to Order

- A) Invocation
- B) Pledge of Allegiance
- C) Approval of Agenda
- D) Public Comment

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

Public Hearings

- A) **Public Hearing and Action:** PB 12-14 Currituck County: Request to update and adopt the zoning map to transition all properties in the county to the zoning districts identified in the Unified Development Ordinance approved by the Board of Commissioners on April 2, 2012.
- B) **Consideration and Action:** PB 06-02 Freedom Forest, Phase II: Request for a preliminary plat extension of a six lot residential subdivision located off Patriot Way in Barco.

Administrative Reports

- A) **Mr. Steve Murray, Albemarle Food Bank, Proclamation for Hunger Action Month**
- B) **Thom Leahy, Director of Public Utilities-Va. Beach, presentation on the dangers of uranium mining in Virginia to Currituck County.**
- C) **Recommendation of Award for COA Apron (Deleted)**

Old Business

- A) **Approval of Ordinance Amendment on Unattended Property on Beach, 2nd reading**

New Business

- A) **An Ordinance of the Currituck Board of Commissioners amending the Code of Ordinances to regulate Outdoor Tour**
- B) **Board Appointments:**
 - 1. Appointment to Board of Adjustment
 - 2. Appointment to Economic Development Board
- C) **Consent Agenda:**
 - 1. Change Order for Maple Commerce Park, time extension only
 - 2. Project Ordinance for Connector Taxiway and Parking Apron: DOA Grant 36244.10.5.2
 - 3. Budget Amendments(**Deleted**)
- D) **Commissioner's Report**
- E) **County Manager's Report**

Adjourn



Currituck County

Planning and Community Development
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 252-232-3055 FAX 252-232-3026

MEMORANDUM

TO: Board of Commissioners

FROM: Donna Voliva

DATE: August 7, 2012

SUBJECT: PB 12-14 Currituck County Zoning Map Update

The Currituck County Unified Development Ordinance (UDO) was approved by the Board of Commissioners on April 2, 2012 with an effective date of January 1, 2013. An official zoning map has been prepared that transitions all properties to the zoning districts identified in the new UDO. Although most of the district changes are considered a text amendment there are new districts that will follow the rezoning procedure of the current UDO.

The following districts translated through the adoption of the UDO and are considered a text amendment and not a rezoning of property:

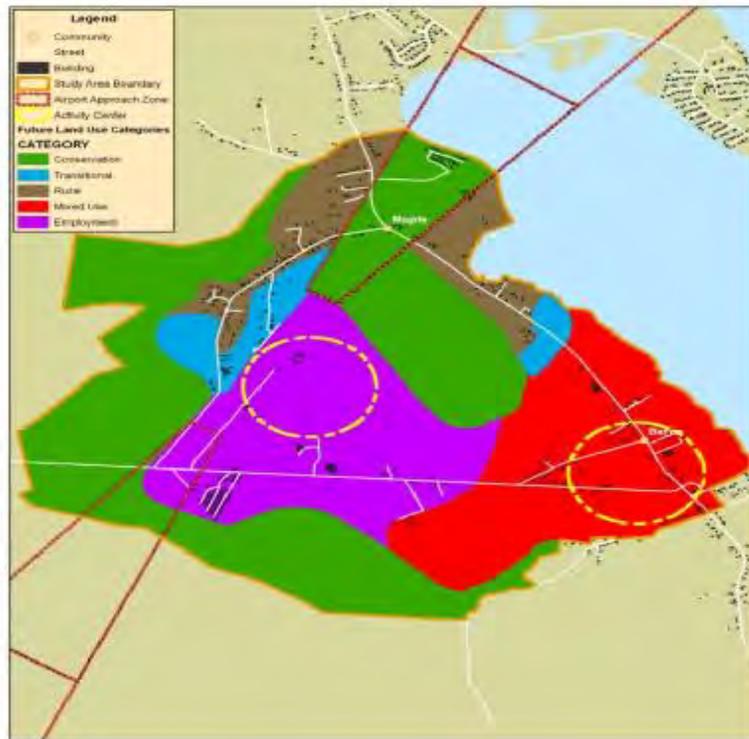
Current Zoning District	New Zoning District	Comments
A	AG	Not including Gibbs Woods and Knotts Island properties
R	SFM	Not including Gibbs Woods properties
RO1	SFO	Correction of the base district for PUD Overlay
RO2	SFR	All
GB	GB	All
C	GB	All
LBH	LB	All
LM	LI	All
HM	HI	All
PUD Overlay	PUD Overlay	The base district is mapped and the overlay identified with zoning designations.
RAD Overlay	AP Overlay	Adopted by the BOC 10/17/11
RET Overlay	RET Overlay	All
Deleted Districts		
OB Overlay		All uses are regulated through the SFO and SFR Districts

The following district translations are considered a rezoning and will require advertisement and notification of property owners that do not reside in the area of general circulation of the newspaper:

Current Zoning District	New Zoning District	Comments
A/RR/R	SFI	Applies to A and RR zoning districts on Knotts Island and the A and R districts in Gibbs Woods
RA	SFM	As identified on the map properties will translate to SFM, A, GB and MXR.
RR	SFM	Not including Knotts Island (see above)
RMF Overlay	MXR	

The existing conditional districts will remain unchanged.

Some properties identified as employment or mixed use in the Maple-Barco Small Area Plan will be considered for rezoning that are consistent with the plan. These areas include the Maple Campus and Currituck Community Park, Central Elementary School, Ponderosa Mobile Home Park, and the properties currently zoned RA around the intersection of US 158 and NC 168.



During the mapping process staff also identified an inconsistency between the uses table and the zoning map. Specifically, a hotel or motel is not included in the list of permissible uses in the LB zoning district. Staff recommends including Hotel or motel as an allowable use in the new LB zoning district. Additional inconsistencies may be identified and presented to the board at a later date.

Section 4.1.2 Use Table

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
RESIDENTIAL USE CLASSIFICATION																		
Accommodations	Hotel or motel								Z	<u>Z</u>	Z	Z			MP	MP	MP	4.K.2.

In addition, staff is reviewing the transitional provisions for Planned Unit Development District Overlays and Sketch Plans in the new UDO, Chapter 1, Section 1.8. Staff is requesting further discussion of transitional standards for PUD's with the planning board at the July meeting.

PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval of PB 12-14 as presented 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.

DISCUSSION (7-10-12)

Ms. Voliva provided an overview of the official zoning map that transitions all properties to the zoning districts identified in the new Unified Development Ordinance.

The board discussed how the zoning map would be affected by the Mid-County Bridge.

ACTION

Ms. Newbern moved to approve PB 12-14 as presented 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. Mr. Wright seconded the motion. Motion carried unanimously.



Currituck County

Planning and Community Development Department
Planning and Zoning Division
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929
252-232-3055 FAX 252-232-3026

To: Board of Commissioners
From: Planning Staff
Date: August 13, 2012
Subject: Freedom Forest, Preliminary Plat Extension

On May 13, 2008, the Planning Board voted to approve the preliminary plat for Freedom Forest, Phase II. This is a six lot residential subdivision located off Patriot Way in Barco. The preliminary plat approval was due to expire on May 13, 2010. The North Carolina General Assembly passed a law that suspended the vesting period for development approvals that were valid at any time during January 1, 2008 through December 31, 2010. With the law in effect the preliminary plat expiration date is January 1, 2013.

On June 27, 2012 the agent, J. Larry Gaither, submitted a request for a two year preliminary plat extension of the subdivision citing health reasons (see attached).

In accordance with the UDO Chapter 10, Section 10.3.4 and Chapter 11 Section 11.10.2, the Board of Commissioners may grant an extension of the preliminary plat one time for a period of two years, if they conclude that:

1. The permit has not yet expired.
 - a. The permit has not yet expired and will expire January 1, 2013.
2. The permit recipient has proceeded with due diligence and in good faith; and,
 - a. The permit recipient, Frank Mashuda, developed health problems and has not been able to work until recently.
3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
 - a. There are no changes proposed in the extension request.

27 Jun 2012

To: Currituck County Board of Commissioners

Fm: J Larry Gaither, Agent
For Frank and Maria Mashuda

Enclosure: Preliminary plat RE: PB 06-02 Freedom Forest, Phase II, Preliminary Plat

Lady & Gentlemen,

On 13 May 2008 the Currituck County Planning Board granted my clients preliminary plat approval for this subdivision.

As a result of the recent real estate recession, the state government extended the expiration date on this and other plats until 1 Jan 2013.

Our market for lots at this location is still much depressed.

My client, Mr. Frank Mashuda, has had very serious heart problems over the last few years and until recently has been unable to work.

Please grant these folks an extension to permit us time to either sell the property as is or get funding to proceed with the planed development.

Thank you,

J Larry Gaither

Proclamation for
HUNGER ACTION MONTH
"30 Ways in 30 Days"
September, 2012

WHEREAS, Feeding America is the nation's leading domestic hunger-relief organization with a mission to feed and advocate for America's hungry through a nationwide network of member food banks; and

WHEREAS, the Food Bank of the Albemarle is a member of Feeding America and fights hunger and poverty in 15 northeast North Carolina counties by partnering with more than 130 local agencies to distribute food to the hungry; and

WHEREAS, both the Food Bank of the Albemarle and Feeding America seek to engage our citizens locally, statewide, and nationally in the fight to end hunger; and

WHEREAS, the number of people in the Albemarle area who need assistance is increasing as reflected in more households in poverty and more individuals being unemployed; and

WHEREAS, the fight against hunger is a fight that concerns each of us; and

WHEREAS, the contribution of our time, talent and treasure moves us ever closer to an answer to issues of hunger and poverty in our communities; and

WHEREAS, the citizens of Currituck County can visit the Food Bank of the Albemarle's website (www.afoodbank.org) for ideas of ways to make a difference for local emergency feeding programs, for the Food Bank, and especially for our hungry and needy during these thirty days of opportunities;

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners do hereby proclaim September 2012 as Hunger Action Month in Currituck County.

ADOPTED this the 20th day of August, 2012.

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

John D. Rorer,
Chairman

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING SECTION 10-128 OF THE CURRITUCK COUNTY CODE OF**
3 **ORDINANCES**

4 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
5 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
6 welfare of its citizens and the peace and dignity of the county;

7 WHEREAS, the Board of Commissioners for the County of Currituck finds that it is
8 advisable to amend Section 10-128 of the Currituck County Code of Ordinances to allow certain
9 unattended property to remain on the beach at night.

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

12 PART I. Section 10-128 of The Code of Ordinances, Currituck County, North Carolina is
13 amended by adding a new paragraph so that the section reads as follows:

14 Sec. 10-128. Unattended property on beach.

15 (a) It shall be unlawful for any person to leave unattended between the hours of sunset
16 and sunrise any property, including but not limited to volleyball, badminton and tennis nets,
17 poles, tents, horseshoe stakes, croquet courses, grills, umbrellas and recreational equipment,
18 cabanas, canopies, or any other personal property items on the beach strand as defined in section
19 10-51 of this Code of Ordinances. All property unattended and remaining on the beach strand
20 between sunset and sunrise shall be considered litter and may be subject to removal and disposal.

21 (b) This section does not apply to life guard stands and accessory uses regulated by the
22 Currituck County Unified Development Ordinance.

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

25 PART III. This ordinance is effective upon adoption.

26
27 ADOPTED this _____ day of August, 2012.

28
29 _____
30 John D. Rorer, Chairman

31
32 ATTEST:

33 _____
34 Gwen H. Keene, Clerk to the Board
35

1

2 APPROVED AS TO FORM:

3 _____

4 Donald I. McRee, Jr., County Attorney

5

6 Date adopted: _____

7

8 Motion to adopt by Commissioner _____

9 Second by Commissioner _____

10 Vote: _____ AYES _____ NAYS

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

4
5 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
6 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
7 welfare of its citizens and the peace and dignity of the county; and

8 WHEREAS, pursuant to N.C. Gen. Stat. §153A-134 a county may by ordinance regulate
9 and license occupations, businesses, trades, and professions; and

10 WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws, as amended
11 by Session Law 1998-64 and Session Law 2001-33 Currituck County may by ordinance regulate,
12 restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any
13 other form of power-driven vehicle specified by the Board of Commissioners on the foreshore,
14 beach strand, and the barrier dune system; and

15 WHEREAS, due to increasing motor vehicle traffic and pedestrian use of the county’s
16 beach and roads of northern beach communities and the interest in preservation and protection of
17 the Corolla Wild Horses and habitat it has become necessary to regulate outdoor tour operators
18 in a manner that will protect the viability of that industry, the natural resources upon which such
19 industry depends and to protect the livability and attractiveness of the county’s northern beach.

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

22 PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding to
23 Chapter 8 Article IV. Outdoor Tour Operators to read as follows:

24 **ARTICLE IV. OUTDOOR TOUR OPERATORS**

25 **Sec. 8-86. Purpose.**

26 It is the purpose and intent of this article to allow outdoor tour operators but to regulate
27 outdoor tour operators in a manner that will protect and enhance the public’s use of its beach,
28 protect the county’s natural resources and preserve the livability and attractiveness of northern
29 Currituck Outer Banks communities.

30 **Sec. 8-87. Definitions.**

31 *Designated area* shall mean that area of the county on the Outer Banks from the terminus
32 of the paved portion of N.C. Highway 12 to the Virginia state line

1 *Outdoor tour operator* shall mean a company or individual that arranges travel tours by
2 outdoor tour vehicle.

3 *Outdoor tour vehicle* shall mean a vehicle engaged in the business of carrying passengers
4 for hire or offering to carry passengers for hire, when the primary purpose for riding in such
5 vehicle is not transportation but touring and sight-seeing.

6 **Sec. 8-87. License required.**

7 (a) It shall be unlawful for any person to engage in business as an outdoor tour operator
8 or to operate outdoor tour vehicles in the designated area without a license issued pursuant to this
9 article. The license shall be effective only for term of three years stated in the license, unless
10 suspended or revoked sooner as provided for by ordinance and may not be transferred.

11 (b) No more than nine (9) licenses to engage in business as an outdoor tour operator or to
12 operate outdoor tour vehicles in the designated area shall be issued at any one time.

13 (c) Each license may allow an outdoor tour operator to operate up to four tour vehicles
14 at any given point in time and only on approved routes.

15 **Sec. 8-88. Application; inspection**

16 (a) *Application.* Application for a license issued hereunder shall be notarized and made
17 upon forms prepared and made available by the county manager or manager's designee and shall
18 contain:

19 (1) The name and address of the owner, and the event the owner is a corporation or
20 partnership, a copy of the articles of incorporation or organizational documents;

21 (2) Factory authorized material setting forth the characteristics of each tour vehicle
22 including dimensions, weight, passenger capacity, and manner of propulsion;

23 (3) Color photographs not less than eight (8) inches by ten (10) inches of all four (4)
24 sides of each tour vehicle or, in the discretion of the county manager or designee,
25 sketches of a similar make and model, and sample of the color proposed for use
26 on the tour vehicle;

27
28 (4) The make, model, passenger capacity and vehicle identification
29 number of each tour vehicle including tour vehicles held in reserve;

30
31 (5) Adequate proof of liability insurance coverage;

32 (6) A current state department of transportation license tag or registration tag
33 required by any other government entity;

- 1 (7) Address of fixed headquarters within the county for the operation of the outdoor
2 tour operator’s business;
- 3 (8) A fee as set from time to time by the board of commissioners; and
- 4 (9) A copy of any permit required by the Currituck County Unified Development
5 Ordinance.

6 (b) *Investigation of applicant.* Within five business days after receipt of each
7 application, the county’s manager or manager’s designee shall cause an investigation to be made
8 of the applicant and applicant’s proposed operation. Such investigation shall be made for the
9 purpose of verifying the information in the application and ensuring compliance with the
10 provisions of this article.

11 (c) *Issuance.* The county’s manager or manager’s designee shall issue an outdoor tour
12 operator license when the county’s manager or manager’s designee finds that the applicant meets
13 the requirements of this article. Renewal of the license shall be required by January 31 of the
14 last year of the current license term.

15 **Sec. 8-89. Fixed place of business required.**

16 Each outdoor tour operator, as a condition for holding a license under the provisions of
17 this article, shall establish and maintain a fixed headquarters on private property within the
18 county for the operation of the outdoor tour operator’s business. The headquarters shall conform
19 to the ordinances of the county and shall provide adequate off-street parking space for all
20 outdoor tour vehicles not in service. The outdoor tour operator’s headquarters shall not be
21 moved except by the approved transfer of the outdoor tour operator’s license to another location.

22 **Sec. 8-90. Insurance for the benefit of passengers.**

23 Any outdoor tour operator company desiring a license under this article shall give and
24 maintain a policy of liability insurance from an insurance company authorized to do business in
25 the State of North Carolina for each outdoor tour vehicle in use as an outdoor tour operation
26 vehicle with minimum coverage as shall be required by state law for bodily injuries and property
27 damage resulting from an accident. Such policies of insurance shall be filed with the county and
28 shall specifically provide that such policy shall not be canceled without notice to the county.

29 **Sec. 8-91. Identification and marking generally.**

30 (a) Every outdoor tour vehicle shall have a sign in plain view on each side of the vehicle,
31 legible at a distance of 50 feet in letters not less than three inches high, containing the full name
32 of the outdoor tour operator company operating the vehicle.

1 (b) There shall be on each side and on the rear of each outdoor tour vehicle a number at
2 least six inches high, such number to be separate and distinct number from that on any other
3 outdoor tour operator vehicle in the county. The numbers must be permanently affixed to the
4 vehicle. The number shall be assigned to the outdoor tour vehicle and the owner thereof by the
5 county manager or manager's designee and shall not be altered or changed without consent of
6 the county manager or manager's designee.

7 **Sec. 8-92. Tour guide required.**

8 All tours by an outdoor tour operator or on outdoor tour vehicles shall be conducted by
9 guide who is an employee of the outdoor tour operator. No outdoor tour shall be comprised of
10 more than five (5) outdoor tour vehicles including the outdoor tour vehicle operated by the guide.

11 **Sec. 8-93. Safe mechanical condition of outdoor tour vehicles.**

12 Every outdoor tour vehicle operated with the county shall be maintained in a safe
13 mechanical condition, with all safety equipment remaining intact and operative at all times with
14 the outdoor tour vehicle is in service.

15 **Sec. 8-94. Cleanliness of outdoor tour vehicles.**

16 Each outdoor tour vehicle operated under this article shall be kept painted and in a clean
17 and sanitary condition, free of litter and debris, and at all times suitable for transportation of
18 passengers.

19 **Sec. 8-95. State license tag for outdoor tour operator required.**

20 Prior to the use and operation of any vehicle as an outdoor tour vehicle under the
21 provisions of this article, the owner of the vehicle shall secure and display on the vehicle a
22 current North Carolina license registration tag as required by law.

23 **Sec. 8-96. Authority for removal of outdoor tour vehicles from operation in county.**

24 The county manager or manager's designee shall have the authority to remove from
25 operation in the county any vehicle used as an outdoor tour vehicle which is in violation of this
26 article and to prohibit operation of the outdoor tour vehicle until all deficiencies have been
27 corrected.

28 **Sec. 8-97. Traffic regulations.**

29 (a) Outdoor tour vehicles shall operate within the county in accordance with the rules of
30 the road as provided in the laws of the state and ordinances of the county.

1 (b) Outdoor tour vehicles shall be restricted to operation on the route or routes approved
2 by the Board of Commissioners and on file with the Clerk to the Board of Commissioners. The
3 Board of Commissioners may approve one route, or may approve various routes based on, but
4 not limited to, the type, size, and/or passenger loads of outdoor tour operator vehicles, the
5 condition of streets and roads and number of single-family residential dwellings located along a
6 street or road.

7 (c) It shall be unlawful to operate an outdoor tour operator vehicle in any manner which
8 places the occupants of the outdoor tour operator vehicle in immediate harm, or in any manner
9 which impedes standard traffic flow on streets, roads or public vehicular areas. Impeding
10 standard traffic flow on streets, roads or public vehicular areas shall include moving slower than
11 the standard traffic flow or stopping within or along streets, roads or public vehicular areas for
12 other than slowing, yielding or stopping as may be required by motor vehicle law.

13 (d) It shall be unlawful to operate an outdoor tour operator vehicle before 7:00 a.m. or
14 after 7:00 p.m. west of the dune line in the designated area.

15 **Sec. 8-98. Penalties for violation; issuance of citations; suspension.**

16 (a) Failure to comply with this article or any of the laws, ordinances and regulations of
17 the county may result in revocation or nonrenewal of a license and shall be punishable as
18 provided in Section 1-8 of this Code.

19 (b) Any citation issued for violation of this article shall be issued to the license holder at
20 the time of the violation.

21 (c) Any outdoor tour operator whose outdoor tour vehicles receive multiple sustained
22 citations for violating this article in a thirty day period shall be suspended from operating in the
23 designated area in accordance with the following schedule:

<u>Number of citations issued</u> <u>In Thirty Day Period</u>	<u>Days of Suspension</u>
2 or more	3 days
5 or more	10 days
10 or more	30 days

30 Outdoor tour operators suspended under this section must pay all outstanding civil
31 citations in full before license privileges will be reinstated.

1 PART II. **Conflicts.** All ordinances or parts of ordinances in conflict with this ordinance are
2 hereby repealed.

3 PART III. **Severability.** In the event one or more of the provisions contained in this ordinance
4 shall for any reason be held by a court to be invalid, illegal or unenforceable in any respect, such
5 invalidity, illegality or unenforceability shall not affect the remaining provisions of this
6 ordinance, and this ordinance shall be construed as if such invalid, illegal or unenforceable
7 provision or provisions had never been contained herein.

8 PART III. This ordinance is effective on _____, 2012.

9

10 ADOPTED this _____ day of _____, 2012.

11

12

13

John D. Rorer, Chairman

14

ATTEST:

15

Gwen H. Keene, Clerk to the Board

17

18

19

APPROVED AS TO FORM:

20

Donald I. McRee, Jr., County Attorney

22

23

Date adopted: _____

24

25

Motion to adopt by Commissioner _____

26

Second by Commissioner _____

27

Vote: _____ AYES _____ NAYS

28



Michelle Perry, E.I.T.
Engineer Technician

Currituck County

Post Office Box 38
Currituck, North Carolina 27929
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Michelle.Perry@CurrituckCountyNC.gov

MEMORANDUM

Date: August 20, 2012

To: Dan Scanlon
Board of Commissioners

From: Michelle Perry
Eric Weatherly

RE: Maple Commerce Park
Change Order #2 – Time Extension Only

Attached are 5 copies of Change Order #2 for Maple Commerce Park. The contractor for Maple Commerce Park is Barnhill Contracting Company. The Change Order is for an extension of time for the following:

1. Delay the final surface course of asphalt on Aviation Parkway and Terminal Road in order to allow for hauling of borrow material from the stockpile for the Maple Parkway project.
2. To allow for a greater opportunity of survivability of the wetland plantings, installation is to be delayed until the spring time planting cycle. The spring planting season begins May 1st. Barnhill Contracting Company will have 45 days from this date to have all plantings completed.

This change order will extend the contract to a completion date of June 15, 2013. Other than the items mentioned above, the remainder of the project is complete at this time.



August 2, 2012

Mr. Eric Weatherly, PE
153 Courthouse Road, Suite 302
Currituck, NC 27929

Subject: Maple Commerce Park – Barnhill Contracting Company
Hyman & Robey Project Number: 110248
Change Order Request # 2 – Time Extension

Dear Eric:

Per our discussion on July 12 regarding the time extension for Barnhill Contracting Company – Maple Commerce Park project, I have generated Change Order Request #2 for your review and signature. The time extension involves the following elements and the respective extension days:

- 1) Delay the final surface course of asphalt on Aviation Parkway and Terminal Road to allow for hauling of borrow material from the stockpile for the Maple Parkway/College Way improvements. Final pavement will be completed within 60 days of notification from the Owner/Engineer to Barnhill Contracting Company. Based upon the anticipated construction period of the Maple Parkway/College Way project, it is anticipated that the paving of Aviation Parkway and Terminal Road will take place before December 15th, 2012.
- 2) To allow for a greater opportunity for survivability of the wetland plantings, installation is to be delayed until the spring time planting cycle. Based upon discussions with the Holland Landscaping, Barnhill Contracting Company's subcontractor, the spring planting season begins May 1. Therefore, Barnhill Contracting Company will have 45 days from May 1, 2013 date (June 15, 2013) to have all plantings completed as well as the 2 rows of silt fence associated with the wetland pond plantings.

Failure to meet the time frames listed in each respective paragraph will result in the enforcement of liquidated damages at \$500 per day as stated in the original contract documents until the work for that section is completed.

At this time all work other than the scope mentioned above has been completed. Therefore, it is my recommendation to pay the completed items and associated retainage for work completed to date. Payment for the remaining items is to be made upon completion of the associated work. The amounts to be withheld are identified as follows (based upon schedule of values attached). These items are to be submitted for payment by Barnhill Contracting Company once each item above is completed and approved for payment.

Line Item 12	Roadway Asphalt Paving	\$ 123,670.68
Line Item 13	Paint Striping	\$ 2,280.00
Line Item 14	Final 5% of the final shoulder grading and seeding	\$ 2,490.50
Line Item 15	Wetland Plantings	\$ 32,284.00
Line Item 16	Alternate 2 Wetland Fencing	\$ 16,315.00
Line Item 17	Alt A-3 Pond Maintenance	\$ 6,000.00
TOTAL		\$ 183,040.18

Note: Line item #101 Additional clearing 1 Ac @, \$5,500 is not to be paid.

Please sign all copies and return for us to obtain contractor's signature or call contractor directly to stop by your office for signature. If you have any questions, please feel free to contact me at 337-8988.

Sincerely,



Sean C. Robey, PE
Principal Engineer

Enclosures: Change Order

**COUNTY OF CURRITUCK
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is design and construction of an Connector Taxiway and Parking Apron Construction – Division of Aviation Grant 36244.10.5.2.

SECTION 2. The following amounts are appropriated for the project:

COA Taxiway/Apron	\$ 441,562
	<u>\$ 441,562</u>

SECTION 3. The following revenues are available to complete this project:

Transfer from School Capital Construction Fund	\$ 44,156
State Aid to Airports	<u>397,406</u>
	<u>\$ 441,562</u>

SECTION 4. The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.

- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 20th day of August 2012.

John Rorer, Chairman
Board of Commissioners

ATTEST:

Gwen H. Keene
Clerk to the Board