



**BOARD OF COMMISSIONERS
AGENDA**

JANUARY 3, 2012

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REVISED
Currituck County
Board of Commissioners Agenda
Historic Currituck County Courthouse

Date: Tuesday, January 03, 2012 Time: 7:00 PM

Work Sessions

5:00 p.m. County-Wide Recreation Master Plan
6:00 p.m. Change of uses for Building and Zoning

Regular Agenda

7:00 p.m. Invocation
 Pledge of Allegiance

Item 1 Approval of Agenda

Item 2 Public Comment

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

Item 3 **Closed Session** According to GS 143-318.11 (3) to preserve attorney-client privilege.

Item 4 **Public Hearing and Action:** PB 11-18 Outer Banks Ventures, Phase 5J & 13: Request for a special use permit to establish retail, restaurant, hotel, commercial laundry, special event space, storage/warehouse, and office uses on property located in Corolla, 1023 Ocean Trail, Tax Map 115B, Parcels P5HC and P5J, Poplar Branch Township.

Item 5 **Public Hearing and Action:** PB 11-11 Island Haven: Request for a preliminary plat/special use permit for a 3 lot subdivision located in Waterlily on the west side of Waterlily Road approximately .10 mile north of the intersection with Dockside Lane, Tax Map 80, Parcel 63J, Poplar Branch Township.

Item 6 **Public Hearing and Action:** PB 11-19 Shaun Moore: Request for a zoning map amendment to rezone 20.12 acres from Agricultural (A) to Conditional District-Residential (CD-R) on property located in Moyock at the terminus of Thayne Drive, Tax Map 22, Parcels 63R and 63S, Moyock Township.

- Item 7 Approval of Comprehensive Parks and Recreation Master Plan and Approval of Maple Park Site Specific Plan**
- Item 8 Approval of Bid Award for Maple Campus-Earthwork Contract**
- Item 9 Approval of covenants for Maple Commerce Park**
- Item 10 Appointments to Board of Adjustment**
- Item 11 Appointment to Tourism Advisory Board**
- Item 12 Appointments to Recreation Advisory Board**
- Item 13 Appointments to Farmland Preservation Board**
- Item 14 Consent Agenda:**
 - 1. Agreement with Waterside Village, LLC, conveyance of Waterside Villages Waste Water Treatment Plant and associated closing documents
 - 2. Approval of Change Order and Amendment to Contract-Airport Taxiway and Apron Project
 - 3. Budget Amendments
 - 4. Approval of Memorandum of Understanding between NCDOT, County and ARHS Operating as ICPTA concerning ROAP
 - 5. Approval of December 5, 2011, Minutes
 - 6. Planning Office request to destroy violation files 2001-05
- Item 15 Commissioner's Report**
- Item 16 County Manager's Report**
- Item 17 Closed Session:**
 - 1. According to GS 143-318.11(4) to discuss matters relating to the location or expansion of industries or other businesses

Adjourn

Special Meeting

Tourism Development Authority

TDA Budget Amendments

Adjourn

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: January 3, 2012
PB 11-18 Outer Banks Ventures (Ph 5J and 13)**

ITEM: PB 11-18 Outer Banks Ventures,
Special Use Permit request for: *retail sales, small restaurant, hotel rooms,
commercial laundry, meetings and special event space,
storage/warehouse with loading dock, and office space.*

LOCATION: 1023 Ocean Trail, Corolla, Poplar Branch Township.

TAX ID: 115B0000P5J0000 and 115B000P5HC0000

ZONING DISTRICT: General Business (GB)

PRESENT USE: 115B0000P5J0000 (Brindley Beach real estate office)
115B000P5HC0000 (Sub-surface waste water disposal)

OWNER: 115B0000P5J0000 (JDLOVE LLC)
20 3rd Ave. Southern Shores, NC 27949

115B000P5HC0000 (Outer Banks Ventures Inc.)
215 Brooke Ave. Unit 1001 Norfolk, VA 23510

APPLICANT: Outer Banks Ventures Inc.
215 Brooke Ave. Unit 1001
Norfolk, VA 23510

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Mirage Condominiums	Residential
SOUTH	Vacant	Residential
EAST:	Corolla Grass Golf Course/sub-surface wastewater disposal	General Business
WEST:	Whalehead Subdivision	Residential

LAND USE PLAN

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

SIZE OF SITE: Approximately 2.24 acres after recombination

NUMBER OF UNITS: 10 hotel rooms

PROJECT DENSITY: NA

UTILITIES: Currituck County Southern Outer Banks Water System has provided a letter stating commitment to serve the proposed uses.

PUD ALLOCATION: Total land area = 267.05 acres, and commercial allocation
Open Space = 131.83 acres, 49.37% (35% required)
Commercial Allocation = 26.70 acres, 9.998%

I. NARRATIVE OF REQUEST:

Request for a Special Use Permit for additional uses at the existing Brindley Beach real estate office. The new uses will include retail sales, small restaurant, hotel rooms, commercial laundry, meetings and special event space, storage/warehouse with loading dock, and office space. The project will require a recombination of Phase 5J and a portion of Phase 13.

This is a special use permit application only and a commercial site plan review will be required prior to any development.

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.

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. 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.

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 special uses will have little to no impact on the value of adjoining property and will be in harmony with the area provided all permit conditions and minimum requirements of the ordinance are met.

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.

Areas designated as Full Service are those parts of the county where a broad range of infrastructure and service investments have been provided or will be made available by the public and/or private sectors. Infrastructure investments may include, for example, community level or centralized water, parks, schools, fire and rescue facilities. Central wastewater treatment and disposal whether public or community is considered reasonable in the Full Service Areas.

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

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 CD2: Commercial and office development of greater than a neighborhood scale shall be encouraged to cluster in COMMERCIAL OR MIXED-USE CENTERS to curtail the proliferation of strip development, and minimize traffic generation.

POLICY WS7: Currituck County allows for the appropriate use of PACKAGE SEWAGE TREATMENT PLANTS as a means of achieving more efficient land use, while properly disposing of waste. Such systems shall have a permanent organizational ownership to guarantee their proper management, including operation, maintenance and replacement needs. Depending on their location in the county, such systems may be required to have a design that allows for assimilation into a centralized system at a future date.

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 special use will not exceed the county's ability to provide adequate public facilities.

PLANNING STAFF RECOMMENDATION:

The Planning staff recommends approval with the following conditions:

1. Prior to any land disturbing activities, the applicant shall submit the following documents to the county:

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.

PLANNING BOARD RECOMMENDATION:

Ms. Taylor moved to approve PB 11-18 with the findings of fact and staff recommendations included in the case analysis and the following condition:

- All special events are to incur inside the building.

Ms. Wilson seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (12-13-11)

Mr. West asked where the utilities will be relocated.

Mr. Willis stated the wastewater disposal will be relocated to Phase 12 of Corolla Light, which is about a quarter of a mile north of this site. Mr. Willis and Mr. Brindley will answer any questions.

Ms. Taylor asked for clarification of uses being proposed.

Mr. Brindley provided an overview of the development.

The Planning Board discussed how big the accommodations will be, parking, commercial laundry, the restaurant and it being closed for special events and special events held indoors.

Ms. Wilson stated the plan is very confusing and not sure what she would be voting on.

Mr. Brindley provided an explanation of the project.

Mr. West asked for clarification on the NC DENR permits.

ACTION

Ms. Taylor moved to tabled PB 11-18 until the uses could be more specific. Ms. Wilson seconded the motion.

Mr. Woody stated the property is zoned General Business (GB) and the uses that are being requested are allowed. Mr. Woody stated if the board tables this request for more information the board needs to give specificity to what they are looking for. The Planning Board can add a condition to the motion.

Ms. Taylor withdrew her motion and Ms. Wilson withdrew her second to the motion.

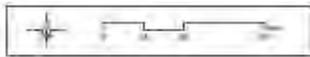
Ms. Taylor moved to approve PB 11-18 with the findings of fact and staff recommendations included in the case analysis and the following condition:

- All special events are to incur inside the building.

Ms. Wilson seconded the motion. Motion carried unanimously.



PB 11-18
Outer Banks Ventures
Aerial



Map Produced By:
Currituck County
Planning Department



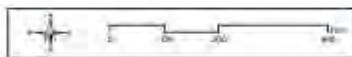
PB 11-18
Outer Banks Ventures
FLU Map



Map Produced By:
Currituck County
Planning Department



PB 11-18
Outer Banks Ventures
Zoing Map



Map Produced By:
Currituck County
Planning Department

MEMORANDUM

To: Richard Willis, Coastal Engineering

From: Planning Staff

Date: October 13, 2011

Re: Outer Banks Ventures (SUP) Phases 5J,13

The following comments have been received for the October 19, 2011 TRC meeting. In order to be scheduled for the November 8, 2011 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on October 24, 2011. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jason Litteral

Approved with comments:

1. The issuance of the special use permit does not constitute site plan approval. 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 submitted and approved by TRC. (DRP, UDO 9.6)
2. Please provide elevations of structures/amenities to ensure compliance with the UDO, special use permit, and Land Use Plan. The architectural style and materials of all proposed buildings shall preserve the existing coastal community character of the Currituck Outer Banks and be consistent with the approved special use permit and Land Use Plan policy statements. The proposed development shall be established to protect and preserve the existing community in scale, architecture style, materials, landscaping, and site design (emphasis on uniformity and outer banks style architecture, native, salt tolerant plants. (SUP, LUP OB5)
3. The development plans should include preservation of the existing features of the site including topography as well as significant vegetation. (LUP WQ5)
4. Please provide water and sewer reservations for the proposed use. (DRP)
5. The proposed development will require the partial removal of the drainfield for sewage treatment plant #2. Please provide the NCDENR authorization and conditions to permit and construct the proposed use. This includes any approvals or authorization necessary from the utility company that services the existing utility. (DRP)

Currituck Soil and Water, Mike Doxey

Reviewed, See Engineering Comments

Currituck County Engineer, Eric Weatherly

Reviewed.

Comments:

1. Provide a stormwater management plan for the 10yr, 24hr storm event. The developer must install the stormwater management system for the development.

2. Any existing sewer treatment facilities impacted by the project shall have an alternative system approved by the State prior to Construction Plan submittal.

Currituck County Emergency Management, James Mims

Approved with Comments:

All commercial businesses with living quarters attached will be sprinklered. Any restaurant that is actually by definition of the state building code a night club will be sprinklered. The fire hydrant and the fire department connection for the sprinkler system must be placed in such a way the a fire truck can connect to both without blocking the full width of the fire apparatus access. The fire apparatus must be able to come onsite and leave the site without multiple turns, backing into the street or more that 150'. All fire apparatus access must be at least 20' wide 13'6" high and capable of withstanding 75,000lbs during all weather conditions. If the structure is greater than 30'in height the access will have additional requirements.

NC DENR, Land Quality, Pat McClain

Reviewed

Comments:

It looks like this project is the addition of ±1.5 acres and putting a second floor on an existing structure. If there is less than one acre of grading activity, no erosion and sedimentation plan will be required.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

Comments:

CONSULT WITH NC DIVISION OF WATER QUALITY(WASHINGTON REGIONAL OFFICE) AT (252)946-6481 FOR WASTEWATER APPROVAL AND PROPOSED COMMERCIAL LAUNDRY APPROVAL.

-CONSULT WITH HEALTH DEPT. AT (252)232-6603 CONCERNING PROPOSED HOTEL AND RESTAURANT APPROVAL.

Currituck County GIS, Harry Lee

Reviewed, No Comment

Currituck County Parks and Recreation, Jason Weeks

Reviewed, No Comment

Currituck County Economic Development, Peter Bishop

Reviewed, No Comment

NC Division of Coastal Management, Charlan Owens

Reviewed, No Comment

Currituck County Utilities, Pat Irwin

Approved, No Comment

Comments were not received from the following:

Currituck County Schools

Currituck County Local Volunteer Fire Department

Currituck County Building Inspections, Spence Castello

Currituck County Sheriff, Susan Johnson

Navel Facilities Engineering Command, Community Plans Liaison Officer William DuFault

NCDOT, Jim Hoadley

NCDENR Aquifer Protection, David May

NCDENR Environmental Health/Onsite Wastewater, Bob Uebler

NCDENR, Environmental Management, Roger Thorpe

NCDENR, Marine Fisheries, Kevin Hart

NCDENR, Public Water, Siraj Chohan

NCDENR Water Quality, Kim Colson

NCDENR Water Quality/Surface Water Protection, Al Hodge

NC State Archaeology, Lawrence Abbot

NC Wildlife, Maria Dunn

Centurylink, Kimberly Hoevenair

Charter Communications, Sam Scilabba

Dominion Power, Troy Lindsey

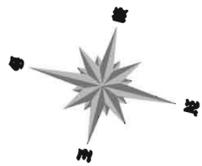
Embarq, Hester Jones

US Army Corps of Engineers, Kyle Barnes

OCEAN TRAIL - NC 12
(100' R/W)

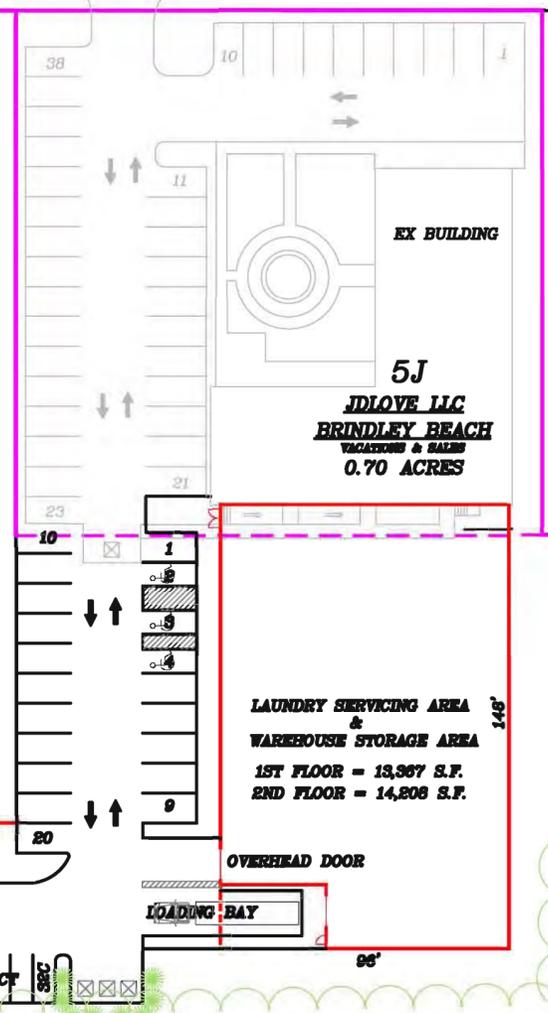
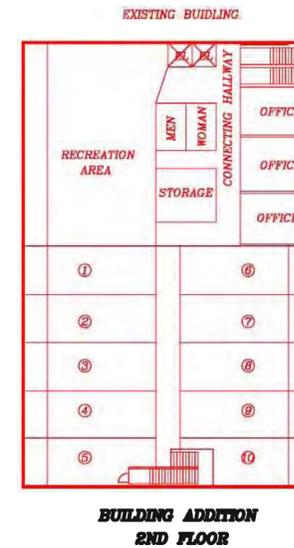
5H
AREA =
44064.0
1.01 ACRES
(ACTIVE)

DOMINION POWER
SUB-STATION



COROLLA BAY
(MONTERAY SHORES PHASE 3)
N/F
COROLLA COMMERCIAL, LLC
P.C. "J", SL. 198

PHASE 13
OUTER BANKS VENTURES, INC
4.86 ACRES



1.54± ACRE ADDITION TO PARCEL 5J

72

BARRACUDA ST.
60' R/W

62

63

64

65

66

67

68

WHALEHEAD CLUB
SECTION 6

PARKING RATIONALE:

EXISTING USES:
BRINDLEY BEACH VACATIONS & SALES - 85% IMPERVIOUS ± (PARCEL 5J)

EXISTING USES:
BRINDLEY BEACH VACATIONS & SALES - 38 SPACES

PROPOSED USES: (1.5 ACRE ADDITION TO 5J)

PROPOSED USES:
WAREHOUSE/LAUNDRY SERVICES - 11,000± SF
11,000± SF/5000 SF = 2.2 SPACES
OFFICES - 1,875± SF
1,875 SF/400 SF = 4.19 SPACES
GUEST ROOMS (10 UNITS) (MOTEL USE)
1 SPACE PER UNIT = 10 SPACES

BRINDLEY BEACH VACATIONS & SALES (BUILDING ADDITION)
1ST FLOOR - 13,367 SF±
WAREHOUSE/LAUNDRY SERVICES - 11,000± SF
OFFICE - 400± SF
FOYER, RESTROOMS & PASSAGE - 1,967± SF

2ND FLOOR - 14,208±
OFFICES - 1,275± SF
RECREATIONAL AREA (STAFF & IN-HOUSE GUESTS) - 3,040 ± SF
GUEST ROOMS (10 UNITS) (MOTEL USE) - 6,900± SF
FOYER, RESTROOMS, STORAGE & PASSAGE - 2,963± SF

TOTAL PARKING SPACES REQUIRED = 54.39 SPACES
TOTAL PARKING SPACES PROVIDED = 70 SPACES

CONCEPTUAL DEVELOPMENT #2a
FOR: COROLLA LIGHT PARCEL 5J
PREPARED FOR: BRINDLEY BEACH
DATE: 9/21/2011 SCALE: 1"=40'

Coastal
ENGINEERING & SURVEYING, INC.

P.O. Box 1129
934 W. Kitty Hawk Rd.
Kitty Hawk, N.C. 27949
(252)-261-4151
(252)-261-1333

Civil - Structural
Site Development

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: January 3, 2012
PB 11-11 Island Haven**

ITEM: PB 11-11 Island Haven, Preliminary Plat/Special Use Permit for a 3 lot subdivision. (There have been 16 previous splits from the parent parcel since 1989.)

LOCATION: Waterlily on the west side of Waterlily Road approximately .10 mile north of the intersection with Dockside Lane, Poplar Branch Township.

TAX ID: 0080-000-063J-0000

ZONING DISTRICT: Residential (R)

PRESENT USE: Undeveloped

OWNER: Island Haven, Inc.
PO Box 100
Currituck NC 27909

APPLICANT: Eddie Hyman
Hyman and Robey PC
PO Box 339
Camden NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Low Density Residential	R
SOUTH	Low Density Residential	R
EAST:	Low Density Residential	R
WEST:	Undeveloped	R

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service within the Aydlett-Waterlily-Churches Island subarea.

SIZE OF SITE: 2.87 acres

NUMBER OF UNITS: 3 lots

PROJECT DENSITY: 1.05 units/acre

UTILITIES: The subdivision will be served by county water and individual septic systems. The estimated water consumption for each 4 bedroom home is 480 gallons of water per day.

I. NARRATIVE OF REQUEST:

- This project is a three lot conventional residential subdivision.
- The average lot size is 41,607 square feet.
- The developer intends to build 2,200-3000 square feet, four bedroom, custom homes on the lots.
- The home/lot combinations will sell in the range of \$225,000 to \$300,000.
- Sketch plan approval for this subdivision was granted on November 10, 2011.

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.

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

Suggested Findings:

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

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

Suggested Findings:

- a. As presented, the subdivision meets or exceeds the minimum requirements of the ordinance.

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

Suggested Findings:

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

5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located

Suggested Findings:

- a. The UDO indicates that a conventional subdivision is allowed in the R zoning district with a special use permit.
- b. Residential lots within the neighborhood have densities comparable to those proposed and should be in harmony with the neighborhood.

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

Suggested Findings:

The 2006 Land Use Plan classifies this site as Limited Service within the Aydllett-Waterlily-Churches Island subarea. The policy emphasis of this subarea is to remain as low density residential areas at one unit per acre. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.

POLICY NH2: The county shall require development within special flood hazard areas to meet the standards of the National Flood Insurance Program and the county's Flood Damage Prevention Ordinance.

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 three lot subdivision will not exceed the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following plan corrections:

1. Please consult with Kevin Carver R.S. at (252)232-6603 concerning septic permits or well permits involved with this proposed 3 lot subdivision. (Albemarle Regional Health Services Comment.)
2. The Island Haven project is located within the Waterlily archaeology complex which is composed of at least four sites, 31CK2, 31CK6, 31CK7, and 31CK12. These sites are recommended as eligible for the National Register of Historic Places. The OSA recommends that the property owner undertake archaeological survey and testing of the Island Haven project area via the services of a professional archaeologist prior to any ground-disturbing activities to determine

whether intact remains associated with the Waterlily Complex, to include human burials, will be adversely affected by the proposed development. If intact remains are documented within the project area, then the OSA recommends the development and implementation of an archaeological mitigation plan by the property owner. Please feel free to contact our office and 919-807-6554. (NC State Archeology Comment)

3. It is the developer's intent to construct "spec" home on each of the 3 proposed lots. Therefore, an erosion and sedimentation control plan must be approved prior to beginning any development activity on the lots. (NCDENR Land Quality Comment)

IV. PLANNING STAFF RECOMMENDATION:

Planning Staff recommends approval of this request subject to the findings of fact and all TRC comments being adequately addressed.

V. PLANNING BOARD RECOMMENDATION:

Mr. Kovacs moved to approve PB 11-11 with the findings of fact and staff recommendations included in the case analysis. Mr. Bell seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (12-13-11)

The Planning Board discussed this being an archaeological site.

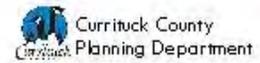
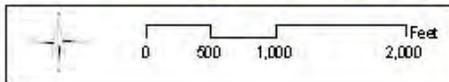
Mr. Hyman provided an update of the site and what has been found.

ACTION

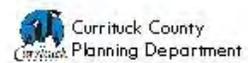
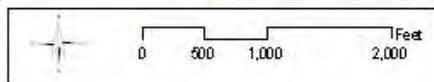
Mr. Kovacs moved to approve PB 11-11 with the findings of fact and staff recommendations included in the case analysis. Mr. Bell seconded the motion. Motion carried unanimously.



PB 11-11 Island Haven
 Preliminary Plat/SUP
 2010 Aerial Photography

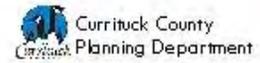
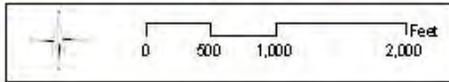


PB 11-11 Island Haven
 Preliminary Plat/SUP
 Zoning Classification





PB 11-11 Island Haven
 Preliminary Plat/SUP
 Land Use Classification



MEMORANDUM

To: Eddie Hyman
Island Haven INC

From: Planning Staff

Date: November 10, 2011

Re: Island Haven, Preliminary Plat/SUP (Post TRC Meeting Comments)

The following comments have been received for the November 16, 2011 TRC meeting. In order to be scheduled for the December 13, 2011 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on November 21, 2011. TRC comments are valid for six months from the date of the TRC meeting.

Currituck County Planning (Tammy Glave, 252-232-6025):

Approved with corrections:

1. Show property line swales on revised plans or call out in a note. (*Shown*)
2. Staff suggests that more detail be given on the responses to A-E in the special use permit application. These responses are used to develop the findings of fact that are necessary for the Board of Commissioners' vote on the use permit. (*Completed*)

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

Approved without comment.

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

Reviewed without comment.

Currituck County Engineer (Eric Weatherly, 252-232-6035)

Approved without comment.

1. Please address water pressure issues in Waterlily - refer to County Engineer memo dated March 2007. (*Addressed*)

Currituck County GIS (Harry Lee, 252-232-2034)

Reviewed with comment:

1. Addresses Previously Assigned.

Currituck County Utilities (Pat Irwin, 252-232-2769)

Approved without comment.

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

Reviewed with comment:

4. PLEASE CONSULT WITH KEVIN CARVER R.S. AT (252)232-6603 CONCERNING SEPTIC PERMITS OR WELL PERMITS INVOLVED WITH THIS PROPOSED 3 LOT SUBDIVISION.

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

Reviewed with comment:

1. The Island Haven project is located within the Waterlily archaeology complex which is composed of at least four sites, 31CK2, 31CK6, 31CK7, and 31CK12. These sites are recommended as eligible for the National Register of Historic Places. The OSA recommends that the property owner undertake archaeological survey and testing of the Island Haven project area via the services of a professional archaeologist prior to any ground-disturbing activities to determine whether intact remains associated with the Waterlily Complex, to include human burials, will be adversely affected by the proposed development. If intact remains are documented within the project area, then the OSA recommends the development and implementation of an archaeological mitigation plan by the property owner. Please feel free to contact our office and 919-807-6554.

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

Reviewed without comment.

NC DENR Land Quality (Pat McClain, 252-946-6481)

Reviewed with comment:

1. It is the developers intent to construct "spec" home on each of the 3 proposed lots. Therefore, an erosion and sedimentation control plan must be approved prior to beginning any development activity on the lots.

Please note that comments were not received from the following:

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

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

Currituck County Local Volunteer Fire Department

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

Currituck County Schools (Allison Sholar, 252-232-2223)

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

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

NC Wildlife, Maria Dunn

NCDOT, Jim Hoadley

NC DENR Aquifer Protection, David May

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 Environmental Health/Onsite Wastewater, Bob Uebler

NC DENR, Marine Fisheries, Kevin Hart

NC DENR Water Quality/Surface Water Protection, Al Hodge

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

Centurylink, Kimberly Hoevenair

Charter Communications, Sam Scilabba

Dominion Power, Troy Lindsey

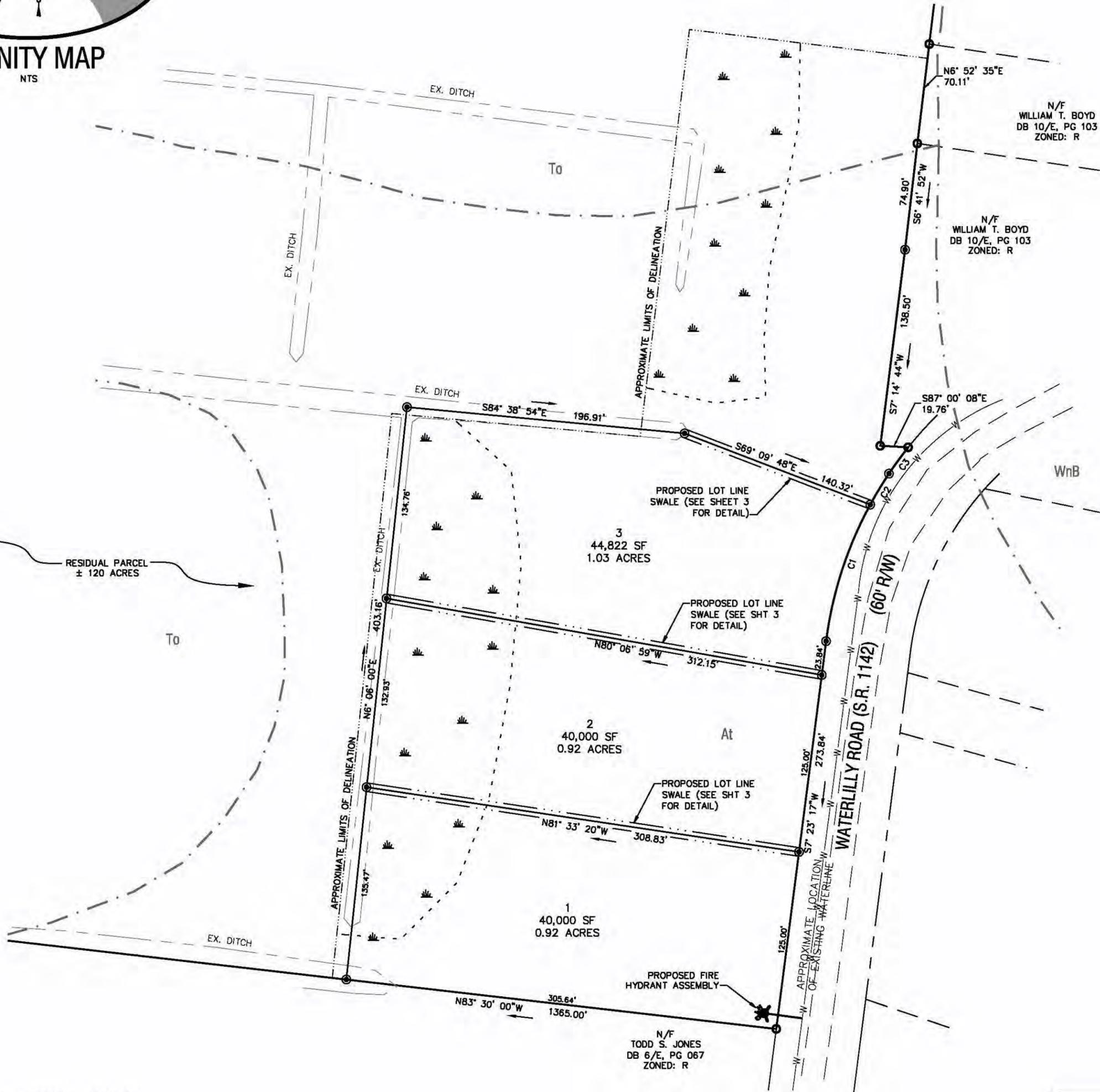
Embarq, Hester Jones

Navel Facilities Engineering Command, Community Plans Liaison Officer William DuFault

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

VICINITY MAP
NTS



RESIDUAL PARCEL
± 120 ACRES

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

CURVE	ARC LENGTH	RADIUS
C1	101.16'	272.0'
C2	25.44'	272.0'
C3	22.94'	272.0'



RECEIVED
DEC 22 2011
BY: *tdg*

North Carolina Department of Cultural Resources
Office of State Archaeology
Stephen R. Claggett, State Archaeologist

Beverly Eaves Perdue, Governor
Linda A. Carlisle, Secretary

Division of Historical Resources
David Brook, Director

December 20, 2011

Tammy Glave
Currituck County Planning Department
PO Box 70
Currituck, NC 27929

SUBJECT: Archaeological Survey Report, Island Haven Project, Waterlily Road, Currituck County

Dear Ms. Glave:

I have reviewed the archaeological survey report prepared by Environmental Service, Inc. for Island Haven, Incorporated. This report was submitted to my office via email on December 14, 2011. The following comments are offered in this regard.

The Island Haven tract contains 2.87 acres and was surveyed for archaeological remains at an intensive level. The field methods were appropriate and undertaken in accordance with the initial recommendations to the Currituck County Planning Department. One archaeological site, 31CK234, was located as a result of this effort.

Based on the survey results, additional testing was recommended for site 31CK234 to determine if the site contains intact subsurface deposits and whether there is an association with the Waterlily archaeological complex. I concur with this recommendation. As a member of the Technical Review Committee, it is recommended that the Currituck County Planning Department require the applicant to conduct the testing of archaeological site 31CK234. Since this project was conducted in accordance with the mandates established by Currituck County ordinance it is the responsibility of the county to implement this recommendation.

Thank you for your consideration in this matter. If you have questions concerning the above comments, please contact me at 919-807-6554. In all future communication concerning this project, please cite the above-referenced project name.

Sincerely,

LE Abbott

Lawrence Abbott
Technical Review Committee

Central Office
4619 Mail Service Center
Raleigh NC 27699-4619
919/807-6550; fax 919/715-2671
Location: 109 E. Jones Street
Raleigh NC 27601

OSA Research Center
4612 Mail Service Center
Raleigh NC 27699-4612
919/715-5599; fax 919/715-1386
Location: 215 W. Lane Street
Raleigh NC 27601

Underwater Archaeology Branch
1528 Ft. Fisher Blvd South
Kure Beach NC 28449
910/458-9042; fax 910/458-4093

Queen Anne's Revenge Project
3431 Arendell Street
Morehead City NC 28557
252/726-6841x157
fax 252/726-2426

QAR Conservation Laboratory
1157 VOA Site C Road
West Research Campus
East Carolina University
Greenville NC 27834
252/744-6721

Western Office
Dept. of Cultural Resources
Western Office
176 Riceville Road
Asheville NC 28805
828/274-6789; fax 828/274-6995

cc:

Terri Russ
Environmental Services, Inc.
524 S. New Hope Road
Raleigh, NC 27610

Eddie Hyman
Hyman & Robey, Inc.
PO Box 339
Camden, NC 27921

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: January 3, 2012
PB 11-19 R. Shaun Moore**

ITEM: PB 11-19 R. Shaun Moore requests a zoning map amendment to rezone 20.12 acres from A (Agricultural) to CD-R (Conditional District-Residential).

LOCATION: Moyock, located at the terminus of Thayne Drive, Moyock Township.

TAX ID: 0022-000-063R-0000
0022-000-063S-0000

OWNER: R. Shaun Moore
1253 Tulls Creek Road
Moyock, NC 27958

APPLICANT: Eddie Hyman
PO Box 339
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Active Farmland	A/R-PUD Overlay
SOUTH	Low Density Residential	A
EAST:	Low Density Residential	A
WEST:	Low Density Residential/Farmland	R-PUD Overlay

LAND USE PLAN

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

CURRENT ZONING: Agricultural (A)

PROPOSED ZONING: Conditional District – Residential (CD-R)

CURRENT USE: Low Density Residential/Undeveloped

SIZE OF SITE: 20.12 acres

ZONING HISTORY: 1989: A (Agricultural District)

UTILITIES: County water does not service this property. An individual on-site septic system is located the property.

TRANSPORTATION: The proposed development is accessed by Thayne Drive, an unpaved, privately maintained road.

FLOOD ZONE: The property is located within the 100-year floodplain; AE with a base flood elevation of 5.4 feet.

WETLANDS: According to NC Division of Coastal Management maps, wetland characteristics do not exist on this property.

SOILS: According to the Soil Survey for Currituck County, the soils are considered unsuitable for on-site septic systems due to soil wetness and slow percolation.

PROPOSED ZONING CONDITIONS:

The applicant is proposing the following uses and zoning conditions:

- o 13-lot residential subdivision
- o Minimum lot size shall be 40,000 square feet.
- o 60 foot buffer provided along the eastern boundary.
- o Street interconnection will be provided to adjacent properties to the north and west.
- o Stick built single family dwellings will be constructed on the lots.

COMMUNITY MEETING:

The community meeting was held on November 29, 2011, and the community meeting report is provided in the packet.

TECHNICAL STAFF RECOMMENDATION:

The technical review committee reviewed the plan on November 16, 2011 and recommended approval of the rezoning request.

PLANNING STAFF RECOMMENDATION:

The planning staff recommends approval of the proposed conditional zoning request based on the following Land Use Plan policies:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.

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

PLANNING BOARD RECOMMENDATION:

Mr. Kovacs moved to approve PB 11-19 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 with the findings of fact and staff recommendations included in the case analysis. Mr. Bell seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (12-13-11)

Ms. Voliva provided a summary of the community meeting held on November 29, 2011.

Mr. West asked about the drainage and stormwater runoff.

Mr. Hyman addressed the drainage issue. Preventative maintenance can be done, i.e. clean trash in culvers and keeping them clean. Mr. Hyman stated the development will have modified swales that are sloped to scale so they can be easily maintained.

Mr. Moore stated he hopes the Planning Board will approve this request.

Mr. Clark asked if retention ponds were considered for this development.

Mr. Hyman stated they did consider them, but since this is a low density development they will not be using them.

Mr. West stated that since the soils are considered unsuitable for on-site septic systems due to soil wetness and slow percolation could Mr. Hyman addressed this issue.

Mr. Hyman stated a suitable site evaluation of every lot will be required by the Unified Development Ordinance and will have sand filled trenches.

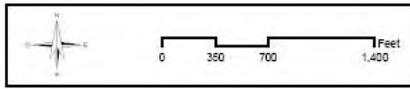
Mr. West stated that a sand filled trench is where you dig down until you find sand within six feet and then you put the drainage pipe.

ACTION

Mr. Kovacs moved to approve PB 11-19 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 with the findings of fact and staff recommendations included in the case analysis. Mr. Bell seconded the motion. Motion carried unanimously.



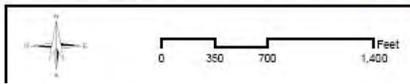
PB 11-19 R. Shaun Moore
Conditional Zoning
Aerial



 Currituck County
Planning Department



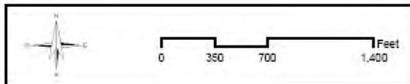
PB 11-19 R. Shaun Moore
Conditional Zoning
Zoning



 Currituck County
Planning Department



PB 11-19 R. Shaun Moore
 Conditional Zoning
 Land Use Classification



 Currituck County
 Planning Department

MEMORANDUM

To: Eddie Hyman
R. Shaun Moore

From: Planning Staff

Date: November 16, 2011

Re: R. Shaun Moore Conditional Rezoning

The following comments have been received for the November 16, 2011 TRC meeting. In order to be scheduled for the December 13, 2011 Planning Board meeting, please address all comments by 3:00 p.m. on November 21, 2011. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva 252-232-6032

1. Property owner must sign the application and provide email address if available.
2. Please clarify the intended use of 1.5 acres indicated as "not included in the subdivision". By default a lot will be created less than 10 acres and subject to subdivision regulations.
3. The proposed recreational improvements for the 13-lot subdivision include a trail system. The staff would like to discuss reasonable recreational improvements for this development.
4. The applicant did not propose conditions for the conditional rezoning request. Discussions regarding open space improvements and utilization, allowable land uses, interconnection, and development density are recommended.
5. ORDINANCE REQUIREMENT: Based on the number of parcel splits from the parent parcel (since 1989) the total required open space will be 20% of the total development area. The current plan provides open space for 18.62 acres; however, the total development area includes 1.50 acres.
6. ORDINANCE REQUIREMENT: The developer shall be responsible for upgrading the existing street, Thayne Drive, to the minimum street standards of the Unified Development Ordinance.

Currituck Soil and Water, Mike Doxey
Approved

Currituck County Engineer, Eric Weatherly
Approved

Currituck County Utilities, Pat Irwin
Reviewed

1. There are no waterlines on Thayne Drive.

Currituck County Local Volunteer Fire Department
Approved

1. Only reviewed in regards to rezoning.

Currituck County GIS, Harry Lee

Reviewed

1. Addresses will be assigned by GIS during preliminary plat review phase. Please propose a name for the unnamed proposed street.

Currituck County Building Inspections, Spence Castello

Approved

NC Division of Coastal Management, Charlan Owens

No comment

NC State Archaeology, Lawrence Abbot

No comment

1. No archaeological site recorded within the project area. An archaeological survey is not recommended.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

1. Each lot which make up this proposed subdivision will need to be evaluated to determine soil suitability approval for sewage treatment and disposal. Contact Kevin Carver, RS at 252-232-6603.

The following departments and agencies did not provide comments at this time:

Currituck County Emergency Management, James Mims

Currituck County Schools, Dr. Megan Doyle

Currituck County Parks and Recreation, Jason Weeks

Currituck County Economic Development, Peter Bishop

Currituck County Sheriff, Susan Johnson

Navel Facilities Engineering Command, Community Plans Liaison Officer William DuFault

NC DOT, Gretchen Byrum

NC DENR Aquifer Protection, David May

NC DENR, Land Quality, Pat McClain

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

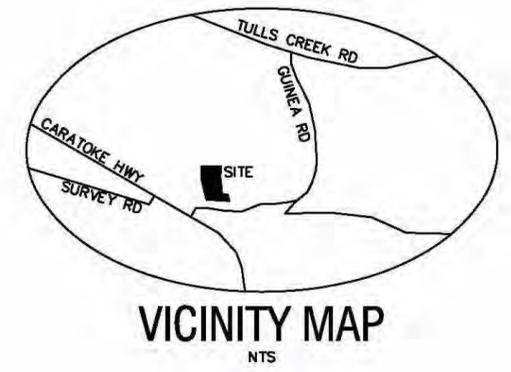
US Army Corps of Engineers, Kyle Barnes

SITE DATA:

1. OWNERSHIP:
ROBERT SHAUN MOORE
122 THAYNE DRIVE
MOYOCK, NC 27958
2. PIN: 0022-000-063S-0000 &
PIN: 0022-000-063R-0000
3. SITE AREA: 20.13 AC
LOT AREA: 14.50 AC
R/W AREA: 1.61 AC
OPEN SPACE: 4.02 AC
TOTAL AREA TO
BE REZONED: 20.13 AC
4. SITE ZONING: AGRICULTURE
5. TOTAL NUMBER OF LOTS: 13
MINIMUM LOT SIZE: 40,000 SF
6. PROPOSED STREETS:
PROPOSED STREET (45' R/W)
416 LF
THAYNE DRIVE (45' R/W)
969 LF
7. THIS SITE IS LOCATED IN FLOOD ZONE "AE 5.4" AS
SHOWN ON F.I.R.M. PANELS 3721804000J.
EFFECTIVE DATE: DECEMBER 16, 2005.
FLOOD ZONES ARE SUBJECT TO CHANGE BY
FEMA.
8. A 10' EASEMENT FOR UTILITIES AND DRAINAGE
ALONG REAR AND SIDE PROPERTY LINES AND A
15' EASEMENT ALONG THE FRONT PROPERTY LINE
IS HEREBY ESTABLISHED.
9. BUILDING SETBACKS:
20' FRONT
25' REAR
15' SIDE
10. REFERENCES: D.B. 1156, PG. 213
D.B. 881, PG. 557
P.C. G. SL. 123
P.C. G. SL. 147

NOW OR FORMERLY
JENNINGS & GIBSON
D.B. 1155, PG. 784
PIN# 0022000063Y0000
ZONING : RESIDENTIAL PUD

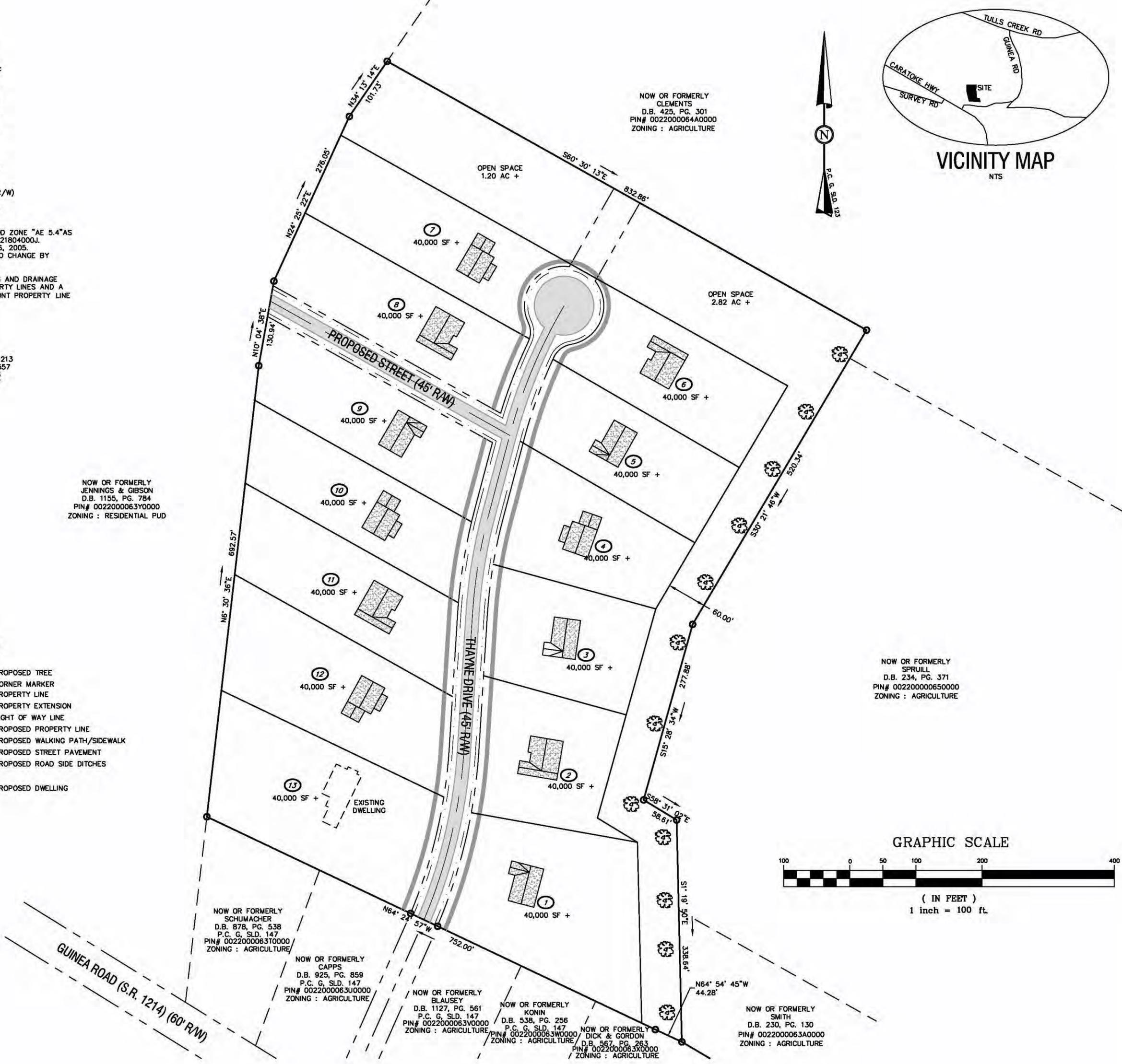
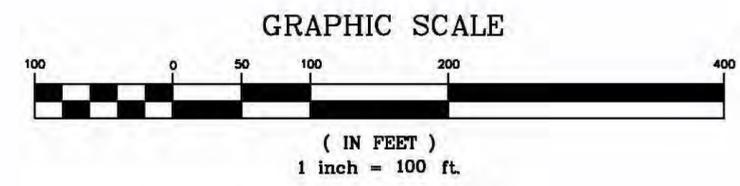
NOW OR FORMERLY
CLEMENTS
D.B. 425, PG. 301
PIN# 0022000064A0000
ZONING : AGRICULTURE



LEGEND

- PROPOSED TREE
- CORNER MARKER
- PROPERTY LINE
- PROPERTY EXTENSION
- RIGHT OF WAY LINE
- PROPOSED PROPERTY LINE
- PROPOSED WALKING PATH/SIDEWALK
- PROPOSED STREET PAVEMENT
- PROPOSED ROAD SIDE DITCHES
- PROPOSED DWELLING
- EXISTING DWELLING

NOW OR FORMERLY
SPRULL
D.B. 234, PG. 371
PIN# 00220000650000
ZONING : AGRICULTURE



Comprehensive Parks and Recreation Master Plan



Currituck County

January 3, 2011



Acknowledgements

Currituck County Board of Commissioners

John D. Rorer, Chair
Marion Gilbert, Vice Chair
O. Vance Aydlett, Jr.
J. Owen Etheridge
Paul Martin
S. Paul O'Neal
H.M. "Butch" Petrey

Administration

Daniel F. Scanlon II, County Manager
Ben Woody, AICP, Planning Director
Holly White, AICP, CFM, Senior Planner
Jason Weeks, Director, Parks & Recreation

Park Planner

Derek Williams, Site Solutions
704-521-9880
www.sitesolutionspa.com



EXECUTIVE SUMMARY

Currituck County is a wonderful area with a wealth of water and other natural resources that make it a travel destination for the entire country. In addition to driving a thriving tourism industry, these water resources provide Currituck County's year round residents with a wide variety of recreational opportunities.

The County's natural resources are not its only asset or its only source of recreation. The County has an excellent park system that provides residents and visitors a wide variety of active and passive recreation opportunities. County leadership recognizes the value of its park system and realizes that through careful planning and development, parks could play a much more important role in community and economic development.

With this vision, the County commissioned this planning study to review existing park facilities, identify future recreation needs, and develop a plan of action to meet those needs. The planning process has included an assessment of the County's existing parks, a discussion with the public on future park needs, and a review (and in some cases modifications) of the standards the County uses for park development. Utilizing these updated standards, the master plan provides a plan of action for achieving current and future needs. This master plan document gives County staff and elected officials a road map for future development of the County's park system.

PUBLIC INPUT

The most important aspect of the planning study was identifying the public's desire for parks and recreation facilities. The public was offered the opportunity to participate in the planning effort through:

- A series of five public workshops held at different locations throughout the county to discuss park needs. Several hundred county residents attended the five workshops.
- A community workshop to discuss the proposed improvements for the expansion of the Maple Park.
- Informal surveys taken during the public workshops and through the County's website.

Findings from these public outreach efforts, as well as a summary of the methodology, can be found in Section Three - The People of Currituck County.

GROWTH AND POPULATION

In addition to gathering public input, a critical step in developing this plan is understanding the demographic and population changes that are occurring in the community. With the recent completion of the 2010 census data, very good information on population and demographics were available for use in this planning study.

The County has experienced tremendous growth over the past several decades. From 1970 to 1980, the County saw a 50% increase in population. The 1980s saw that growth slow to 24%, but in the 1990s the population increased 32%. According to the U.S. Census Bureau, from 2000 to 2010 the County's growth was 29.5%.

Current economic conditions imply that in the next ten years growth will be slower. Based on the current economic climate, the County's current Land Use Plan has a ten year projected population of the county to be approximately 27,700.

See Section Three - The People of Currituck County for additional information on the demographic characteristics of the County's citizens.

PARK AND RECREATION FACILITY NEEDS

As described in Section Four – Recreation Standards and Needs Assessment, a community park system is typically comprised of eight park types. These park types include:

- Mini Parks
- Neighborhood Park
- Community Parks
- District Park/Sport Complexes
- Regional Parks
- Greenways
- School Parks
- Special Use Facilities

Typically, each of these park types provide recreation opportunities that meet citizens' recreational needs. A number of public and private agencies/entities provide leisure services in the community.

As a coastal county, water access and water resources are an important aspect of the community. In addition to traditional parks, the County should be engaged in providing access to its water resources for both residents and tourists.

This master plan addresses all recreation providers in the community with particular emphasis on the County's role.

Park Needs Assessment

In the next ten years, the County should focus its park and recreation efforts in the following areas:

Mini Parks

Mini parks are the smallest park type. These parks typically range in size from one half acre to four acres and provide a limited range of activities (playground, picnicking, benches, etc.). The typical service radius of a mini park is one quarter mile.

The trend in public park development is to minimize reliance on mini parks for the delivery of park and recreational services. Their small size limits the recreational opportunities offered and the citizens

they can adequately serve. The limited service area provided by these parks also requires numerous small parks distributed throughout the community. This service pattern results in higher overall maintenance costs.

For these reasons, the County should minimize its efforts in developing this park type in the future.

Neighborhood Parks

Neighborhood parks play an important role in providing both active and passive recreation opportunities in municipal settings. Preferably in the ten to fifteen acre range, these parks are large enough to provide programmed space (ball fields, play courts, playgrounds, etc.) and still provide some areas for open space (wooded or open). Ideally, neighborhood parks would have a one half mile service radius locating them one mile apart.

Community Parks

Community parks are the foundation of most county park systems. At a size of 20 to 50 acres, these parks are large enough to provide a wide variety of active recreation facilities and allow significant portions of the site to remain undeveloped while providing valuable open space.

The County has two existing community parks, Sound Park and Maple Park. These parks are servicing the southern and central portion of the mainland, but there are portions of the County that are underserved by community parks. Most notable, the upper area of the County (Moyock) does not have community park coverage. The County should build a community park in the Moyock area within the next ten years. See Section Four: Recreation Standards and Needs Assessment for additional information on this need.

District Parks/Sports Complexes

District Parks with an emphasis on team sports (soccer, baseball, lacrosse) are a relatively new park type that focuses on active recreation. Typically the district park/sports complex is a large park (80-100 acres) dedicated to league and tournament play. Often these events provide opportunities for economic development.



With the development of the Currituck Community Park campus, the County will have an opportunity to expand the Maple Park into a district park with sports complex capabilities. The development of this facility has numerous advantages for the County.

The expansion of the ballfields will provide valuable program space for the County’s existing athletic programs. In addition, the development of multiple fields to tournament level standards will allow the County to attract regional tournaments; providing economic impact in the Maple-Barco area. Finally, the development of a district park will provide the preservation of open space and wetlands. All of these important benefits of the expansion of the existing facilities will be in keeping with the proposal identified in the Maple-Barco Small Area Plan.

Regional Parks

Typically municipal agencies do not provide regional park facilities.

Regional parks are large (200 to 1,000 acres) tracts of land that provide environmental protection, education, and passive recreation opportunities. While a few large municipal agencies provide regional parks, most regional parks are provided by county or state agencies. As the name implies, these parks have regional service areas and are typically “drive to” facilities. The citizens of Currituck County have access to several regional park facilities including Currituck National Wildlife Refuge, Mackay Island Refuge, and other state/federal land holdings.

Through these large parks, the citizens of Currituck County have adequate access to regional parks. The County should not focus its financial resources on the development of a regional park.

Water Access

As a coastal county, water is a valuable resource of the County. The County's economy is dependent upon the tourism that is generated from the County's beaches and sound/backwaters. Access to the water surrounding the County is critical to tourism. Additional water access was identified as a community need by all of the meetings that were held in 2010 to discuss recreational needs.

An important aspect of the County's park system should be the expansion and improvement of the County's water access. While site specific recommendations are beyond the findings of this plan, the County should be prepared to seek opportunities to improve water access on both the ocean and sound.

Multi-use Trails

The County has begun development of an outstanding multi-use trail system in Corolla. The master plan for this trail proposes an 11.6 mile walkway that connects points of interest along the Outer Banks.

The initial phase of development provides several miles of trails and will be a valuable asset for County residents and tourists. The County should continue to develop additional links of the Corolla Greenway Trail.



Special Use Facilities

Currituck County celebrates its unique coastal culture through several special use facilities. Currituck Heritage Park, with the Whalehead Club, Currituck Beach Lighthouse, and the Light Keeper's House, is an excellent example of a unique park that provides a variety of interpretive and recreational activities. Likewise, the Currituck County Rural Center in Barco provides special use opportunities in equestrian sports, water access, and other unique recreational activities.

Both these special use facilities add to the County's interest and quality of life, and should be supported. Opportunities for additional special use facilities that highlight Currituck's unique history and culture should be explored.

FACILITY NEEDS ASSESSMENT

The second component of a needs assessment is a review of existing facilities within each of the park types to determine if there are adequate recreation facilities (ball fields, playgrounds, etc.) to meet current and future demand. The needs assessment begins by establishing standards for facility development. The 2002 Parks and Recreation Master Plan established standards of development for some types of recreation standards. Based on public input and staff/planning consultant review of the 2002 standards a number of changes have been made to the County's standards for facility development. Utilizing the new standards, a needs assessment for recreation facilities was established. These changes are discussed in Section Four and listed in Tables 4-2 and 4-4, Recreation Facility Standards.

Based on the new standards for recreation facility development established in this planning report, the County will have the following facility needs by 2021:

- 2 Adult Baseball Fields
- 3 Softball Fields
- 1 Football Field
- 3 Soccer Fields/Multi-purpose Fields
- 3 Basketball Courts (outdoor)
- 1 Volleyball Court

- 2 Shuffleboard Courts
- 7 Picnic Shelters
- 4 Playgrounds
- 8 Miles Walking Trails
- 1 Community Center without Gym

The majority of these facility needs can be met in the improvements to existing parks, the expansion of Maple Park into a new district park, and a new community park in the upper part of the county.

SPECIAL USE FACILITIES

The list of facility needs identified in the previous section contains a wide range of facilities. Some of the recreational facility needs are relatively small and will require only limited space and/or capital investment. Picnic shelters, shuffleboard courts, and playgrounds fall into this category of park improvements.

The needs assessment also includes a number of facilities that will require a greater investment of the County's resources. The development of these facilities will have significant impact on the County's recreation programming and delivery of services. These facilities include:

Community Centers/Gymnasiums

The development of the county recreation facility and YMCA will meet many of the County's indoor recreation facility needs. The new facilities at Currituck Community Park will provide state of the art indoor facilities for gymnasiums, aerobics, weight training, and classroom meeting space.

While this facility will meet much of the demand for indoor recreation on the mainland, there is a need for a community center building on the Outer Banks. This building does not need the active recreational space of gymnasiums and exercise rooms, but instead should be providing meeting space, classroom space, and other community event programming space. The need for this building was expressed in the community workshops held in 2010.

Greenways/Trails

The demand for walking trails was expressed in the public workshops, both surveys, and in the formal survey. The County has already constructed public trails on the barrier island to facilitate pedestrian circulation. These trails should be expanded and greater emphasis should be placed on public access to the water. Likewise, trails constructed in parks to provide safe places for walking and jogging should be expanded. Future expansion of Maple Park will provide wonderful opportunities for parks and natural trails.

RENOVATIONS TO EXISTING PARKS

Many of the County's existing parks are old and need repairs. Improvements should include creating accessible routes to existing facilities, providing visitor comfort stations, and the addition of amenities such as shade structures, seating, etc. While detailed assessment of parks is beyond the scope of this planning report, funding for park improvements has been included in the Capital Improvement Proposal in Section Five.

JOINT USE OPPORTUNITIES

The public is best served when government agencies work together. There are a number of public agencies operating in the County that have facilities and programs that potentially serve the public's need for parks and recreation. The County should explore working with other agencies to provide services and attain common goals.

The following agencies have missions that may be in alignment with the County's Parks and Recreation Department:

- Currituck County Schools
- NC Division of State Parks
- Whalehead Preservation Trust
- US Fish and Wildlife Service
- Private recreation providers
- NC Cooperative Extension

CAPITAL NEEDS

The development of a district park, a community park, and a number of water access sites will require a significant financial commitment from the County over the next 10-15 years. These new improvements, along with park renovations, will require a capital improvement budget of \$12.9 million if fully implemented.

Section Four: Recreation Standards and Needs Assessment and Section Five: Action Plan Implementation provide greater detail on improvements included in the capital improvements budget. Likewise, these sections provide strategies for funding the recommendations made as part of the master plan.

OPERATIONAL NEEDS

The expansion of park facilities described above will greatly improve the County's park and recreation offerings, but will come with a cost. In addition to the capital cost noted in the previous section, adding new parks and a new recreation building will require increased operational and maintenance cost. Section Five: Action Plan provides some general guidelines on anticipated staff needs, as well as program and maintenance cost.

TABLE 5-1 CAPITAL IMPROVEMENT PROPOSAL

CURRITUCK COUNTY

	Total¹		
	Cost Projection	2012 - 2016	2017 - 2022
Renovation To Existing Parks	\$500,000	\$250,000	\$250,000
Accessible Routes			
Restroom Shelters			
Shade Structure at Southern Park			
Planning & Design	\$50,000	\$25,000	\$25,000
Renovation Program Total	\$550,000	\$275,000	\$275,000
Park Development Program			
Maple Park Recreation Complex (Phase One)	\$2,000,000	\$2,000,000	
Maple Park Recreation Complex (Phase Two)	\$3,000,000	\$3,000,000	
Moyock Community Park ² (construction only)	\$1,500,000		\$1,500,000
Planning and Design	\$650,000	\$500,000	\$150,000
Park Development Program Total	\$7,150,000	\$5,500,000	\$1,650,000
Special Use Facilities Program			
Community Center (Corolla)	\$1,000,000		\$1,000,000
Water Access Areas & Bath Houses	\$750,000	\$500,000	\$250,000
Walkways/Trails (Mainland and OBX)	\$3,000,000	\$1,500,000	\$1,500,000
Planning & Design	\$475,000	\$200,000	\$275,000
Special Use Facilities Program Total	\$5,225,000	\$2,200,000	\$3,025,000
Total Capital Improvement Budget Cost	\$12,925,000	\$7,975,000	\$4,950,000

¹ Proposed cost is presented in 2012 dollar values and makes no allowance for inflation, increased construction cost, or land price increases.

² Proposed budget figures include construction cost only, no acquisition monies are included in this budget.

CURRITUCK COUNTY
COMPREHENSIVE PARKS AND RECREATION MASTER PLAN
SUMMARY OF RECOMMENDATIONS

PROPOSED PARK IMPROVEMENTS

Over the next ten years Currituck County should focus its park development efforts on the following:

1. Development of larger parks
 - Construct new facilities at Maple Park as part of Currituck Community Park
 - Build a new community park in the upper area of the county in the Moyock area
 - Minimize development of small parks (mini park and neighborhood parks)
2. Enhance water access at the ocean and sound
3. Expand greenways and public trails; with particular emphasis on the Corolla Greenway Trail
4. Construct the following outdoor recreational facilities in the next ten years:
 - 2 Adult Baseball Fields
 - 3 Softball Fields
 - 1 Football Field
 - 3 Soccer/Multi-purpose Fields
 - 3 Outdoor Basketball Courts
 - 1 Volleyball Court
 - 2 Shuffleboard Courts
 - 7 Picnic Shelters
 - 4 Playgrounds
 - 8 Miles of Walking Trails

Most all of these outdoor recreation facility needs could be met with the expansion of Maple Park and the construction of a community park.

5. Construct a community building on the Outer Banks.

ACTION PLAN RECOMMENDATIONS

The Comprehensive Parks and Recreation Master Plan supports and reinforces the County's 2006 Land Use Plan, as well as the Maple-Barco Small Area Plan and the Corolla Village Small Area Plan.

- Development of the proposed parks and recreational facilities listed in the master plan will require the County to add park and recreation staff (one Recreation Program Specialist and two park attendants).
- The County should consider increases to the Parks and Recreation Department's operating budget to support new facilities. Facilities should not be constructed unless appropriate funding for operation and maintenance are budgeted.
- The County should strengthen its joint use agreements with Currituck County Schools to ensure continued use of school facilities.
- The County should seek to minimize environmental impacts, conserve energy, and re-use building materials as it constructs new facilities and operates its parks.

- The Department, with input from County management, should consider the establishment of a Departmental Revenue Plan.
- The County should consider updating the current revenue and pricing policy for parks and recreation services and facilities.
- The County should consider establishing a park foundation for supporting parks and recreation programs and initiatives.
- The County should actively pursue grants from foundations and trust sources on a regional and national level.
- The County should continue to seek funding opportunities through state and federal programs (PARTF, LWCF, etc.).
- The County should look to expand ways to increase revenue opportunities.
- The County should adopt a UDO plan that includes requirements for the dedication of parkland or payment in lieu for parks development. Acceptance of small, isolated parcels of land should be discouraged unless the property provides water access, preservation of a unique natural resource, etc.

Maple Park Expansion



Currituck County

January 3, 2011



Acknowledgements

Currituck County Board of Commissioners

John D. Rorer, Chair

Marion Gilbert, Vice Chair

O. Vance Aydlett, Jr.

J. Owen Etheridge

Paul Martin

S. Paul O'Neal

H.M. "Butch" Petrey

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PROJECT OVERVIEW

The expansion of park and recreational facilities at Maple Park offers many opportunities to the people of Currituck County. While the most obvious benefits of the proposed expansion are related to meeting the recreational needs of county residents, the strategic location of the facility provides potential benefits far beyond meeting typical recreational needs. As identified in the County’s small area plan for the Maple-Barco area, this area of the county has great potential for business and economic development. Located adjacent to the County’s regional airport and on Highway 158 within close proximity of Highway 168, the park is easily accessible to population centers in both North Carolina and Tidewater, Virginia. This regional access opens opportunities for tournament level ballfields, which could provide travel and tourism dollars to an area of the County not located on the barrier islands.

Another important aspect of the Maple-Barco Small Area Plan that can be addressed through the development of this park is the environmental protection and preservation of open space. As a proposed district park, this park will be large enough to provide active recreation facilities, while maintaining significant acreage of undeveloped open space. This undeveloped portion of the property will not only provide needed open space, but will also allow for the preservation of wetlands, and other natural drainage features to improve water quality.

The County recognizes the importance of the development of this facility and understands that careful planning will ensure that proposed facilities meet many important objectives. For this reason, considerable time and resources have been invested in the plan. This document describes the planning process, the findings from the site inventory/analysis, the proposed concept for development, the cost associated with the plan, and a strategy for park development.

Site Analysis: Man-made Features

Site Context

The proposed expansion of Maple Park is to be built on approximately 110 acres of Currituck Community Park (see area outlined in red). Currituck Community Park is planned as an important center of educational, recreational, and civic activity in Currituck County. The site is a 633.50 acre tract in Maple Township in central Currituck County, and includes the Currituck County Regional Airport, Currituck Community Center, NC Cooperative Extension Center, Maple Park, and Maple Commerce Park. The Community Park site is adjacent to Central Elementary School and the county waste water treatment facility.

There are several major planned developments that will effect the expansion of Maple Park. These developments include the construction of a new parallel taxiway of the Currituck Regional Airport, construction of the Regional Aviation and Technical Training Center in partnership with the College of The Albemarle, the development of a Fire Station/NC Forest Service office, and construction of Maple Commerce Park planned to attract business development to the county.



Currituck Community Center



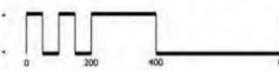
Currituck Cooperative Extension



Currituck County Community Park

December 6, 2011

Overall Development Map

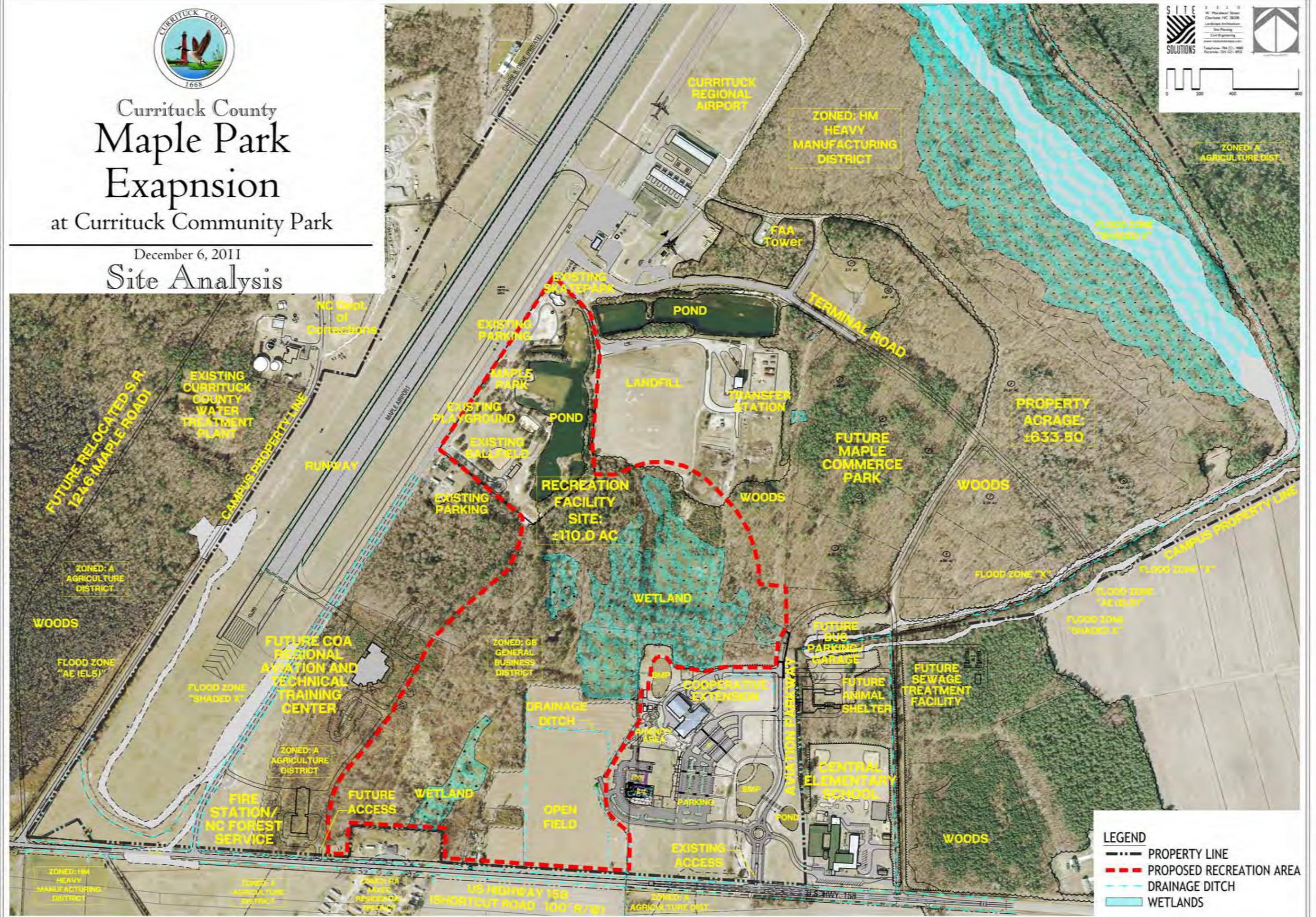
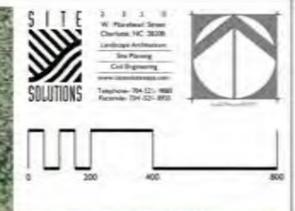




Currituck County Maple Park Expansion

at Currituck Community Park

December 6, 2011
Site Analysis



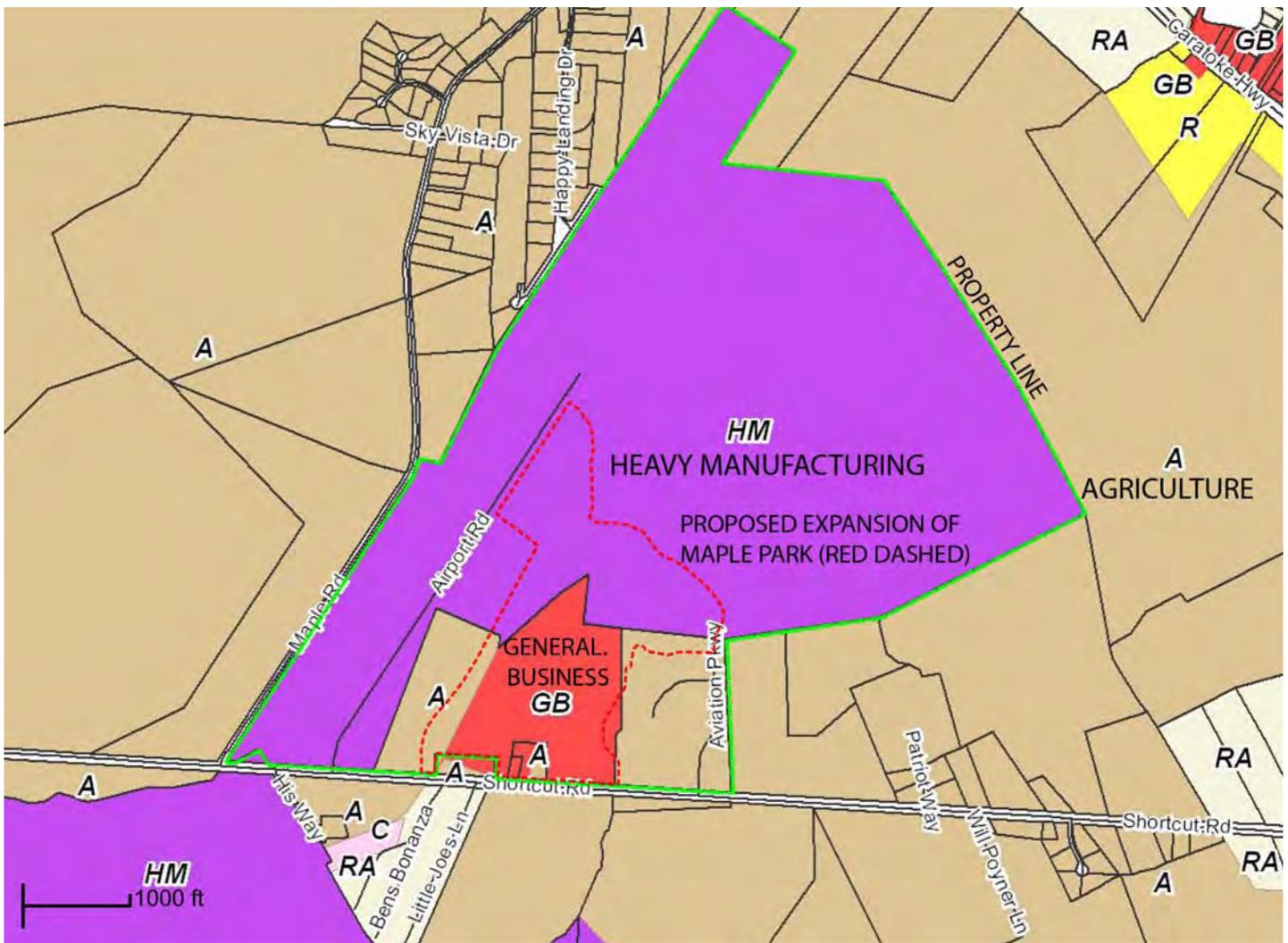
LEGEND

- PROPERTY LINE
- PROPOSED RECREATION AREA
- DRAINAGE DITCH
- WETLANDS

Site Analysis: Man-made Features

Zoning/Surrounding Land-Use

The site is currently zoned Heavy Manufacturing (HM), General Business (GB), and Agricultural (A). Under the current zoning code, Currituck County Zoning Code recognizes public parks and athletic fields as outdoor recreation use. These uses are approved in all three of these districts. The majority of the land surrounding the campus is currently zoned Agricultural (A) and is predominately either undeveloped or being used for crop production. The Central Elementary School property is located to the east of the campus property. In addition to these existing surrounding land uses a new bus parking/garage facility, animal shelter, and sewage treatment facility are planned to the east of the campus and to the north of the Central Elementary School.



Site Analysis: Man-made Features

Access

The Maple Park expansion site's primary entrance is from Highway 158 (Shortcut Road). Highway 158 is a major thoroughfare from Elizabeth City and eastern North Carolina. Access to the park site is via Aviation Parkway. The current roadway terminates at the eastern edge of the recreation facility site. A secondary access point will be constructed at the proposed entrance drive for the Aviation and Technical Training Center to the west of the recreation facility site. These entrances are approximately 2 miles from the intersection of Highway 158 and Highway 168. Direct access to these major highways provide easy access from the other areas of county and the region.

Existing Facilities

Maple Park's existing facilities are located on the northwestern portion of the property. The existing facilities include a ballfield, restroom building and picnic shelter. A playground area is located directly north of the ballfield and is accessible by trail from either parking area. Several gazebos are located throughout the park along a short trail winding through the park for approximately 0.4 miles. Two small asphalt parking lots serve this park. One is located to the south of the ballfield. The second lot is located to the north, adjacent to the skateboard park.

The park has one of the region's most popular skate parks. Due to its close proximity to the runway, the county must remove this existing amenity and construct a new skate park at the proposed recreation facility.

The majority of the site to be developed as the new park is undeveloped and covered with trees (see Vegetation). The undeveloped property is located east of the existing facility.



Plan of existing Maple Park

Site Analysis: Natural Features



Landform and Hydrology

The most important natural feature impacting development of the site is landform, and how this landform affects hydrology. As a coastal county, Currituck is extremely flat. There is only a 6' change in elevation across the entire 110 acre future park site. Elevations on the site range from 11' above sea level to 5' above sea level.

The lack of elevation change on the site results in two issues that must be resolved if athletic fields are to be constructed. Most importantly, the lack of elevation change (along with poorly drained soils) has resulted in areas of wetlands throughout many areas of the site.

While these wetland areas create opportunities for environmental education and limited passive recreation, they cannot be graded or disturbed, and cannot be used for development of active recreation. Wetlands cover approximately 22 acres of the site.

The flatness of the site creates another issue for development of active recreation facilities. Athletic fields typically drain by surface drainage. Turf fields must be graded with a slope that will allow water to drain from areas of play. Typically this is a gradient of + 1.5%. The existing slope of the site is significantly less than 1.5%; therefore, relatively significant earth movement will be required to provide adequate drainage for athletic fields. Fortunately, the issue of ballfield grading will be enhanced by construction activity on other parts of the site. Sandy soil from the excavation of drainage ponds from Maple Commerce Park will provide fill material for the athletic fields.

The County's Small Area Plan for the Maple-Barco area identifies the need for stormwater quality, appropriate development of poorly drained soils, and the preservation of open space. The sensitive design of this park facility, within the design parameters required for the protection of wetlands, and the sensitive control of stormwater can create a park that meets the needs identified in the Small Area Plan.

Soils

A soils analysis was done on the Natural Resource Conservation Service Web Soil Service (WSS) to help determine recreation development limitations of soil. The following is a summary of those findings:

At – Augusta fine sandy loam
0-2% slopes
> 80" to restrictive feature
Somewhat poorly drained
12-24" Depth to water table

BoA – Bojac loamy sand
0-3% slopes
>80" to restrictive feature
Well drained
48-72" Depth to water table

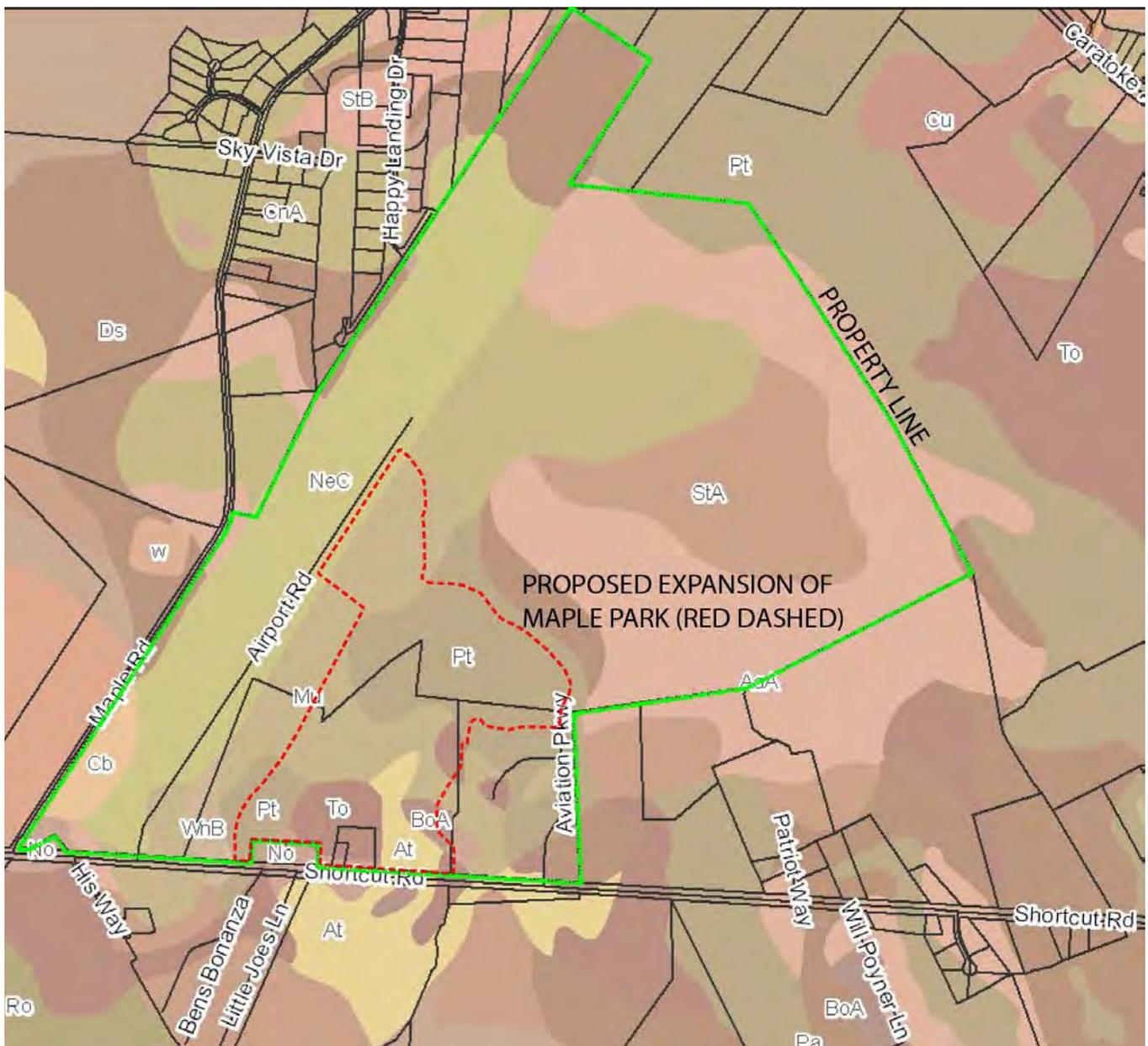
Site Analysis: Natural Features

Mu – Munden loamy sand
 0-2% slopes
 >80" to restrictive feature
 Moderately well drained
 18-30" Depth to water table

No – Nimmo loamy sand
 0-2% slopes
 >80" to restrictive feature
 Poorly drained
 0-12" Depth to water table

Pt – Portsmouth fine sandy loam
 0-2% slopes
 20-40" to restrictive layer
 Very poorly drained
 0-12" Depth to water table

To – Tomotley fine sandy loam
 0-2% slopes
 >80" to restrictive feature
 Poorly drained
 0-12" Depth to water table



Soils Map

Site Analysis: Natural Features

Flat terrain, slow draining soils, and high water table are the most restrictive characteristics of the site's soils. The proposed site development will have to consider these factors and mitigate these issues with grading, drainage, and engineered design solutions. Since most of these poorly drained soils are found in the wetland areas, they will be left as open space as recommended in the Maple-Barco Small Area Plan. These areas may be used for environmental education and limited passive recreation.

Significant Natural Communities: Vegetation

The vegetation on the park expansion site is defined by three main areas including wetlands, pine-hardwood forest, and open land. The wetlands vegetation is comprised of mostly low perennial grass and shrub vegetation growing on wet soils.

The pine-hardwood forest is mostly a mix of large evergreen and deciduous trees over a sparse mix of deciduous and evergreen shrubs. This vegetation area provides good wildlife habitat with range and variety of vegetation heights.

It is comprised of mostly annual and perennial grasses. There are very few trees and shrubs in these areas.

Common Trees:

- Shortleaf Pine
- Sweetgum
- White Oak
- Red Oak
- Hickory
- Maple

Common Shrubs:

- Waxmyrtle
- Willow

Common Grasses/Perennials:

- Black Needlebrush
- Cattails
- Sawgrass
- Broomsedge

The forested areas of the site provide an ideal setting for park use. Shade from existing vegetation will provide relief from hot summer sun. This park will provide one of the County's few shaded parks.



Site Analysis: Natural Features

Wildlife

Due to the presence of a variety of native habitats on site including wetlands, woodlands, grassland, and ponds, an abundant and diverse population of wildlife can be found in and around the proposed Maple Recreation Facility site. Including but not limited to:

- Deer
- Quail
- Squirrel
- Raccoon
- Fox
- Mourning Dove
- Duck
- Songbirds
- Rabbit

The County has been working on a plan to develop a district park as part of Currituck Community Park for several years. In 2010, County staff hosted a series of public meetings to gather input on the community park and recreational needs. Input from these meetings lead to the development of concept plans for the site. These concept plans were presented to local stakeholders at a planning charrette in July of 2011. Input from the charrette ultimately lead to the development of a preferred concept of development for the park. This preferred development concept was presented to the public in a community workshop in November of 2011. Input from this public workshop was used to make plan refinements.

County Wide Public Input Sessions

In 2010, Currituck County Parks and Recreation hosted public workshops throughout the County to seek public input on recreational needs for the expansion of Maple Park. The meetings were advertised in the local newspapers, the Daily Advance and the Coastland Times. Announcements were also put on the local cable television information channel and fliers distributed at locations throughout the County. The meeting attracted several hundred county residents. In addition, over 500 county residents participated in an informal survey.

As part of the meeting's process, participants were given a survey and allowed to vote on their favorite recreational facilities. See the appendix for detailed results of this survey.

Overall, the facilities listed as most needed were indoor swimming pool and gymnasium. Approximately one third of those attending the workshops indicated a need for these facilities. Both of these facilities needs will be met with the construction of the County Community Center. These facilities are currently under construction and will be completed by early 2012.

Walking trails were the third most facilities needed. Almost 30% (29.9%) of those present indicated a need for walking trails. The most popular outdoor sports facility was baseball/softball fields, followed closely by playgrounds (20.7% and 19.6% respectfully).

The next tier (ten percent) of those present requested bike trails. The information gathered at this meeting indicates there is a strong support for traditional recreational activities (pools, gymnasiums, playgrounds, ball fields, and trails) by County residents.

Stakeholder Planning Charrette

Based on input gained from the public workshop and from County staff, Site Solutions prepared three preliminary concept plans for the park.

On July 26, 2011 Site Solutions facilitated a planning charrette with over 35 stakeholders in attendance. This group conducted round table discussions about the preliminary concept plans, provided their input on designs, and reached consensus on a preferred concept plan. From this process a preliminary master plan evolved.

Public Workshop

On November 15, 2011, a public workshop was held to review the preliminary master plan. The meeting was advertised through public access channels, the County's website, the newspaper, and word of mouth. The open-house style meeting was attended by 37 citizens.

Public Involvement

As participants arrived they registered at the sign-in station and placed a sticker on a county-wide map identifying where they live in the county. All areas of the county were represented with fairly even distribution.

Each participant was given a written survey at the sign-in station. See appendix for a copy of the survey. Participants were asked to complete the survey as they visited four different stations/exhibit areas placed around the auditorium. The survey was linked to the stations. In an effort to obtain input from as many residents as possible, the county posted the survey on-line. Residents were allowed one week after the public open-house to complete the on-line survey.

There were 40 survey participants equally split between male and female. There were a wide-range of ages in the participants from 11 to 61, the largest range (41-50 years of age) had 15 participants (37.5%).

The station description and survey results as described below:

Station One displayed a copy of the preliminary master plan. A Park and Recreation staff member was posted at the station to answer any questions from participants as they viewed the plan. Citizens were also given the opportunity to name the complex where the new park will be located.

- The top result for naming the complex was **Currituck Community Campus/Complex**, followed by **Legacy Park**.
- One senior citizen talked with children and shared his ideas about the baseball and softball fields.
- Several people voiced support for the athletic fields.
- One person suggested basketball courts be developed. It was mentioned there are existing basketball courts on the campus already at Central Elementary School and 8-10 courts scattered elsewhere around the county.
- Another person suggested the soccer fields be more multi-purpose in nature. They could also be used for football, lacrosse, etc. The master plan was revised to include this suggestion.
- One comment was they do not like the names with Centre or Progress in the name as they are too urban/progressive.



Participants of all ages completed the survey.

Station Two displayed the skate park area. The exhibit had an enlarged site plan showing the conceptual location of a new skate park, examples of skate parks developed in other areas, and types of skating activities for a skate park. A group of teenage skaters diligently provided their thoughts on the types of activities needed at the skate park. Participants provided the following input from their survey:

- 12.5 % of respondents visited a skate park daily, while 65% have never visited a skate park in the county. Other respondents visited between a few times a week to once a year.
- Respondents have visited the following skate parks at Maple Park and Sound Park equally.
- Top three skate park elements listed were, Stand Alone Bowl, Snake Run, and Mini-bowl.

- Significant changes Maple Skate Park were to included “more beginner to moderate level activities”

Station Three displayed the playground exhibit. The exhibit contained a site plan showing the general location for a new playground within the park, examples of other playgrounds, and types of equipment commonly found at most parks. Six to eight children enjoyed picking out play equipment for the playground while feasting on homemade cookies. One person called their child on the cell phone to pick out play equipment for the new playground.



Calling home for additional input on playgrounds.

- 22.5 % of respondents visited once every three months, while 32.5% have never visited a playground in the county. Other respondents visited between once a week to once a year.
- 47.5% of respondents live more that 2 miles from an existing playground.
- Top three playground activities listed were swinging, sliding, freestanding climbing equipment.

Station Four displayed the trail exhibit. The exhibit included a map of the proposed trail system, examples of trails developed in other parks, and pictures of trail activities. Participants reviewed the exhibit and provided the following input:

- Walking/Walking the dog was the most popular trail use followed by Nature/Passive Use and Jogging/Running.
- On average residents would like to see an equal mix of multi-use trails, natural surface trails, paved trails, and boardwalks.
- One person stated the trail system is not really long enough for cycling. The park planner mentioned the intended use is for general recreational bicycling and not competitive or even a training course for cycling.
- Respondents ranked the following trail destinations in order of importance:
 1. Natural areas
 2. YMCA
 3. Athletic Fields
 4. Community Center
 5. Dog Park
 6. Skate Park
 7. Central Elementary School
 8. Technical Training Center
 9. Animal Shelter

In summary there was a wide range of people represented at the meeting. There were children, young, middle, and older aged adults.

Based on the comments made, the majority of the attendees supported the plan, highly anticipate the new facilities, and liked the direction the master plan was headed.

Needs Assessment

Recreation Facility Needs Assessment

The County recognizes the importance of this facility in meeting the recreational needs of the public. The park and recreational facilities that will be constructed as part of Currituck Community Park will be the most significant park developed by the county. With this understanding, the County has invested considerable time and resources in determining the park and recreational needs of the community. This needs assessment was compiled as part of a Comprehensive Park and Recreation Plan recently completed. Findings from the County's comprehensive plan indicate there are a number of park and recreation needs that can be met by the construction of this park. Facility needs identified in the comprehensive plan include:

- 2 Adult Baseball Fields
- 3 Softball Fields
- 1 Football Field
- 3 Soccer Fields/Multi-purpose Fields
- 3 Basketball Courts (outdoor)
- 1 Volleyball Court
- 2 Shuffleboard Courts
- 7 Picnic Shelters
- 4 Playgrounds
- 8 Miles Walking Trails
- 1 Community Center without Gym

The recently completed comprehensive plan also identifies the importance of developing a district park (100-140 acres) to serve all county recreational needs. A district park is typically designed to serve the recreational needs of all county residents, is large enough to provide a wide variety of active and passive recreational facilities, and can also provide opportunities for economic impact/development through the construction of tournament level facilities. The proposed expansion of Maple Park provides opportunities to meet all of these needs.

The proposed master plan for Maple Park expansion will provide the following facilities:

- 1 adult baseball field
- 3 softball fields
- 3 multi-purpose fields
- 8 picnic shelters
- 1 playground
- 4 miles of trails

As planned, the development of the new park facility will meet many of the County's current and long term park and recreational needs. For this reason, this park development project has been identified as a priority with County staff and leadership.



Currituck County Maple Park Expansion

at Currituck Community Park

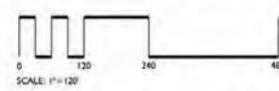
December 6, 2011

Park Concept Plan



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 Charlotte, NC 28206
 Landscape Architecture
 Site Planning
 Civil Engineering
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Station 1



US HIGHWAY 158
 (SHORTCUT ROAD 100' R/W)

1/2 Mile Trail
 (Short Loop)

Multi-purpose
 Field Complex

Picnic Shelter

Campus Open
 Space

U.S. HWY. 158

W

Program Description

The development of the park plan was guided by the site analysis, input from the public, and county staff/stakeholders. Specifically these guiding principals/program elements included:

- Demand for active recreation facilities expressed in public meetings on county recreational needs. For greater detail, see the Recreation Facility Needs Assessment.
- Regional needs expressed in the Maple-Barco Small Area Plan that call for the area around the airport to be developed with land uses that provide economic growth for the County, while providing environmental protection of open space and water quality.
- Careful assessment of the site's natural features to protect environmentally sensitive areas.
- Opportunities for joint use between both public and private partners. These partners include:
 - Currituck County
 - Currituck County YMCA
 - Currituck County Schools
 - College of The Albemarle Aviation and Technical Training Center
 - Forestry Service
 - Currituck Regional Airport
 - NC Cooperative Extension

Layout of the park facilities was driven by the preservation of wetlands and other natural features, and the development of connectivity with other private and public entities found in Currituck Community Park.

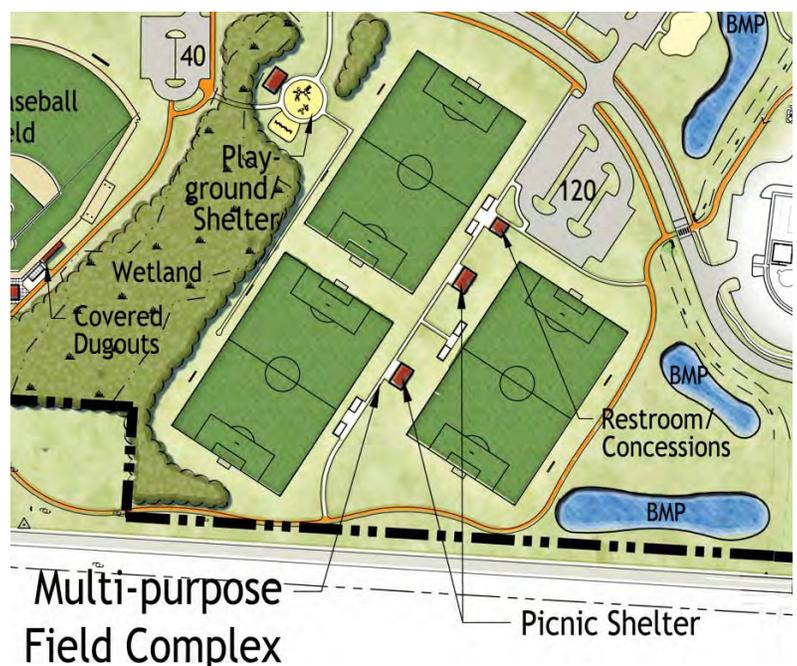
While this park is being constructed as a separate phase from the Currituck Community Park development, its close proximity to these facilities requires the plan to address issues of connectivity and identity. This forethought ensures that the final development of the Currituck Community Park will be unified and cohesive as one complete project.

Program Elements

Athletic Fields

The need for additional athletic fields was identified in public meetings that were held last year. Recognizing this demand, the primary focus of park redevelopment will be the construction of the athletic fields. These additional fields will meet most of the current demand expressed in the County's Comprehensive Master Plan's Needs Assessment. There are three main areas for athletic fields, they include:

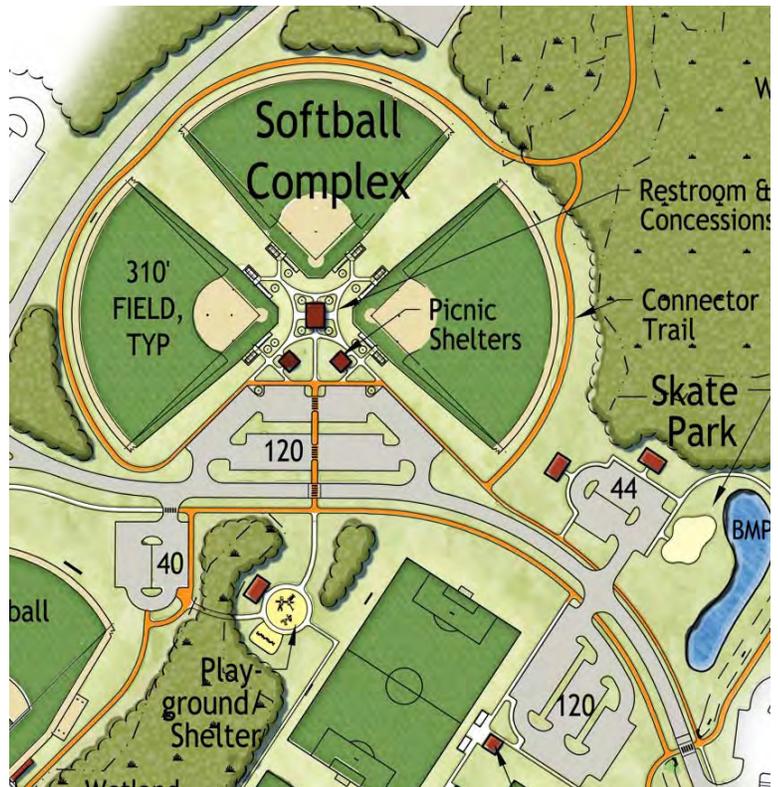
- A multi-purpose field complex will be located directly west of the Community Center building. This complex will consist of three multi-purpose fields (225'x360'). The construction of these fields will include irrigation, field lighting, fencing, team and



Design Concept

spectator seating, sidewalks, and drinking fountains. In addition, a restroom/concession building, two picnic shelters, and 120 space parking lot will be built to support the users of the complex. This parking can be shared with the Community Center. Likewise, Community Center parking can be used for special events at the soccer fields.

- A softball complex will be located north of the multi-purpose fields. The softball complex will consist of three regulation 310' softball fields. The construction of these fields will include, irrigation, field lighting, fencing, team dugouts, spectator bleachers, sidewalks, and drinking fountains. A restroom/concession building, two picnic shelters, and 120 space parking lot will be built to support the users of the softball complex.



Softball Complex

- An adult baseball field (360') will be located to the west of the soccer complex. The construction of this field will include, irrigation, field lighting, fencing, covered team dugouts, spectator bleachers, sidewalks, and drinking fountains. In addition, a restroom/concession building/press box and 40 space parking lot will be built to support the users of the baseball field. This ballfield may potentially be used as the varsity baseball field by the College of The Albemarle (NJCAA). The proposed parking in this area may also be used by students at the Regional Aviation and Technical Training Center.

Picnic Shelters/Buildings

An important element of park development will be the construction of several park buildings that will provide support services (restrooms, concession, etc.) for park functions. In addition, several group picnic shelters will be constructed.

The County recently constructed the new Community Center facility and NC Cooperative Extension/County Building at the Currituck Community Park. All park buildings and shelters will be designed with similar architectural character and building materials. This will provide a unified architectural character to the park. Likewise, all buildings will be designed to reflect the historical and cultural identity of the county.

Playground

A large playground area will be built to the west of the multi-purpose fields. The playground area will have one large play structure and one small tot structure. These structures will include a combination of slides, swings, education panels, climbing equipment/walls, and spring toys. Input from the public workshop will be used to determine activities to be included. The playground area will be supported by a large picnic shelter, individual picnic tables, water fountain, park benches, and trash receptacles.

Trails

A strong interest in trails at the park site was expressed during the public meetings. Walking, jogging, or riding a bike through the park's open spaces and natural wooded areas will be an outstanding recreational experience at the park. Trails will provide an opportunity to improve the health habits of Currituck County citizens in a setting that will promote physical and emotional well-being. A variety of trail routes will be constructed. The trail system will include natural and paved trails. A main trailhead will be constructed at the parking area east of the NC Cooperative Extension/Currituck County Center to provide trail and general park information. The park's longest trail (2 miles) will be to the northeast of the campus and pass through wooded, wetland, and open areas. This trail will be constructed with sections of gravel and earthen trail surfacing. An inner 1.5 mile loop will be constructed with sections of gravel and asphalt from the trailhead and head west around the recreation facility. Finally, a short loop of the trail system will be paved (asphalt) and will circle the soccer and baseball fields, providing another .5 mile loop for walking, jogging, and biking.

Skate Park

The existing skate park is located too close to the airport's runway and must be removed for flight safety. A new skate park will be built to the east of the softball complex. It will be designed to provide opportunities for all skill levels of user groups. The new facility will be similar to the facility it is replacing in size and construction (concrete vs wooden ramps). The skate park area will be supported by two large picnic shelters, individual picnic tables, water fountain, park benches, and trash receptacles. Specific design elements will be determined at a later phase in the design process and input from the public workshop will be used in final design.

Dog Park

A dog park will be constructed adjacent to the parking area east of the NC Cooperative Extension/Currituck County Center building. This location allows the facility to be used in conjunction with the future animal shelter that will be constructed on Aviation Parkway north of the elementary school. The dog park will be built on a fenced 1 acre site. Care will be taken to preserve the existing wetlands and provide adequate buffer from the dog area. The dog park area will be supported by a small picnic shelter, individual picnic tables, people/dog water fountain, park benches, and trash receptacles.



Dog Park

Design Concept

Parking Areas

Athletic facilities, playgrounds, park shelters, picnicking, and other park recreational activities function best when parking is reasonably accessible. Carrying supplies long distances greatly diminishes use and restricts access to those with mobility challenges.

With this understanding, parking areas will be constructed in close proximity to each of the proposed facilities. Parking areas will provide direct access to recreation activities and minimize pedestrian/vehicular conflicts. The proposed parking areas are designed to provide + 40 spaces per athletic field, totalling 354 vehicle parking spaces.

Parking has been located to encourage the joint use of parking spaces between park activities and adjacent campus uses. For example, the YMCA and multi-purpose fields can share parking areas. Parking for the multi-purpose fields is located in an area that can support YMCA functions when soccer fields are not in use. Likewise, parking around the adult baseball field may be available for special events held at the Regional Aviation and Technical Training Center.



Park Maintenance Facility

Training Center.

Parking areas will be paved with asphalt and will be bordered with curb and gutter to help confine car movement to the paved drives and parking areas. Stormwater runoff from the parking lots will be collected in an underground pipe system and routed to stormwater BMPs to control stormwater quality and quantity.

Maintenance Area

A park maintenance facility will be constructed on the north side of the recreation facility. The new maintenance area will include a building to house maintenance equipment and offices, gated gravel access drive and paved equipment staging area.

Maintenance/Operation

Maple Park will serve citizens throughout Currituck County. The County Parks and Recreation Department will operate and maintain the park and athletic facilities. The County's program staff will organize leagues in youth soccer, adult soccer, youth football, youth baseball, adult/women's softball, and other team sports. Having a county facility with multiple fields in one location will greatly improve the County's ability to meet the needs of these team sports.

The County will also operate and maintain the support facilities associated with these athletic events. This includes organizing and managing concession sales, programming/renting picnic facilities/shelters, and policing/monitoring restroom and other park grounds.

The proposed skateboard park will be operated as the existing facility was operated. Skaters will skate at their own risk, without supervision. Signs for safe skating will be posted, but there will not be an attendant.

With the development of such a significant facility, a small park maintenance building will be constructed on site. As noted previously, this maintenance facility will include a small structure for dry storage and operation, and a fenced outdoor storage as well.

The County has an excellent maintenance division to manage this facility already in place.

Environmentally Sensitive Construction

The expansion of Maple Park provides an important environmental asset to the community by preserving open space and minimizing land disturbance. The preservation of existing trees and vegetation improves air quality and water quality. The preservation of existing wetlands and protection of riparian areas greatly reduces pollutants and storm water runoff. These wetlands serve as a filtration system for water leaving the recreational development.

As a government entity, Currituck County recognizes its role in environmental protection and plans to develop these facilities with minimal environmental impact.

Cost Estimate Summary

Item	Budget Amount
Site Clearing	\$135,000.00
Grading / Erosion Control	\$820,000.00
Storm Sewer	\$610,000.00
Drives and Parking Paving	\$475,000.00
Concrete Walks	\$180,000.00
Walking Trails - 19,090 lf / 3.6 ml	\$1,200,000.00
Site Utilities	\$535,000.00
Soccer Fields/Multi-purpose Fields	\$700,000.00
Softball Fields	\$1,200,000.00
Baseball Field	\$535,000.00
Amenities	\$1,537,000.00
Signage	\$183,000.00
Skate Park	\$250,000.00
Dog Park	<u>\$75,000.00</u>
Construction Budget Estimate	\$8,435,000.00
General Conditions-10%	<u>\$843,500.00</u>
Total Probable Construction Budget	\$9,278,500.00

Please note: For master planning purposes, the cost estimates have been rounded for simplicity.

With a construction cost of \$9.27 million, it is likely the County will phase construction of the improvements to the expansion of Maple Park. The general phasing strategy is outlined below:

Park Improvements	Cost
Phase One	\$2,000,000
- Multi-purpose Field Complex	
- Parking	
- Restroom	
- Picnic Shelters and Playground	
Phase Two	\$3,000,000
- Softball Complex	
- Parking Restroom	
- Picnic Shelters	
Additional Phased Recreation Improvements	
- Baseball Field	\$1,870,000
- Parking	
- Restroom	
- Maintenance Facility	\$358,500
- Building	
- Outdoor Storage	
- Skate Park	\$566,200
- Parking	
- Shelters	
- Signage	\$201,300
- Trails (2.6 Miles)	\$1,200,000
- Dog Park	<u>\$82,500</u>
Total Project Budget Estimate	\$9,278,500



Currituck County
Maple Park Expansion
 at Currituck Community Park

December 6, 2011

Phasing Plan





Currituck County Maple Recreational Facility User Written & On-line Survey **(RESULTS)**

RESULTS IN RED

1. What is your gender?

- 19(47.5%)** Male
- 19(47.5%)** Female
- 2(5%)** Unknown

2. What is your age?

- 6 (15%)** 11-20 years
- 2 (5%)** 21-30 years
- 7 (17.5%)** 31-40 years
- 15 (37.5%)** 41-50 years
- 7 (17.5%)** 51-60 years
- 1 (2.5%)** 61 and over
- 2 (5%)** Not Specified

The activities shown on the station boards (skating, play equipment and trails) are conceptual examples only and not intended to illustrate the actual facilities developed for this park.

Facility/Campus Name (Station 1)

3. What do you think the name of the overall campus should be called?

- 11** Currituck Community Campus/Complex
- 1** Coastal Gateway Campus/Complex
- 3** Centre Point Campus/Complex
- 6** Currituck Centre Campus/Complex
- 2** Currituck Progress Centre
- 11** Legacy Park

Comments: Do not like names with Centre or Progress in the name – too urban/progressive.

1 vote for Currituck Aviation Park (CAP)

Appendix: Survey

2 votes for Gateway Campus/Complex
2 votes for Currituck Centre Park

Skate Park Use (Station 2)

4. In the last year, how often have you or a family member visited a skate park? (If your answer is never, please go to question 6.)

5 (12.5%)	Everyday	1 (2.5%)	Once a month	25(65%)	Never
1 (2.5%)	3-4 a week	2 (5%)	Once every 3 months	1(2.5%)	For Shelter (not for skating)
2 (5%)	Once a week	3 (7.5%)	Once a year		

5. Which skate park did you visit?

11	Maple Park		
11	Sound Park		
6	Knott's Island		
Other:			
1	Parks all over East Coast	1	Out of Town
1	Outer Banks YMCA Skate Park	1	Southside Park
1	First Flight Skate Park	2	Kitty Hawk
1	Manteo	2	Aviation Skate Park - KDH

6. Which skating activities would you like to see in your skate park? (Please rank in order of importance.)

1	Stand Alone Bowl	6	Step-ups/Euro-gaps
2	Snake Run	7	Rails
3	Mini-Bowl	8	Manual Pad
4	Mini-Ramp Section	9	Stairsets
5	Banks	10	Keyhole, Cradle, Verticle Ramp, Pool Coping, Brick Coping, (15 ft. ext.)

7. If you could change one thing about the existing Maple Skate Park, it would be:

Comments:

- More beginner level activities to moderate users
- Location
- Expand the park
- The bowl is a bad decision – no flow
- Design park for more simultaneous users
- Add tiles/bricks just below coping
- Skaters also like pool coping
- Snake run into keyhole

2 Do not make any changes.

Playground Use (Station 3)

8. In the last year how often have you or a family member visited a playground? (If your answer is never, please go to question 10.)

6(15%) Once a week **9(22.5%)** Once every 3 months **13(32.5%)** Never
1(2.5%) 2-3 a month **1(2.5%)** Occasionally **3(7.5%)** No Response
3(7.5%) Once a month **4(10%)** Once a year

9. How close do you live to a playground?

2(5%) ¼ to ½ mile **8(20%)** 1 to 2 miles **9(22.5%)** Don't know
2(5%) ½ to 1 mile **19(47.5%)** More than 2 miles

10. Which of these play activities would be most important for a playground? (Pick your top 5 play activities)

	Most Important	2 nd Most Important	3 rd Most Important	4 th Most Important	5 th Most Important
2 Sliding	10	10	4		
1 Swinging	11	9	2	2	1
4 Rock Wall Climbing	9	3	5	3	3
7 Interacting w/ Educational Panels	2	2	2	7	2
6 Bouncing on Spring Toys	3		5	4	4
3 Climbing on Freestanding Play Equipment	11	5	3	1	3
5 Overhead Climbing	3	6	2	3	3
8 Climbing Ladders, Steps	3	2	5	2	3
9 Other (Specify) <u>Running Track</u>				1	

Appendix: Survey

Trail Use (Station 4)

11. In the last year, how have you used trails? (Choose as many as applicable.)

22(27%)	Walking/Walking the dog
8 (10%)	Strolling a baby, elderly person, or person with a disability
12(15%)	Jogging/Running
11(13%)	Bicycling
3(4%)	Commuting
2(2%)	Walking/Biking to School
13(16%)	Nature/Passive Use
10(12%)	Have Not Used
1(1%)	Other (please specify) <u>General exercise</u>

12. If trails were developed for this park, how would you like to use trails in the future? (Choose as many as applicable.)

23(22%)	Walking/Walking the dog
12(12%)	Strolling a baby, elderly person, or person with a disability
19(19%)	Jogging/Running
16(16%)	Bicycling
4(4%)	Commuting
5(5%)	Walking/Biking to School
19(19%)	Nature/Passive Use
2(2%)	Don't Know
Other (please specify) <u>1 – Skating, 1 – Trail/bike path/sidewalk to YMCA that connects areas in Maple.</u>	

13. Which of these activities would be most important as trail destinations? (Pick your top 5 destinations.)

	Most Important	2 nd Most Important	3 rd Most Important	4 th Most Important	5 th Most Important
1 Natural Areas	12	7	3	4	3
3 Athletic Fields	9	3	4	5	4
6 Skate Park	8	1	1		1
2 YMCA	9	8	2	3	3
4 Community Center	4	3	9	2	

5 Dog Park	4	4	1	5	3
	Most Important	2 nd Most Important	3 rd Most Important	4 th Most Important	5 th Most Important
7 Central Elementary School	1	2	2		3
8 Technical Training Center	1		3	2	1
9 Animal Shelter		2	1		4

14. What types of facilities would be appropriate for this park?

- 25(30%)** Multi-use Trails (Trails separated from roads for use by all non-motorized travel, including walking, skates, bikes, wheelchairs, etc.)
- 19(23%)** Paved Sidepaths (Paved trails adjacent to roads)
- 21(25%)** Natural Surface Trails (Unpaved trails in a natural environment)
- 18(22%)** Boardwalks (Wood structures that extend a trail over wetlands or another sensitive landscape)
- Other (please specify) **1 – Bike Paths, 1 – Pool Coping**

15. What is an appropriate trail length for this park? (Choose as many as applicable.)

- 1(3%)** ¼ mile or less **6(16%)** 1 mile or less **7(18%)** 3 miles or less
- 2(5%)** ½ mile or less **12(50%)** 2 miles or less **9(23%)** More than 3 miles
- 1(3%)** ½ mile or more

16. Additional comments:

- Central location for restrooms/concessions at Multi-use Complex.
- Not a soccer complex.
- Need more picnic shelters and need to be close to parking at soccer complex/multi-use fields.
- Two entrances to baseball fields.
- Great use of space and multiple access to all areas.
- Surface on trails – mulch/gravel.
- Soccer complex is not for soccer only but should be used as multi-use fields.
- Larger storage facility at multi-use fields.
- Are fields set up for softball only? Will that limit the use?

Appendix: Survey

- Keep Maple Park – It's level of difficulty is necessary for skaters training for competitive skating. Maple Park draws pros and out of state visitors on a regular basis. Southside and Knotts Island provides choices of what skaters want but Maple's difficult level bring pros.
- Please leave Maple Park alone. A really steep section.
- Maple is important for training competitive skaters. I'm a sponsored skater and would not be at that point if it weren't for Maple. More pool coping.
- Maple Park is the best in the East Coast. The park has every level of skating and biking the big bowl (keyhole) being the most advanced. Progressing to that level is what it is about.
- The following are important to place in our park: Trails, sidewalks, skate park, dog park. Access to each facility by foot is a good idea.
- Outside basketball courts.
- Would like the opportunity to name the Athletic field when the time arises.

Phone (252) 232-3007
Fax (252) 232-2045



Jason S. Weeks
Director

COUNTY OF CURRITUCK

Parks & Recreation Department
Post Office Box 39
Currituck, North Carolina 27929-0039

MEMORANDUM

TO: Currituck County Board of Commissioners

FROM: Jason S. Weeks, Director of Parks and Recreation *JSW*

DATE: December 30, 2011

RE: Recreation Advisory Board Recommendations

The Parks and Recreation Advisory Board met on December 13, 2011 to discuss the Maple Park Site Specific Plan, the County-Wide Comprehensive Recreation Master Plan, and the topic of the naming of the Maple Campus. The Advisory Board has asked that I present their recommendations to the Board of County Commissioners. The recommendations are as follows:

1. By way of a unanimous vote the Parks and Recreation Advisory Board supports the County-Wide Comprehensive Master Plan as presented by Site Solutions and would like to recommend that the BOC support the planning document.
2. By way of unanimous vote the Parks and Recreation Advisory Board supports the Maple Park Site Specific Plan as presented by Site Solutions and would like to recommend that the BOC support the plan.
3. The third recommendation to the BOC is in regards to the naming of the entire "Campus" located in Maple. In a unanimous vote the Parks and Recreation Advisory Board would like to recommend that the entire site be referred to as "Currituck Community Park". This was after a long discussion and review of public opinions from surveys that Site Solutions and Staff collected.

If any clarification is needed in regards to any of these matters please feel free to call me at 232-3007.



Currituck County

153 Courthouse Road, Suite 302

Currituck, North Carolina 27929

252-232-6034

FAX 252-232-3298

Michelle.Perry@CurrituckCountyNC.gov

MEMORANDUM

Date: December 20, 2011

To: Board of Commissioners
Dan Scanlon
Sandra Hill

From: Michelle Perry

**RE: Earthwork Contract – Maple Campus
Regional Aviation & Technical Training Center, Maple Parkway, and Soccer Fields**

On Friday, December 9, 2011, bids were opened for the Maple Campus, Earthwork project. This project will clear and grub the areas for the COA, Regional Aviation & Technical Training Center, Maple Parkway (the road to the Aviation Center), and the Soccer fields. After the clearing and grubbing is done, the contractor is to strip the top layer of soil and fill the areas to near final grade using the soil that is being generated from the Maple Commerce Park stormwater ponds presently under construction by Barnhill Contracting Company.

Four bids were received from the following contractors: Whitehurst Sand Company, George Raper & Son, Inc., RPC Contracting, Inc., and Barnhill Contracting Company. The low bidder was Whitehurst Sand Company with a total bid of \$273,728.90. Alternates include hauling soil from the two stockpiles on the campus in Maple Commerce Park and the Maple Wastewater Treatment Plant and demolition of the house at Hwy. 158 where the soccer fields are to be built. Attached for your review is the bid tabulation sheet and recommendation of award from the consulting engineer Hyman and Robey.

Staff recommends the contract be awarded to Whitehurst Sand Company in the amount of the total bid price and alternates: \$306,917.90.



December 14, 2011

Mr. Eric T. Weatherly, PE - County Engineer
Currituck County
153 Courthouse Road, Suite 302
Currituck, NC 27929

Subject: Bid Opening and Recommendation of Award
Maple Community Campus – Earthwork Contract
H&R Project Number: 110277

Dear Mr. Weatherly:

On Friday, December 9, 2011, at 10:00 am, bids were opened for the Maple Community Campus – Earthwork Contract project. Four bids were received from the following contractors: Whitehurst Sand Company, George Raper & Son, Inc., RPC Contracting, Inc., and Barnhill Contracting Company.

The apparent low bidder was Whitehurst Sand Company with a Base Bid + Total Unit Prices of \$ 273,728.90. Hyman & Robey PC engineer's estimate for the work associated with the bid is \$392,910.00.

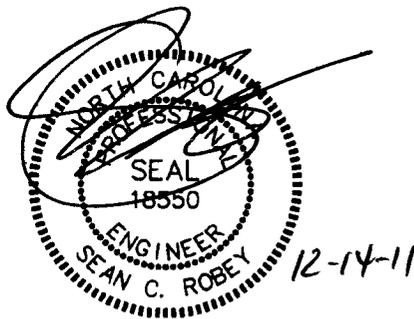
After final review of the bid documents, we recommend the contract be awarded to Whitehurst Sand Company in the amount of the total bid price of \$ 273,728.90 plus the following alternate bids totaling \$33,189.00 for a total contract amount of \$306,917.90:

- Alternate 1 – Hauling & Placement (Stockpile 1) \$25,650.00;
- Alternate 2 – Hauling & Placement (Stockpile 2) \$ 3,215.00;
- Alternate 3 – Remove & Replace Existing Fence \$ 824.00;
- Alternate 4 – Demolition of Existing Structures \$ 3,500.00

Enclosed please find a copy of the Bid Summary sheet as well as copies of the bids received from the contractors. If you have additional questions, please do not hesitate to call me directly at (252) 337-8988.

Sincerely,

Sean C. Robey, PE
Principal Engineer



Attachment(s): Bid Summary Sheet

Date of Bid Opening :
December 9, 2011 10:00 am

Maple Community Campus - Earthwork Contract
Bid Tabulation Results
Owner: Currituck County



Description	Quantity	Unit	Engineer Estimate		Whitehurst Sand Company		Barnhill Contracting Co.		George Raper & Son, Inc.		RPC Contracting, Inc.	
			Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
Base Bid	1.00	EA	\$ 343,910.00	\$ 343,910.00	\$ 242,088.90	\$ 242,088.90	\$ 343,407.00	\$ 343,407.00	\$ 665,781.00	\$ 665,781.00	\$ 283,220.00	\$ 283,220.00
Undercut	7,000	CY	\$ 7.00	\$ 49,000.00	\$ 4.52	\$ 31,640.00	\$ 6.60	\$ 46,200.00	\$ 5.25	\$ 36,750.00	\$ 5.00	\$ 35,000.00
Total Unit Prices				\$ 49,000.00		\$ 31,640.00		\$ 46,200.00		\$ 36,750.00		\$ 35,000.00
Base Bid + Total Unit Prices				\$ 392,910.00	As Read	\$ 273,728.90	As Read	\$ 389,607.00	As Read	\$ 702,531.00	As Read	\$ 318,220.00
				\$ 392,910.00	As Calculated	\$ 273,728.90	As Calculated	\$ 389,607.00	As Calculated	\$ 702,531.00	As Calculated	\$ 318,220.00
A-1	5,000	CY			5.13	\$ 25,650.00	6.05	\$ 30,250.00	12.00	\$ 60,000.00	4.50	\$ 22,500.00
Hauling and placement of stockpiled material at the Maple Commerce Park site (Stockpile No. 1)					6.43	\$ 3,215.00	6.30	\$ 3,150.00	12.00	\$ 6,000.00	4.50	\$ 2,250.00
A-2	500	CY			824.00	\$ 824.00	1,400.00	\$ 1,400.00	500.00	\$ 500.00	700.00	\$ 700.00
Hauling and placement of stockpiled material at the Maple Commerce Park Waste Water Treatment Plant site (Stockpile No. 2)					3,500.00	\$ 3,500.00	4,220.00	\$ 4,220.00	5,000.00	\$ 5,000.00	5,000.00	\$ 5,000.00
A-3	1	LS										
Remove and replace existing fence to access Stockpile No. 2												
A-4	1	LS										
Demolition of existing structures												
Total Amount						\$ 25,650.00	As Calculated	\$ 29,400.00	As Calculated	\$ 71,500.00	As Calculated	\$ 29,400.00
100	1	LS			58,171.00	\$ 58,171.00	11,900.00	\$ 11,900.00	46,995.00	\$ 46,995.00	6,300.00	\$ 6,300.00
Access					2,200.00	\$ 2,200.00	4,500.00	\$ 4,500.00	3,500.00	\$ 3,500.00	2,520.00	\$ 2,520.00
101	5.25	AC			4.39	\$ 17,560.00	5.60	\$ 22,400.00	3.25	\$ 13,000.00	7.00	\$ 28,000.00
Roadway - Clearing and Grubbing					0.90	\$ 5,400.00	2.25	\$ 13,500.00	2.75	\$ 16,500.00	2.00	\$ 12,000.00
102	4,000	CY			2,200.00	\$ 5,500.00	4,500.00	\$ 4,500.00	3,500.00	\$ 3,500.00	2,520.00	\$ 2,520.00
Roadway - Stripping					4.39	\$ 58,387.00	5.60	\$ 74,480.00	3.25	\$ 43,225.00	7.00	\$ 93,100.00
103	6,000	CY			0.90	\$ 26,100.00	2.25	\$ 65,250.00	2.75	\$ 79,750.00	2.00	\$ 58,000.00
Roadway - Placement of Backfill					2,200.00	\$ 5,500.00	4,500.00	\$ 4,500.00	3,500.00	\$ 3,500.00	2,520.00	\$ 2,520.00
105	2.50	AC			4.39	\$ 26,100.00	5.60	\$ 74,480.00	3.25	\$ 43,225.00	7.00	\$ 93,100.00
Soccer Fields - Clearing and Grubbing					0.90	\$ 26,100.00	2.25	\$ 65,250.00	2.75	\$ 79,750.00	2.00	\$ 58,000.00
106	13,300	CY			2,447.50	\$ 19,580.00	4,500.00	\$ 36,000.00	3,500.00	\$ 28,000.00	2,520.00	\$ 20,160.00
Soccer Fields - Stripping					4.39	\$ 26,340.00	5.60	\$ 33,600.00	3.25	\$ 19,500.00	7.00	\$ 42,000.00
107	8	AC			0.90	\$ 13,500.00	2.25	\$ 33,750.00	2.75	\$ 41,250.00	2.00	\$ 30,000.00
Soccer Fields - Placement of Backfill												
108	6,000	CY										
Training Center - Clearing and Grubbing												
109	15,000	CY										
Training Center - Stripping												
110	15,000	CY										
Training Center - Placement of Backfill												
Total Amount						\$ 25,650.00	As Calculated	\$ 29,400.00	As Calculated	\$ 71,500.00	As Calculated	\$ 29,400.00

The above bid results for this project were reviewed and approved by:


Engineer--Sean C. Robbey, PE

12-14-11
Date

NORTH CAROLINA

DECLARATION OF RESTRICTIVE
COVENANTS

CURRITUCK COUNTY

This Declaration, made this _____ day of _____, 2012, by COUNTY OF CURRITUCK, a body corporate and politic existing under the laws of the State of North Carolina, made with reference to the following facts:

WITNESSETH:

WHEREAS, the County of Currituck, (the "County"), is the owner of that certain real property in the County of Currituck, State of North Carolina, described in Exhibit A attached hereto and by this reference incorporated herein, and known as MAPLE COMMERCE PARK; and

WHEREAS, Maple Commerce Park is being developed as a planned business/industrial park. It is the County's desire and intention to subject the real property in said business park to certain covenants, conditions, and restriction for the benefit of the property, Maple Commerce Park, and the purchasers of lots in Maple Commerce Park. It is intended that said covenants, conditions, and restrictions bind and benefit not only said purchasers and Maple Commerce Park but also their respective successors, heirs, and assigns and that all lots in Maple Commerce Park should be held, used, leased, sold, and conveyed subject to the covenants, conditions, and restrictions set forth in this Declaration; and

WHEREAS, it is the intention of the County to further a plan of subdivision by means of the covenants, conditions, and restrictions set forth in this Declaration. Said covenants, conditions, and restrictions are intended to be common to all of the lots in Maple Commerce Park and to enhance and protect the value desirability, and attractiveness of all such lots to their mutual benefit.

NOW, THEREFORE, for and in consideration of the premises for the purposes herein expressed, Declarant does hereby set forth and declare the following restrictions and does hereby covenant and agree to and with all persons, firms and corporations, now or hereafter acquiring any property within Maple Commerce Park and located on the lands described in Exhibit A to this instrument, that the said property is now and shall hereafter be subject to the following conditions and restrictions:

ARTICLE I
Definitions

Unless the context otherwise specifies or requires, the terms defined in this Article I shall, as used in this Declaration, have the meanings herein set forth:

1.1 *Architect*. The term "architect" shall mean a person holding a certificate of registration to practice architecture in the State of North Carolina under the authority of Chapter 83A of the North Carolina General Statutes.

1.2 *Beneficiary*. The term "beneficiary" shall mean a mortgagee under a mortgage as well as a beneficiary under a deed of trust.

1.3 *Declarant*. The term "Declarant" shall mean County of Currituck and, to the extent provided in Article VIII of this Declaration, its successors and assigns.

1.4 *Declaration*. The term "Declaration" shall mean this Declaration of Covenants, Conditions, and Restrictions for Maple Commerce Park, as it may from time to time be amended or supplemented.

1.5 *Deed of Trust*. The term "deed of trust" shall mean a mortgage as well as a deed of trust.

1.6 *Maple Commerce Park*. The term "Maple Commerce Park" shall be synonymous with the term "subject property" and shall mean all of the real property now or hereafter made subject to this Declaration.

1.7 *Improvement--Improvements*. The term "improvement" or "improvements" shall include buildings, outbuildings, roads, parking areas, fences, screening walls and barriers, retaining walls, stairs, decks, waterlines, sewers, electrical and gas distribution facilities, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, loading areas, and all other structures, installations, and landscaping of every type and kind, whether above or below the land surface.

1.8 *Lot*. The term "lot" shall mean a fractional part of the subject property as subdivided on subdivision or parcel maps recorded from time to time in the Currituck County Registry.

1.9 *Mortgage*. The term "mortgage" shall mean a deed of trust as well as a mortgage.

1.10 *Mortgagee*. The term "mortgagee" shall mean a beneficiary under, or holder of, a deed of trust as well as a mortgagee under a mortgage.

1.11 *Occupant*. The term "Occupant" shall mean a lessee or licensee of an Owner, or any other person or entity other than an Owner in lawful possession of a lot with the permission of the Owner.

1.12 *Owner*. The term "Owner" shall mean and refer to any person or entity that is the recorded Owner of fee simple title to any lot, excluding any entity or person who holds such interest as security for the payment of an obligation, but including contract sellers and any mortgagee or other security holder in actual possession of a lot.

1.13 *Record--Recorded--Recordation*. The terms "record," "recorded," or "recordation" shall mean, with respect to any document, the recordation of said document in the Currituck County Registry.

1.14 *Sign*. The term "sign" shall mean any structure, device, or contrivance, electric or nonelectric, upon or within which any poster, bill, bulletin printing, lettering, painting, device, or other advertising of any kind whatsoever is used, placed, posted, tacked, nailed, pasted, or otherwise fastened or affixed.

1.15 *Street--Streets*. The term "street" or "streets" shall mean any street, highway, road, or thoroughfare within or adjacent to the subject property and shown on any recorded subdivision or parcel map, or record of survey, whether designated thereon as street, boulevard, place, drive, road, court, terrace, way, lane, circle, or otherwise.

1.16 *Subject Property*. The term "subject property" shall be synonymous with the term "Maple Commerce Park" and shall mean all of the real property now or hereafter made subject to this Declaration.

1.17 *Visible from Neighboring Property*. The term "visible from neighboring property" shall mean, with respect to any given object on a lot, that such object is or would be visible to a person six (6) feet tall, standing on any part of any adjacent lot or other property at an elevation no greater than the elevation of the base of the object being viewed.

ARTICLE II
Subject Property

2.1 *General Declaration.* Declarant hereby declares that all of that real property identified as Maple Commerce Park, located in Crawford Township, County of Currituck, State of North Carolina, and more particularly described in Exhibits A and B is, and shall be, conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved, or transferred in whole or in part, subject to this Declaration. All of the covenants, conditions, and restrictions set forth herein are declared and agreed to be in furtherance of a general plan for the subdivision, improvement, and sale of said real property and are established for the purpose of enhancing and protecting the value, desirability, and attractiveness of the subject property and every part thereof. All of said covenants, conditions, and restrictions shall run with all of the subject property for all purposes and shall be binding upon and inure to the benefit of Declarant and all Owners, Occupants, and their successors in interest as set forth in this Declaration.

2.2 *Addition of Other Realty.* Declarant may at any time during the pendency of this Declaration add all or a portion of any real property now or hereinafter owned by Declarant to the subject property, and upon recording of a notice of addition of real property containing at least the provisions set forth in Section 2.3, the provisions of these Declarations specified in said notice shall apply to such added real property in the same manner as if it were originally covered by this Declaration. Thereafter, to the extent that this Declaration is made applicable thereto, the rights, powers, and responsibilities of Declarant and the Owners and Occupants of lots within such added real property shall be the same as in the case of the real property described in Exhibits A and B.

2.3 *Notice of Addition to Land.* The notice of addition of real property referred to in Section 2.2 shall contain at least the following provisions:

(a) A reference to this Declaration stating the date of recording and the book or books of the records of the Currituck County Registry, and the page numbers where this Declaration is recorded;

(b) A statement that the provisions of this Declaration, or some specified part thereof, shall apply to such added real property;

(c) A legal description of such added real property; and

(d) Such other or different covenants, conditions, and restrictions as Declarant shall, in its discretion, specify to regulate and control the use, occupancy, and improvements of such added real property.

ARTICLE III
Construction of Improvements

3.1 *Approval of Plans Required.* No improvements shall be erected, placed, altered, maintained, or permitted or remain on any lot by any Owner or Occupant until final plans and specifications shall have been submitted to and approved in writing by Declarant. Such final plans and specifications shall be submitted in duplicate over the authorized signature of the Owner or Occupant or both of the lot or the authorized agent thereof. Such plans and specifications shall be in such form and shall contain such information as may be required by the Declarant but shall in any event include the following:

(a) A site development plan of the lot showing the nature, grading scheme, kind, shape, composition, and location of all structures with respect to the particular lot (including proposed front, rear, and side setback lines), and with respect to structures on adjoining lots, and the number and location of all parking spaces and driveways on the lot;

(b) A landscaping plan for the particular lot;

(c) A plan for the location of signs and lighting; and

(d) A building elevation plan showing dimensions, materials, and exterior color scheme in no less detail than required by the appropriate governmental authority for the issuance of a building permit. Material changes in approved plans must be similarly submitted to and approved by Declarant.

3.2 Basis for Approval. Approval shall be based, among other things, upon compliance with the Design Guidelines prepared for the subject property, including adequacy of site dimensions, adequacy of structural design, conformity and harmony of external design with neighboring structures, effect of location and use of proposed improvements upon neighboring lots, proper facing of main elevation with respect to nearby streets, adequacy of screening of mechanical, air-conditioning, or other roof-top installations, and conformity of the plans and specifications to the purpose and general plan and intent to this Declaration. No plans will be approved that do not provide for the underground installation of power, electrical, telephone, and other utility lines from the property line to buildings.

Plans that provide for metal-clad buildings will be approved only on the conditions that such buildings are constructed so as not to have the appearance of a pre-engineered metal building, are designed by an architect, and are specifically approved in writing by Declarant. Declarant shall not arbitrarily or unreasonably withhold its approval of any plans and specifications. Except as otherwise provided in this Declaration, Declarant shall have the right to disapprove any plans and specifications submitted hereunder on any reasonable grounds including, but not limited to, the following:

(a) Failure to comply with any of the restrictions set forth in this Declaration;

(b) Failure to include information in such plans and specifications as may have been reasonably requested by Declarant;

(c) Objection to the exterior design, the appearance of materials, or materials employed in any proposed structure;

(d) Objection on the ground of incompatibility of any proposed structure or use with existing structures or uses upon other lots, or other property in the vicinity of the subject property;

(e) Objection to the location of any proposed structure with reference to other lots, or other property in the vicinity;

(f) Objection to the grading or landscaping plan for any lot;

(g) Objection to the color scheme, finish, proportions, style of architecture, height, bulk, or appropriateness of any structure;

(h) Objection to the number or size of parking spaces, or to the design of the parking area;

(i) Any other matter that, in the judgment of the Declarant, would render the proposed improvements or use inharmonious with the general plan for improvement of the subject property or with improvements located upon other lots or other property in the vicinity.

3.3 Review Fee. An architectural review fee shall be paid to Declarant at such time as plans and specifications are submitted to it based upon a schedule adopted from time to time by Declarant.

3.4 Result of Inaction. If Declarant fails either to approve or disapprove plans and specifications submitted to it for approval within forty-five (45) days after the same have been submitted, it shall be conclusively

presumed that Declarant has disapproved said plans and specifications; provided, however, that if within the forty-five (45)-day period Declarant gives written notice of the fact that more time is required for the review of such plans and specifications, there shall be no presumption that the same are disapproved until the expiration of such reasonable period of time as is set forth in the notice.

3.5 *Approval.* Declarant may approve plans and specifications as submitted, or as altered or amended, or it may grant its approval to the same subject to specific conditions. Upon approval or conditional approval by Declarant of any plans and specifications submitted, a copy of such plans and specifications, together with any conditions, shall be deposited for permanent record with Declarant, and a copy of such plans and specifications, bearing such approval together with any conditions, shall be returned to the applicant submitting the same.

3.6 *Proceeding with Work.* Upon receipt of approval from Declarant pursuant to Section 3.5, the Owner, or Occupant, or both, to whom the same is given, shall, as soon as practicable, satisfy any and all conditions of such approval and shall diligently proceed with the commencement and completion of all approved excavation, construction, refinishing, and alterations. In all cases, submission of plans and specifications to Declarant for approval and work shall commence within one (1) year from the date Owner purchases a lot from Declarant, and if submission of plans and work is not so commenced, approval shall be deemed revoked unless Declarant, pursuant to written request made and received prior to the expiration of said one (1)-year period, extends the period of time within which work must be commenced. Failure to comply with this Section shall constitute a breach of this Declaration and the party in breach shall convey the property back to Declarant.

3.7 *Completion of Work.* Any improvement commenced pursuant hereto shall be completed within two (2) years from the date of Owner's purchase of a lot from Declarant, except for so long as such completion is rendered impossible due to strike, fire, national emergency, natural disaster, or other supervening force beyond the control of Owner or Occupant. Declarant may, upon written request made and received prior to the expiration of the two (2) year period, extend the period of time within which work must be completed. Failure to comply with this Section shall constitute a breach of this Declaration and the party in breach shall convey the property back to the Declarant.

3.8 *Declarant Not Liable.* Declarant shall not be liable for any damage, loss, or prejudice suffered or claimed by any person on account of:

(a) The approval or disapproval of any plans, drawings, and specifications, whether or not in any way defective;

(b) The construction of any improvement, or performance of any work, whether or not pursuant to approved plans, drawings, and specifications; or

(c) The development of any lot within Maple Commerce Park.

3.9 *Construction without Approval.* If any improvement shall be erected, placed, or maintained upon any lot, or any new use commenced upon any lot, other than in accordance with the approval by the Declarant pursuant to the provisions of this Article III, such alteration, erection, placement, maintenance, or use shall be deemed to have been undertaken in violation of this Declaration, and upon written notice from Declarant, any such improvement so altered, erected, placed, maintained, or used upon any lot in violation of this Declaration shall be removed or altered so as to conform to this Declaration, and any such use shall cease or be amended so as to conform to this Declaration. Should such removal or alteration or cessation or amendment or use not be accomplished within thirty (30) days after receipt of such notice, then the party in breach of this Declaration shall be subject to the enforcement procedures set forth in Article VII.

ARTICLE IV
Development Standards

4.1 *Density.*

(a) The minimum lot size is two (2) acres (87,120 feet).

(b) The minimum principal building size is 5,000 square feet. Accessory buildings may be constructed less than 5,000 square feet.

(c) Lot coverage, including all buildings, pavement, walkways, stone or similar materials shall not exceed 65% of the gross lot area. This covenant is intended to insure continued compliance with the stormwater permit issued by the State of North Carolina. This covenant may not be changed or deleted without the consent of the State of North Carolina. No one may fill in, pipe, or alter any roadside ditch except as necessary to provide a minimum driveway crossing.

4.2 *Minimum Setback.* No improvements of any kind, and no part thereof, shall be placed closer than permitted by Declarant to an interior property line, except as otherwise provided in Section 4.3. "Interior property line" shall mean the boundary between any lot within the subject property and all other lots bordering upon said lot. No improvements of any kind, and no part thereof, shall be placed closer than thirty (30) feet from a property line fronting any roadway within the Maple Commerce Park. No improvements of any kind, and no part thereof, shall be placed closer than thirty (30) feet from a side or rear property line.

4.3 *Exceptions to Setback Requirements.* The following improvements, or parts of improvements, are specifically excluded from the setback requirements set forth in Section 4.2:

(a) Roof overhang, subject to approval in writing from Declarant, provided said overhang does not extend more than eighteen (18) inches into the setback area;

(b) Steps and walkways;

(c) Fences, subject to the requirements set forth in Section 4.7;

(d) Landscaping and irrigation systems;

(e) Planters, not to exceed three (3) feet in height, except that planters of greater height may be built within the setback area with the prior written approval of Declarant;

(f) Industrial park identification signs, directional and parking signs, and signs identifying the owner or Occupant of a lot, subject to the prior written approval of Declarant;

(g) Lighting facilities, subject to the prior written approval of Declarant; and

(h) Underground utility facilities and sewers.

4.4 *Landscaping.* No improvements to a lot shall be occupied prior to installation of such lot's landscaping in accordance with the plans and specifications. The area of each lot between any street and any minimum setback line as set forth in Section 4.2 shall be landscaped with an attractive combination of trees, shrubs, and other ground cover. All portions of a lot not fronting a street and not used for parking, storage, or buildings shall be landscaped in a complementary and similar manner.

Priority shall be given to retention of existing vegetation within 45' of all street right of ways, excluding site access & utilities. A vegetation retention plan shall be submitted to the County at the time of application for

individual lot development by the Owner. It shall be the responsibility of the Owner or Occupant to retain vegetation during development of the lot according to the approved plan.

When existing vegetation cannot be preserved, property owners shall submit a vegetation retention/planting plan to the County at the time of application for individual lot development that meets the minimum street tree requirements of the UDO. It shall be the responsibility of the individual lot Owner to install vegetation according to the approved plan.

The perimeter of parking areas shall be landscaped with solid screen evergreen plant material so as to screen said areas from view from adjacent streets and freeways. Such screening shall extend at least forty-eight (48) inches above the high point of the finished pavement in said parking area. Landscaped earth berms at least three feet high may substitute for the solid screen planting.

If the outdoor parking lot contains fifteen or more parking stalls, not less than 6% of the interior of such parking lot shall be landscaped. The use of depressed rain gardens between parking bays to capture and treat excess stormwater run-off is encouraged. Strips between parking bays may also be landscaped with appropriate ground cover and deciduous trees.

After completion, such landscaping as is herein required shall be maintained in a sightly and well-kept condition. If, in Declarant's reasonable opinion, the required landscaping is not maintained in a sightly and well-kept condition, Declarant shall be entitled to the remedies set forth in Article VII.

4.5 Signs. No sign shall be permitted on any lot unless approved by Declarant in writing. No sign shall be approved other than business park identification signs; informational and vehicular control signs; signs identifying the building or the business of the Owner or Occupant of a lot, in which instance signs may be placed upon each side of the building and one sign may be placed upon the lot; signs offering the lot for sale or lease; and temporary development signs.

4.6 Fences. No fences or walls shall be permitted on any lot unless such fence or wall is necessary for security or screening purposes. The Declarant reserves the right to approve the location and design of all fences, and no fence shall be constructed without a letter of approval from the Declarant.

4.7 Lighting. All exterior lighting, including floodlights, parking lights, and security lighting, constructed by the owner or occupant of a lot, must be a cut-off style fixture to prevent excess light pollution. Lights illuminating signage as provided in section 4.5 shall be exempt from this provision, but shall in no case run counter to county ordinances that regulate signage.

4.8 Parking Areas. Off-street parking adequate to accommodate the parking needs of the Owner or Occupant and the employees and visitors thereof shall be provided by the Owner or Occupant of each Lot. The intent of this provision is to eliminate the need for any on street parking; provided, however, that nothing herein shall be deemed to prohibit on-street parking of public transportation vehicles. If parking requirements increase as a result of a change in the use of a lot or in the number of person employed by the Owner or Occupant, additional off-street parking shall be provided so as to satisfy the intent of this section. All parking areas shall conform to the following standards:

(a) Required off-street parking shall be provided on the lot, on a contiguous lot, or within such distance from the lot as Declarant deems reasonable. Where parking is provided other than upon the lot concerned, Declarant shall be given a certified copy of a recorded instrument, duly executed and acknowledged by the person or person holding title to the lot or other property upon which the parking area is located, stipulating to the permanent reservation of the use of the lot or other property for such parking area.

(b) All parking areas, driveways and walks shall be surfaced with bituminous concrete, concrete, asphalt, brick or an equal material approved by Declarant. Declarant encourages the use of pervious pavement surfaces and materials to limit stormwater impacts. Each parking space provided shall be designated by lines painted upon the paved surface and shall be adequate in area. All parking areas shall provide, in addition to parking spaces, adequate driveways and space for the movement of vehicles; and

(c) Parking areas are located to the side or rear of buildings.

4.9 *Storage and Loading Areas*. Storage, maintenance, and loading areas must be constructed, maintained, and used in accordance with the following conditions:

(a) Outside storage of materials, supplies, or equipment, including trucks or other motor vehicles, shall be permitted only if:

(i) The material, equipment, or objects stored outside are incidental to the activities regularly conducted on the premises;

(ii) The area devoted to outside storage combined with all other impervious surfaces does not exceed 50% of the gross floor area of the principal structure on the site;

(iii) The area is screened on sides and top and harmonizes with the architecture, design, and appearance of neighboring structures and other surroundings; and

(iv) The area is located upon the rear portions of a lot, unless otherwise approved in writing by Declarant.

(b) Provision shall be made on each site for any necessary vehicle loading, and no on-street vehicle loading shall be permitted.

(c) Loading dock areas shall be set back, recessed, or screened so as not to be visible from neighboring property or streets, and in no event shall a loading dock be closer than seventy-five (75) feet from a property line fronting upon a street unless otherwise approved in writing by Declarant.

ARTICLE V Regulation of Operations and Uses

5.1 *Permitted Uses*.

The only uses allowed within the Maple Commerce Park shall be as follows:

1. Aviation related industries and services, including the manufacture of airplanes, aeronautical instruments and parts; distribution and warehousing of said parts, airplane and parts repair and overhaul facilities; and any other aviation or airport related goods and services as deemed appropriate by Declarant;

2. General building contractors, general contractors other than building, landscaping contractors and special trade contractors;

3. Manufacturing in the nature of apparel and other finished products; bakery products; beverages; cabinet and woodworking shop; electric, electronic machines, equipment and supplies; fabricated metal products; food and kindred products; furniture and fixtures; instruments and related products; lumber and wood products; machinery other than electrical; printing and publishing; stone, clay, glass and concrete products; textile manufacturing; transportation equipment;

4. Motor freight transportation and warehousing;

5. Warehousing; wholesaling of items manufactured on or off the premises. Mini storage warehouses or garages are not permitted uses.

6. Farm implement sales;

7. Electrical repair shops; equipment rental and leasing;

8. Governmental offices and buildings;

9. Offices for private business and professional activities.

10. Sexually oriented businesses are prohibited within the park.

11. Any use not expressly permitted or prohibited by this section shall be considered at the sole discretion of the Declarant.

5.2 *Nuisances*. No nuisance shall be permitted to exist or operate upon any lot so as to be offensive or detrimental to any adjacent lot or property or to its occupants. A "nuisance" shall include, but not be limited to, any of the following conditions:

(a) Any use, excluding reasonable construction activity, of the lot that emits dust, sweepings, dirt, or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any stream, river, or other waterway that, in the opinion of Declarant, may adversely affect the health, safety, comfort of, or intended use of their property by persons within the area. No waste nor any substance or materials of any kind shall be discharged into any public sewer serving the subject property or any part thereof in violation of any regulation of any public body having jurisdiction over such public sewer;

(b) The escape or discharge of any fumes, odors, gases, vapors, steam, acids, or other substance into the atmosphere, which discharge, in the opinion of Declarant, may be detrimental to the health, safety, or welfare of any person or may interfere with the comfort of persons within the area or may be harmful to property or vegetation;

(c) The radiation or discharge of intense glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser, or other radiation. Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened area and then only in such manner that the glare, heat, or radiation emitted will not be discernible from a point exterior to the site or lot upon which the operation is conducted.

(d) Excessive noise. At no point outside of any lot plane shall the sound pressure level of any machine, device, or any combination of same, from any individual plant or operation, create any unreasonably loud, disturbing sound levels, taking into consideration volume, duration, frequency and other characteristics of the sound.

(e) Excessive emissions of smoke, steam, or particulate matter. Visible emissions of smoke or steam will not be permitted (outside any building) that exceed Ringlemann No. 1 on the Ringlemann Chart of the United States Bureau of Mines. This requirement shall also be applied to the disposal of trash and waste materials. Windborne dust, sprays, and mists originating in plants are not permitted.

(f) Ground vibration. Buildings and other structures shall be constructed and machinery and equipment installed and insulated on each lot so that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point exterior to any lot.

5.3 *Well-head Protection Areas*. Parcels located within the subdivision and containing designated 500' Well-head Protection Areas as outlined in Exhibit B, "Maple Commerce Park Final Plat", and specifically identified as lots 6, 7 & 8, shall be further restricted on development types in order to manage or control potential sources of contamination throughout the designated area (Well-head Protection Area). The wells to be protected by this section are Mainland water system wells number 9, 10, 11, 12, 13, 14, 15 and 16.

The designated lots can contribute infiltration water, or recharge, to the municipal wells. Contaminants found at or below the land's surface can move with this recharge toward the public water supply well. In no case

shall hazardous materials or other deleterious substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant groundwater hazard within the Maple Commerce Park.

Land uses or activities for the designated lots that pose a significant hazard to the County's groundwater resources resulting from storing, handling, treating, using, producing, recycling or disposing of hazardous materials or other deleterious substances shall be prohibited in lots 6,7 & 8. These land uses and activities include, but are not limited to:

- (a) On-site community sewage disposal systems.
- (b) Hazardous liquid pipelines.
- (c) Solid waste landfills.
- (d) Solid waste transfer stations.
- (e) Liquid petroleum refining, reprocessing and storage.
- (f) Bulk storage facilities for petroleum products and chemicals.
- (g) The storage or distribution of gasoline
- (h) Hazardous waste treatment, storage and disposal facilities.
- (i) Chemical manufacturing, including but not limited to organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals.
- (j) Dry cleaning establishments using the solvent perchloroethylene.
- (k) Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals from molten materials.
- (l) Wood preserving and wood products preserving.
- (m) Mobile fleet fueling operations.
- (n) Other uses and activities that the Declarant determines would pose a significant groundwater hazard to the County Mainland groundwater supply.

5.4 Condition of Property. The Owner or Occupant of any lot shall at all times keep it and the buildings, improvements, and appurtenances thereon in a safe, clean, and wholesome condition and comply, at its own expense, in all respects with all applicable governmental, health, fire and safety ordinances, regulations, requirements, and directives, and the Owner or Occupant shall at regular and frequent intervals remove at its own expense any rubbish of any character whatsoever that may accumulate upon such lot.

5.5 Maintenance of Grounds.

(a) Each Owner shall be responsible for the maintenance and repair of all parking areas, driveways, walkways, and landscaping on his Lot. Such maintenance and repair shall include, without limitation:

(1) Maintenance of all parking areas, driveways, and walkways in a clean and safe condition, including the paving and repairing or resurfacing of such areas when necessary with the type of material originally installed thereon or such substitute therefore as shall, in all respects, be equal thereto in quality, appearance, and durability; the removal of debris and waste material and washing and sweeping of paved areas; the painting and

repainting of striping markers and directional signals as required;

(2) Cleaning, maintenance, and relamping of any external lighting fixtures, except such fixtures as may be the property of any public utility or government body; and

(3) Performance of all necessary maintenance of all landscaping, including the trimming, watering, and fertilization of all grass, groundcover, shrubs, or trees; the removal of dead or waste materials; the replacement of any dead or diseased grass, groundcover, shrubs, or trees.

(b) Nothing contained herein shall preclude an Owner from recovering from any person liable therefore, damages to which such Owner might be entitled for any act or omission to act requiring an expenditure by the Owner for the maintenance and repair of the parking area, driveway, walkway, and/or landscaping on his Lot.

(c) The Maple Commerce Park subdivision contains common area open space owned by the Declarant, including drainage swales, ditches, forebays, stormwater ponds and multi-use trails. These areas are shown on Exhibit B. The maintenance of these areas will be completed by the Declarant on a regular schedule. The Owner or Occupant of any parcel within the Maple Commerce Park will be responsible for a portion of all maintenance fees related to the upkeep of open space, stormwater infrastructure and multi-use paths. This fee will be determined at a future date by the Declarant and assessed annually. Maintenance fees will be calculated on a site-to-site using a combination of the Owner or Occupants total land area, total impervious area, and factors such as the installation of additional on-site features to limit stormwater impacts.

5.6 Remedies for Failure to Maintain and Repair.

(a) *Remedies.* If any Owner shall fail to perform the maintenance and repair required by Section 5.6, then Declarant, after fifteen days prior written notice to such delinquent Owner, shall have the right, not the obligation, to perform such maintenance and repair and to charge the delinquent Owner with costs of such assessment or such work, together with interest thereon at the rate of eight percent (8%) per annum from the date of Declarant's advancement of funds for such payment or such work to the date of reimbursement of Declarant by Owner. If the delinquent Owner shall fail to reimburse Declarant for such costs within ten days after demand therefore, Declarant may, at any time within two years after such advance, file a claim of lien signed by Declarant for the amount of such charge together with interest thereon. The lien created by this section shall be effective to establish a lien against the interest of the delinquent Owner in his lot together with interest at eight percent (8%) per annum on the amount of such advance from the date thereof, in addition to recording fees, cost of title search obtained in connection with such lien or the foreclosure thereof, and court costs and reasonable attorney's fees that may be incurred in the enforcement of such a lien.

(b) *Foreclosure of Lien.* Subject to the provisions of Article XII, such a lien, when so established against the lot described in said claim, shall be prior or superior to any right, title, interest, lien, or claim that may be or may have been acquired in or attached to the real property interests subject to the lien subsequent to the time of filing such claim for record, Such lien shall be for the benefit of Declarant and may be enforced and foreclosed in a like manner as a real estate mortgage is foreclosed but without redemption.

(c) *Cure.* If a default for which a notice of claim of lien was filed is cured, Declarant shall file or record a rescission of such notice, upon payment by the defaulting Owner of the costs of preparing and filing or recording such rescission, and other reasonable costs, interest, or fees that have been incurred.

(d) *Nonexclusive Remedy.* The foregoing lien and the rights to foreclose thereunder shall be in addition to, and not in substitution for, all other rights and remedies that any party may have hereunder and by law, including any suit to recover a money judgment for unpaid assessments. If any Owner shall fail to perform such maintenance and repair and, notwithstanding such failure, Declarant should fail to exercise its rights and remedies hereunder, then any other Owner, after fifteen (15) days prior written notice to Declarant and such delinquent Owner, shall have the right, but not the obligation, to perform such maintenance and repair and shall

have the same rights and remedies with respect thereto as are provided herein to Declarant.

5.7 Taxes and Assessments. If any Owner fails to pay taxes or assessments on its lot that become a lien on any portion of the subject property utilized for parking, service, or loading areas, then any other Owner may pay such taxes or assessments, together with any interest, penalties, and costs arising out of or related thereto, except while the validity thereof is being contested by judicial or administrative proceedings, and in such event the defaulting Owner obligated to pay such taxes or assessments shall promptly reimburse the other Owner for all such taxes or assessments, interest, penalties, and costs paid or incurred by such other Owner, and until such reimbursement has been made, the amount of the payment by such other Owner shall constitute a lien on and charge against the lot of the defaulting Owner, subject and subordinate, however, to any mortgage or deed of trust then outstanding and affecting said lot.

5.8 Refuse Collection Areas. All outdoor refuse collection areas shall be visually screened so as not to be visible from neighboring property or streets. No refuse collection area shall be permitted between a street and the front of a building.

5.9 Repair of Buildings. No building or structure upon any lot shall be permitted to fall into disrepair, and each such building and structure shall at all times be kept in good condition and repair and adequately painted or otherwise finished.

5.10 Public Utilities. Declarant reserves the sole right to grant consents for the construction and operation of public utilities, including, but not limited to poles or lines for electricity, telephone, or telegraph, above- or below-ground conduits, and gas pipes in an upon any and all streets now existing or hereafter established upon which any portion of the subject property may now or hereafter front or abut. Declarant reserves the exclusive right to grant consents and to petition the property authorities for any and all street improvements, such as grading, seeding, tree planting, sidewalks, paving, and sewer and water installation, whether it be on the surface or subsurface, which in the opinion of Declarant are necessary on or to the subject property. Notwithstanding the provisions of Section 3.2, Declarant reserves the exclusive right to approve above-ground utility lines across the subject property or any portion thereof on a temporary basis for the purpose of construction, and such lines shall be permitted when required by a government agency. Notwithstanding the provisions of this Section, the construction and operation of public utilities in rights-of-way dedicated to the public must be approved by the appropriate governmental authority.

5.11 Utilities Lines and Antennas. No sewer, drainage, or utility lines or wires or other devices for the communication or transmission of electric current, power, or signals, including telephone, television, microwave, or radio signals, shall be constructed, placed, or maintained anywhere in or upon any portion of the subject property other than within buildings or structures, unless the same shall be contained in conduits or cables constructed, placed, or maintained underground or concealed in or under buildings or other structures. No antenna for the transmission or reception of telephone, television, microwave, or radio signals shall be placed on any lot within the subject property unless (a) such antenna shall be so located that it cannot be seen from five (5) feet zero (0) inches above the ground or ground-floor level at a distance of two hundred (200) feet in any direction and (b) the consent of Declarant shall first be obtained. Nothing contained herein shall be deemed to forbid the erection or use of temporary power or telephone facilities incidental to the construction or repair of buildings on the subject property.

5.12 Mechanical Equipment. All mechanical equipment, utility meters, storage tanks, air-conditioning equipment, and similar items shall be screened with landscaping or attractive architectural features integrated into the structure itself.

5.13 Mineral Exploration. No portion of the subject property shall be used in any manner to explore for or to remove any steam, heat, oil or other hydrocarbon, gravel, earth, or any earth substances or other minerals of any kind, provided, however, that this shall not prevent the excavation of earth in connection with the grading

or construction of improvements within the subject property. Water may be extracted to the extent permitted by the appropriate governmental agency.

5.14 *Other Operations and Uses.* Operations and uses that are neither specifically prohibited nor specifically authorized by this Declaration may be permitted in a specific case if operational plans and specifications are submitted to and approved in writing by Declarant in accordance with the procedures set forth in Article III of this Declaration. Approval or disapproval of such operational plans and specifications shall be based upon the effect of such operations or uses on other property subject to this Declaration or upon the occupants thereof, but shall be in the sole discretion of Declarant.

ARTICLE VI Modification and Repeal

6.1 *Procedure.* Except as otherwise provided in Section 6.2, this Declaration or any provision hereof, or any covenant, condition, or restriction contained herein, may be terminated, extended, modified, or otherwise amended, as to the whole of the subject property or any portion thereof, with the written consent of the Owners of eighty percent (80%) of the subject property, based upon the number of square feet subject to these covenants, conditions, and restrictions (excluding dedicated streets); provided, however, that so long as Declarant owns at least twenty percent (20%) of the property subject to these covenants, conditions, and restrictions, or for a period of fifteen (15) years from the effective date hereof whichever period is shorter no such termination, extension, modification, or other amendment shall be effective without the written approval of Declarant, which approval shall not be unreasonably withheld. No such termination, extension, modification, or other amendment shall be effective if it conflicts with a valid governmental enactment, ordinance, or regulation and until a proper instrument in writing has been executed, acknowledged, and recorded.

6.2 *Modification by Declarant.* For so long as Declarant owns any interest (excepting a leasehold interest) in the subject property, or any part thereof, or for a period of fifteen (15) years from the effective date hereof, whichever period is shorter, Declarant acting alone may modify or amend the provisions of Articles III, IV, and V; provided, however, that (i) any such modification or amendment must be within the spirit and overall intention of the development as set forth herein; (ii) prior to any such modification or amendment Declarant shall obtain the approval of any governmental agency to such modification or amendment where such approval is necessary; and (iii) any modification or amendment shall not provide for any type of improvements or use not presently permitted by this Declaration. No such modification or amendment shall be effective until the Owners have been given thirty (30) days prior written notice of the proposed change and a proper instrument in writing has been executed, acknowledged, and recorded.

6.3 *Governmental Regulations.* All valid governmental enactments, ordinances, and regulations are deemed to be a part of this Declaration, and to the extent that they conflict with any provision covenant, condition, or restriction hereof, said conflicting governmental enactment, ordinance, and regulation shall control and the provision, covenant, condition, or restriction hereof in conflict therewith shall be deemed (i) amended to the extent necessary to bring it into conformity with said enactment, ordinance, or regulation while still preserving the intent and spirit of the provision, covenant, condition, or restriction; or (ii) stricken herefrom should no amendment conforming to the governmental enactment, ordinance, or regulation be capable of preserving the intent and spirit of said provision, covenant, condition, or restriction.

ARTICLE VII Enforcement

7.1 *Abatement and Suit.* The Owner of each lot shall be primarily liable and the Occupant, if any, secondarily liable for the violation or breach of any covenant, condition, or restriction herein contained. Violation or breach of any covenant, condition, or restriction herein contained shall give to Declarant, following thirty (30) days written notice to the Owner or Occupant in question except in exigent circumstances, the right, privilege, and license to enter upon the lot where said violation or breach exists and to summarily abate and remove, or

abate or remove, at the expense of the Owner or Occupant thereof, any improvement, structure, thing, or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof, or the prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of these covenants, conditions, or restrictions to enjoin or prevent them from doing so, to cause said violation to be remedied, or to recover damages for said violation. No such entry by Declarant or its agents shall be deemed to trespass, and neither Declarant nor its agents shall be subject to liability to the Owner or Occupant of said lot for such entry and any action taken to remedy or remove a violation. The cost of any abatement, remedy, or removal hereunder shall be a binding personal obligation on any Owner or Occupant in violation of any provision of this Declaration, as well as a lien (enforceable in the same manner as a mortgage) upon the lot in question. The lien provided for in this section shall not be valid as against a bona fide purchaser or mortgagee for value of the lot in question unless a suit to enforce said lien shall have been filed in a court of record in Currituck County, North Carolina, prior to

the recordation of the deed or mortgage conveying or encumbering the lot in question to such purchaser or mortgagee, respectively.

7.2 Right of Entry. During reasonable hours and upon reasonable notice and subject to reasonable security requirements, Declarants, or its agents, shall have the right to enter upon and inspect any lot and the improvements thereon covered by this Declaration for the purpose of ascertaining whether or not the provisions of this Declaration have been or are being complied with, and neither Declarant nor its agents shall be deemed to have committed a trespass or other wrongful act by reason of such entry or inspection.

7.3 Deemed to Constitute a Nuisance. The result of every act or omission whereby any covenant, condition, or restriction herein contained is violated in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or in equity against an Owner or Occupant either public or private shall be applicable against every such result and may be exercised by Declarant.

7.4 Attorney's Fees. In any legal or equitable proceeding for the enforcement of this Declaration or any provision hereof, whether it be an action for damages, declaratory relief, or injunctive relief, or any other action, the losing party or parties shall pay the attorney's fees of the prevailing party or parties, in such reasonable amount as shall be fixed by the court in such proceedings or in a separate action brought for that purpose. The prevailing party shall be entitled to said attorney's fees even though said proceeding is settled prior to judgment. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

7.5 Failure to Enforce Is No Waiver. The failure of Declarant to enforce any requirement, restriction, or standard herein contained shall in no event be deemed to be a waiver of the right to do so thereafter or in other cases nor of the right to enforce any other restriction.

ARTICLE VIII Assignment

Any and all of the rights, powers, and reservations of Declarant herein contained may be assigned to any person, partnership, corporation, or association that will assume the duties of Declarant pertaining to the particular rights, powers, and reservations assigned, and upon any such person, partnership, corporation, or association evidencing its consent in writing to accept such assignment and assume such duties, he or it shall, to the extent of such assignment and assume such duties, he or it shall, to the extent of such assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Declarant herein. If at any time Declarant ceases to exist and has not made such an assignment, a successor to Declarant may be modified or amended under Section 6.1. Any assignment or appointment made under this article shall be in reasonable form and shall be recorded.

ARTICLE IX Constructive Notice and Acceptance

Every person or entity who now or hereafter owns, occupies, or acquires any right, title, or interest in or to any portion of the subject property is and shall be conclusively deemed to have consented and agreed to every covenant, condition, and restriction contained herein, whether or not any reference to this Declaration is contained in the instrument by which such person acquired an interest in the subject property.

ARTICLE X
Waiver

Neither Declarant nor its successors or assigns shall be liable to any Owner or Occupant of the subject property by reason of any mistake in judgment, negligence, nonfeasance, action, or inaction or for the enforcement or failure to enforce any provision of this Declaration. Every Owner or Occupant of any of said property by acquiring its interest therein agrees that it will not bring any action or suit against Declarant to recover any such damages or to seek equitable relief because of same.

ARTICLE XI
Runs with Land

All covenants, conditions, restrictions, and agreements herein contained are made for the direct, mutual, and reciprocal benefit of each and every lot of the subject property; shall create mutual equitable servitude upon each lot in favor of every other lot; shall create reciprocal rights and obligations between respective Owners and Occupants of all lots and privity of contract and estate between all grantees of said lots, their heirs, successors, and assigns; and shall, as to the Owner and Occupant of each lot, his heirs, successors, and assigns, operate as covenants running with land, for the benefit of all other lots, except as provided otherwise herein.

ARTICLE XII
Rights of Mortgagees

No breach of any covenant, condition, or restriction herein contained, or any enforcement thereof, shall defeat or render invalid the lien of any mortgage or deed of trust no or hereafter executed upon the subject property or a portion thereof, provided, however, that if any portion of said property is sold under a foreclosure of any mortgage or under the provisions of any deed of trust, any purchaser at such sale and its successors and assigns shall hold any and all property so purchased subject to all of the covenants, conditions, and restrictions contained in this Declaration.

ARTICLE XIII
Captions

The caption of articles and sections herein are used for convenience only and are not intended to be a part of this Declaration or in any way to define, limit, or describe the scope and intent of the particular article or section to which they refer.

ARTICLE XIV
Effect of Invalidation

If any provision of this Declaration is held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

IT TESTIMONY WHEREOF, Declarant has caused this instrument to be executed by its proper officials and its corporate seal affixed, all by authority duly given by its elective board this the day and year first above written.

ATTEST:

COUNTY OF CURRITUCK
NORTH CAROLINA

Clerk to the Board

By: _____
John D. Rorer, Chairman
Board of Commissioners

(S E A L)

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

I, _____, a Notary Public of the County of _____, State of North Carolina, hereby certify that Gwen Keene personally appeared before me this day and acknowledged that she is Clerk to the Board of County Commissioners of Currituck County, a body corporate and politic existing pursuant to the laws of the State of North Carolina, and that by authority duly given, and as the act of the county, the foregoing instrument was signed in its name by its Chairman and attested by herself as its Clerk, all by authority of the Board of County Commissioners of Currituck County.

WITNESS my hand and notarial stamp or seal, this the _____ day of January, 2012.

Notary Public

My Commission Expires:

EXHIBIT A

Legal Description of Maple Commerce Park to be added

EXHIBIT B

Map/Plat of Maple Commerce Park to be added

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		12/31/2012
Theresa Dozier	District 3		Butch Petrey	3/7/2011	1st Term 12/31/2013
David Palmer	District 4		Owen Etheridge	4/18/2011	1st Term 12/1/2013
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

***To Be Replaced**



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: Nov 23, 2011

Name: CLAYWOOD WILSON JR

Address: 148 CLARK'S RD

MOYOCK, N.C. 27958

Phone: (252) 455-0103 OR 252 232-0252

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

✓ Please check

- | | |
|---|---|
| <input checked="" type="checkbox"/> ABC Board | <input checked="" type="checkbox"/> Library Board |
| <input checked="" type="checkbox"/> Agricultural Advisory Board | <input checked="" type="checkbox"/> Nursing Home Advisory Committee |
| <input checked="" type="checkbox"/> Airport Advisory Authority | <input checked="" type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Board of Adjustment | <input checked="" type="checkbox"/> Senior Citizens Advisory Board |
| <input checked="" type="checkbox"/> Economic Development Board | <input checked="" type="checkbox"/> Social Services Board |
| <input checked="" type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input checked="" type="checkbox"/> Jury Commission | <input checked="" type="checkbox"/> Whalehead Preservation Trust |
| <input checked="" type="checkbox"/> Land Transfer Tax Appeals Board | <input checked="" type="checkbox"/> Workforce Development Board |

Qualifications and reasons you would like to serve:

WORK FOR THE COUNTY UNDER COUNTY
MANAGER. TO HELP PEOPLE UNDERSTAND WHAT
GOES ON IN THE COUNTY AND SET THE WORD
OUT. Claywood Wilson

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



Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055/252-232-3378
FAX 252-232-3026

Memorandum

TO: Board of Commissioners
Dan Scanlon, County Manager
Gwen Keene, Clerk to the Board of Commissioners

FROM: Tiffany Sanders, Clerk to the Board of Adjustment

DATE: October 11, 2011

SUBJECT: Board of Adjustment Term Expirations

The following Board of Adjustment members' terms will expire December 31, 2011;

Donald Ferebee, Regular (**At-Large**) Member
Ralph Jones, Regular (**At-Large**) Member

Mr. Ferebee has served two 3-year terms and is not eligible for re-appointment under the UDO.
Mr. Jones has served two 3-year terms and is not eligible for re-appointment under the UDO.

The remaining members of the Board of Adjustment are:

DISTRICT 1	Christian Conner- Regular Member	Appointed 2010-2012
DISTRICT 2	Bryan Bass- Regular Member	Reappointed 2010-2012
DISTRICT 3	Theresa Dozier- Alternate	Appointed 2011-2013
DISTRICT 4	David Palmer- Regular Member	Appointed 2011 – 2013
DISTRICT 5	Cameron Tabor- Alternate	Appointed 2011-2013

cc: Ben Woody, Director, Planning Department

TOURISM ADVISORY BOARD
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Petrina Ramey	District 1		Vance Aydlett	4/4/2011	November 2013
Lori London	District 2		John Rorer	11/16/09	November 2012
Ted Jagucki	District 3		Butch Petrey	Appointed 11/21/11	November 2014
Paul Robinson	District 4		Owen Etheridge	Reappointed 11/21/11	November 2014
Jeff Nelson	District 5		Marion Gilbert	Appointed 5/2/11	May 2013
Don Cheek	At-Large		Paul Martin	Reappointed 11/16/09	November 2012
Janice Farr*	At-Large		Paul O'Neal	Reappointed 9/15/08	November 2011

* To Be Replaced

Commissioner O'Neal



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 10/3/10

Name: Rhonda L. Morris

Address: PO Box 827

Maple, NC 27956

Phone: 252-312-4433 (cell); 453-3890 (home); 338-5658 (work)

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

Please check

ABC Board

Agricultural Advisory Board

Airport Advisory Authority

Board of Adjustment

Economic Development Board

Game Commission

Jury Commission

Land Transfer Tax Appeals Board

Library Board

Nursing Home Advisory Committee

Planning Board

Recreation Advisory Board

Senior Citizens Advisory Board

Social Services Board

Tourism Advisory Board

Whalehead Preservation Trust

Workforce Development Board

Qualifications and reasons you would like to serve:

As a native whose family has been living in Currituck for over eight generations, it would be an honor to serve on one or more of our county's boards or committees. Since early childhood, I witnessed my parents, grandparents, and great-grandparents invest in Currituck through committed service on many different boards. My interest in Currituck's heritage is reflected in service to the Historic Jarvisburg Colored School, founding membership on the Currituck Community Foundation, and the editing of my father's, Travis Morris's, books on the county. I have served on various local and statewide non-profit boards, but am very interested in bringing my skills and commitment to the Tourism Board. Currituck has an extremely rich heritage that is just recently being tapped for tourism. There is much to be gained, both economically and culturally, through wise investment in the preservation and promotion of our rich heritage and I would be honored to participate in the furtherance of that cause.



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 9-7-11

Name: Suzanne Everhart

Address: 759 South Bayview Road

Jarvisburg, NC 27947

Phone: 252-491-2185 cell 252-202-4316 Email: smeverhart@mchsi.com

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

Please check

- | | |
|--|--|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input checked="" type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input type="checkbox"/> Library Board | |

Qualifications and reasons you would like to serve:

Own a business and property in the county and would like to be involved.

Please return to: County Manager's Office
 153 Courthouse Road, Suite 204
 Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: Nov 18, 2011

Name: Suzanne Serianni

Address: 115 Dot Sears Drive, Grandy, NC 27939

Phone: 252-202-1107

Email: suzanne@corolla-light.com

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

Please check

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

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

Qualifications and reasons you would like to serve:

~~I have a Bachelor's and Master's Degree in Recreation Management and I have worked in the Tourism industry for 5 years as the Director of Owner/Guest Services at Corolla Light Resort. In this position I interact with Tourists as well as other key businesses in the Tourism industry. I would like to become more involved with Tourism in Currituck County because I live and work here and feel that I have a lot contribute to the Tourism Advisory Board.~~

Please return to: County Manager's Office
153 Courthouse Road, Suite 204
Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov

Revised 8/1/2011



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 11/30/11

Name: Leslie Daughtry

Address: 103 Sunny Lane
Brandy, NC 27939

Phone: 599-0872

Email: leslie.daughtry@SunRealty.NC.com

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

Please check

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

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

Qualifications and reasons you would like to serve:

- 2009 & 2011 - Outer Banks Association of Realtors, Property Management Chair
- 2009 - 2011 - Outer Banks Chamber, Guest Relations Task Force
- 2011 - OBVB, OBXmas Planning group

I would enjoy offering my strengths in Property Management to the TAB for the benefit of travel and tourism in the County.

Please return to: County Manager's Office
153 Courthouse Road, Suite 204
Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: Nov 30, 2011

Name: Steven L. Bogle

Address: 111 Doxey Creek Road, Currituck NC 27929

Phone: 252-916-8198 Email: steve.bogle@gmail.com

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

✓ Please check

- | | |
|--|--|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input type="checkbox"/> Library Board | |

Qualifications and reasons you would like to serve:

I have over 17 years experience in working in multimedia development from television production to corporate marketing. We moved back to the area a year ago and my wife was born and raised here. This is home. I feel lucky to live in such a unique and wonderful place and I care about future of Currituck. I want to become an involved citizen and offer my expertise and talents to do what I can to promote tourism for this great county.

Please return to: County Manager's Office
153 Courthouse Road, Suite 204
Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov

December 7, 2011

Jason Weeks
Director
Currituck County Parks and Recreation
P.O. Box 39
Currituck, NC 27929

Dear Jason:

Thank you for the opportunity to serve my community by being a member of the board of directors of Parks and Recreation. It has been a pleasure to serve with you.

For some time now, I have been contemplating what my role as a director means and the responsibilities that are expected of me. When I joined the Board I had no idea my husband would become ill.

Unfortunately, I no longer feel I can devote the time and effort needed to be a board member.

Again, thank you for the opportunity to serve. If I can be a help in any way other than as a director, please give me a call. You will have my support.

Sincerely,

Suzanne M Everhart

RECREATION ADVISORY BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of 1st Appointment	End of Term
William Segar	District 1		Vance Aydlett	2/1/2010	January 2013
Suzanne Everhart*	District 2		John Rorer	2009	January 2012
Denise Fallon	District 3		Butch Petrey	2007	January 2013
Sam Casey**	District 4		Owen Etheridge	2006	January 2012
Charles Pickell	District 5		Marion Gilbert	2/1/2010	January 2013
Bill Freethy	At-Large		Paul Martin	2/1/2010	January 2013
Cynthia Hampton**	At-Large		Paul O'Neal	2009	January 2012

* Resigned-To Be Replaced

**To Be Replaced

Commissioner Aydlett



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 04/26/2011

Name: Anthony Brian Dickinson

Address: 106 Poplarwood Dr Maple, NC 27956

Phone: 252-599-0005 Email: kittyhawksurf@yahoo.com

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

Please check

- | | |
|--|---|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Airport Advisory Board | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input type="checkbox"/> Library Board | |

Qualifications and reasons you would like to serve:

I care about Currituck County and I feel my background in Parks and Recreation will help me be a productive member of the Recreation Advisory Board. I want to help the citizens of Currituck County through the Recreation Advisory Board and I feel my experiences in my life have led me to applying for a position on this board. I have a BS from Old Dominion University in Recreation and Leisure Studies and I worked for Dare County Parks and Recreation for several years. I was also the Head of Delegation for the Special Olympics in Dare County and I have been and active coach here in Currituck County. I truly want to help advise our Board of Commissioners on the recreational needs and decisions of our county. I hope you will seriously consider my application.

Please mail the completed form to: County Manager's Office
P.O. Box 39
Currituck, NC 27929



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 11/28/11
Name: ALLEN S. FORMAN
Address: 115 ACORN LN.
PT. HARBOR, NC 27964
Phone: 252 491 5250 Email: X

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

Please check

- | | |
|--|--|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Airport Advisory Board | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input checked="" type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input type="checkbox"/> Library Board | |

Qualifications and reasons ~~you~~^I would like to serve: on either of the Boards

checked: my age and life experiences
gained thru a professional career in
baseball, in business and military service in
the U.S. Navy.
al also served on the
Dare County Recreation
Advisory Board for
five years & met Tim White
DC Parks and Recreation Director

Please return to: County Manager's Office
153 Courthouse Road, Suite 204
Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: NOV 23, 2011

Name: CLAYWOOD WILSON JR

Address: 148 CLARK'S RD

MOYOCK, N.C. 27958

Phone: (252) 455-0103 OR 252 232-0252

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

✓ Please check

- | | |
|---|---|
| <input checked="" type="checkbox"/> ABC Board | <input checked="" type="checkbox"/> Library Board |
| <input checked="" type="checkbox"/> Agricultural Advisory Board | <input checked="" type="checkbox"/> Nursing Home Advisory Committee |
| <input checked="" type="checkbox"/> Airport Advisory Authority | <input checked="" type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Board of Adjustment | <input checked="" type="checkbox"/> Senior Citizens Advisory Board |
| <input checked="" type="checkbox"/> Economic Development Board | <input checked="" type="checkbox"/> Social Services Board |
| <input checked="" type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input checked="" type="checkbox"/> Jury Commission | <input checked="" type="checkbox"/> Whalehead Preservation Trust |
| <input checked="" type="checkbox"/> Land Transfer Tax Appeals Board | <input checked="" type="checkbox"/> Workforce Development Board |

Qualifications and reasons you would like to serve:

WORK FOR THE COUNTY UNDER COUNTY
MANAGER. To help people understand what
goes on in the county and get the word
out. Claywood Wilson

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



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: Dec 7, 2011

Name: Paul J. Harrison

Address: 302 Puddin Ridge Rd

Moyock, NC 27958

Phone: 252-435-9994 Email: psbam5@gmail.com

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

✓ Please check

- | | |
|--|---|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Airport Advisory Board | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input type="checkbox"/> Library Board | |

Qualifications and reasons you would like to serve:

I have been involved with youth athletics since 1981 serving both as an organization board member and athletic coach in various sports. I have dedicated a better part of my life in teaching children teamwork, camaraderie and sportsmanship. I display a unique ability as a decision maker solving complex problems, and improving organizational performance by having an open minded perspective on what is best for the community and the individual. I personally believe I would be a welcomed addition to this advisory board.

Please return to: County Manager's Office
153 Courthouse Road, Suite 204
Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: December 9, 2011

Name: Neel Smith

Address: 442 Narrow Shore Road Aydlett, NC 27916

Phone: (252) 453-6895 Email: deputydog239@yahoo.com

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

Please check

- | | |
|--|---|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Airport Advisory Board | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |
| <input type="checkbox"/> Library Board | |

Qualifications and reasons you would like to serve:

Currituck Parks and Rec. qualified coach in soccer and softball
 All star coach for soccer and softball
 Chesapeake Va. Parks and Rec. soccer referee
 Assistant coach Currituck High wrestling team 1999-2000
 Assistant coach Deep Creek Middle School wrestling team Chesapeake, Va 1991-1993
 UNC-Pembroke collegiate wrestler
 Virginia High School League 2 time state wrestling champion
 Deep Creek High School soccer team

I would like to be a member of the parks and recreation advisory board to promote competitive, fair, and consistent rules and guidelines for coaches and athletes to follow. To have a common sense approach to issues or concerns that would be presented to the advisory board with practical solutions. The board should be in support of parks and recreation and the overall good of the athletes that participate in the various sports throughout the county. Thank you for your consideration.

Please return to: County Manager's Office
 153 Courthouse Road, Suite 204
 Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov

FARMLAND PRESERVATION AGRICULTURAL ADVISORY BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
	District 1				
Jerry Wright**	District 2		John Rorer	February 2009	June 30, 2011
	District 3				
Harvey Roberts	District 4		Owen Etheridge	February 2009	June 30, 2012
Martin Jarvis*	District 5		Marion Gilbert	February 2009	June 30, 2011
Wade Morgan	At-Large		Paul Martin	February 2009	June 30, 2012
Sidney Garrett**	At-Large		Paul O'Neal	February 2009	June 30, 2011

*Deceased-Appt. Needed

**May Be Reappointed

*Agricultural Advisory Board for Farmland Preservation
c/o Soil & Water Conservation
153 Courthouse Rd Suite 501
Currituck NC 27929
232-3360
e-mail: kim.ferrell@currituckcountync.gov*

MEMORANDUM

TO: Gwen Keene, Clerk to Board

From: Agricultural Advisory Board for Farmland Preservation

Date: 12/13/11

SUBJECT: reappointment of board members (1/3/12 BOC agenda)

On behalf of the Farmland Preservation Board, we would like to request Jerry Wright and Sidney Garrett be reappointed for a 3 year term.

Due to the death of Martin Jarvis, his son, Jamie Jarvis has agreed to be appointed in Martin's place. Please appoint Jamie Jarvis for a 3 year term also.

If you have any questions or need more information, please contact us. Thank you.

W. Harvey Roberts

**W. Harvey Roberts, Chairman
Agricultural Advisory Board for Farmland Preservation**

FARMLAND PRESERVATION AGRICULTURAL ADVISORY BOARD
--

TERMS

	<u>Appointed</u>	<u>Expires</u>
Martin Jarvis PO Box 609 Moyock, NC 27958 <u>martin@marcoventures.com</u>	2/09 (1 year term)	6/30/10 -
Sidney Garrett 606 South Mills Rd Moyock, NC 27958 <u>sbgarrett14@earthlink.net</u>	2/09 (2 year term)	6/30/11
Jerry Wright (Vice-Chair) PO Box 252 Jarvisburg, NC 27947 <u>info@cottongin.com</u>	2/09 (2 year term)	6/30/11
Wade Morgan 627 Juniper Ridge Rd Shawboro, NC 27973 <u>rbros169ng@gmail.com</u>	2/09 (3 year term)	6/30/12
Harvey Roberts (Chair) 489 N Indiantown Rd Shawboro, NC 27973 <u>robertsridgel@hotmail.com</u>	2/09 (3 year term)	6/30/12

***All terms begin July 1 and expire June 30.**

***(3) Year Terms July 1-June 30.**

***Must be re-appointed by Board of Commissioners**

Updated: 5/11

B. Membership

The Advisory Board shall consist of no less than five (5) members appointed by the Board of Commissioners.

C. Membership Requirements

1. Each Advisory Board member shall be a Currituck County resident or landowner.
2. At least four (4) of the members shall be actively engaged in farming.
3. At least one (1) of the Advisory Board members actively engaged in farming shall be nominated by the Currituck County Soil and Water Conservation District Board of Supervisors.
4. The members actively engaged in farming, as well as other members, shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Soil and Water Conservation District Board of Supervisors, the County Office of the North Carolina Cooperative Extension Service, the U.S. Farm Service Agency County Committee, nonprofit agricultural organizations, agribusiness, or the public at large.

D. Tenure

The initial Advisory Board is to consist of one (1) appointees for terms of one (1) year; two (2) appointees for terms of two (2) years; and two (2) appointees for terms of three (3) years. Thereafter, all appointments are to be for terms of three (3) years, with reappointment permitted.

E. Vacancies

Any vacancy on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term.

F. Removal

Any member of the Advisory Board may be removed by the Board of Commissioners upon a two-thirds vote of the Commissioners. No cause for removal shall be required.

G. Funding

AGREEMENT

between

WATERSIDE VILLAGES, LLC,

~~**WALNUT ISLAND SANITARY DISTRICT**~~

and

CURRITUCK COUNTY

for the

CONVEYANCE AND OPERATION

of the

WASTEWATER UTILITY SYSTEM SERVING THE

WATERSIDE VILLAGES DEVELOPMENT

Currituck County, North Carolina

_____, 2011

AGREEMENT

This Agreement for the conveyance and operation of the wastewater utility system serving the Waterside Villages Development (“**Agreement**”) is made effective as of the _____ day of ~~_____~~ November, 2011 (the “**Effective Date**”), by and between WATERSIDE VILLAGES, LLC, a North Carolina limited liability company, having an address at 301 South College Street, Charlotte, North Carolina, 28288, its successors and assigns, (“**WATERSIDE VILLAGES**”) ~~the WALNUT ISLAND SANITARY DISTRICT, a North Carolina body politic and corporate, having an address at c/o Sharp, Michael, Graham & Evans, LLP, P.O. Drawer 1027, Kitty Hawk, NC 27949, its successors and assigns (“WALNUT ISLAND”)~~, and CURRITUCK COUNTY, a political subdivision of the state of North Carolina, having an address at 153 Courthouse Road, Currituck, NC 27929, its successors and assigns (“**CURRITUCK COUNTY**”) (each a “**Party**” and collectively the “**Parties**”).

WITNESSETH:

THAT WHEREAS, a Wastewater Utility System (defined below) has been installed to provide wastewater utility service to the Waterside Villages Development (defined below); and

WHEREAS, CURRITUCK COUNTY’s predecessor in interest, the Walnut Island ~~has~~ Sanitary District (“WALNUT ISLAND”), initiated a Condemnation Lawsuit (defined below) seeking to acquire certain Condemned Property (defined below); and

WHEREAS, WALNUT ISLAND has been dissolved by CURRITUCK COUNTY, effective 12:01 a.m., November 1, 2011 and CURRITUCK COUNTY has assumed all obligations of WALNUT ISLAND, including without limitation those matters set forth in the Condemnation Lawsuit; and

WHEREAS, by order entered November __, 2011, CURRITUCK COUNTY has been substituted as Plaintiff for WALNUT ISLAND in the Condemnation Lawsuit; and

WHEREAS, ~~WALNUT ISLAND and WATERSIDE VILLAGES~~ the Parties have resolved the Condemnation Lawsuit pursuant to the terms of the Consent Judgment (defined below) and this Agreement; and

WHEREAS, WATERSIDE VILLAGES has agreed to transfer and assign to CURRITUCK COUNTY the Wastewater Utility System, together with the Waterside Villages Real Property Interests (defined below); and

WHEREAS, CURRITUCK COUNTY has agreed to (i) accept and assume ownership of the Wastewater Utility System and the Waterside Real Property Interests and (ii) to thereafter own, operate and maintain the Wastewater Utility System and the Waterside Villages Real Property Interests, and to operate the Wastewater Utility System within the Easement Areas (defined below) and to maintain the Easement Areas and to provide WATERSIDE VILLAGES ~~and WALNUT ISLAND~~ with their respective Capacity ~~Allocations~~ Allocation (defined below), and

WHEREAS, ~~WALNUT ISLAND~~CURRITUCK COUNTY has agreed to transfer and assign to WATERSIDE VILLAGES the Walnut Island Real Property Interests (defined below), all in accordance with the term and conditions set forth in this Agreement and the Requirements (defined below)

NOW, THEREFORE, for and in consideration of the premises and of the rights, powers, and duties hereinafter set forth to be performed by each of the Parties, WATERSIDE VILLAGES, ~~WALNUT ISLAND~~, and CURRITUCK COUNTY do mutually agree as follows:

1. DEFINITIONS

1.1 “*Agreement*” shall mean this Agreement, including all exhibits hereto, as may be amended from time to time in accordance with the terms of this Agreement for conveyance and operation of the Wastewater Utility System serving the Waterside Villages Development.

1.2 “*As-Builts*” shall mean the engineering record drawings of the Wastewater Utility System as constructed.

1.3 “*Association*” shall mean Waterside Villages of Currituck Community Association, Inc., its successors and assigns.

1.4 “*Capacity ~~Allocations~~Allocation*” shall mean the apportionment of 90,000 GPD of the 120,000-GPD wastewater treatment capacity of the WWTP pursuant to the Permits ~~between~~to WATERSIDE VILLAGES ~~and WALNUT ISLAND~~ in accordance with the term and conditions of this Agreement and the Requirements.

1.5 “*Closing*” shall mean consummation of the transfer and assignment of the Wastewater Utility System and the Waterside Villages Real Property Interests from WATERSIDE VILLAGES to CURRITUCK COUNTY ~~and the transfer and assignment of the Walnut Island Real Property Interests from WALNUT ISLAND~~CURRITUCK COUNTY to ~~WATERSIDE VILLAGES.~~

1.6 “*Closing Date*” shall mean the date of the Closing.

1.7 “*Collection System Permit*” shall mean the permit issued to WATERSIDE VILLAGES for the construction and operation of the Wastewater Collection System to serve 250 residences and a pool/amenity center with the discharge of 120,000 GPD into the WWTP issued by DWQ (defined below) as Permit No. _____. A copy of the Collection System Permit is attached hereto as EXHIBIT 1.7.

1.8 “*Commission*” shall mean the North Carolina Utilities Commission.

1.9 “*Condemnation Lawsuit*” shall mean that civil action initiated by WALNUT ISLAND against WATERSIDE VILLAGES and others on August 10, 2009 in Currituck County Superior Court, and having case number 09-CVS-455.

1.10 “*Condemned Property*” shall mean those portions of the Wastewater Utility System that are the subject of the Condemnation Lawsuit.

1.11 “*Consent Judgment*” shall mean that judgment, a form of which is set forth at ~~EXHIBIT~~EXHIBIT 1.11, resolving the Condemnation Lawsuit.

1.12 “*County*” shall mean Currituck County, North Carolina.

1.13 “*Declaration*” shall mean that certain Declaration of Covenants, Conditions and Restriction for Waterside Villages of Currituck, recorded at Book 908, Page 872, amended by (1) that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Waterside Villages of Currituck, recorded in Book 931, Page 32, (2) that certain Supplemental Declaration of Covenants, Conditions and Restrictions for Waterside Villages of Currituck (Phases 1A and 6), recorded in Book 942, Page 508, (3) that certain Amendment of and Consent to Declaration of Covenants, Conditions and Restrictions for Waterside Villages of Currituck, recorded in Book 951, Page 232, (4) that certain Consent of Trustees and Bank to Declaration of Covenants, Conditions and Restrictions for Waterside Villages of Currituck, recorded in Book 960, Page, (5v) that certain Supplemental Declaration of Covenants, Conditions and Restrictions for Waterside Villages of Currituck (Phase 5), recorded in Book 971, Page 620, and (6) that certain Supplemental Declaration of Covenants, Conditions and Restrictions for Waterside Villages of Currituck (Villas at Waterside Condominium – Phase I), recorded in Book 993, Page 368, all in the Currituck County Registry, and as may be further amended from time to time.

1.14 “*DENR*” shall mean the North Carolina Department of Environment and Natural Resources.

1.15 “*DWQ*” shall mean the Division of Water Quality of the North Carolina Department of Environment and Natural Resources.

1.16 “*Easement Areas*” shall mean those areas located within the Common Area (as defined in the Declaration) on, over, under and through which any portion of the Wastewater Utility System not otherwise located within the WWTP Property is located, together with those areas within such Common Area necessary for CURRITUCK COUNTY to perform its duties and obligations respecting operation and maintenance of the Wastewater Utility System in accordance with the terms and conditions of this Agreement and the Requirements.

1.17 “*GPD*” means gallons per day.

1.18 “*Groundwater Irrigation Area*” shall mean those areas within the WWTP Property depicted on EXHIBIT 1.18 that have been permitted by DWQ for spray irrigation of groundwater to lower the water table in the vicinity of the Infiltration Basins.

1.19 “*Interconnection Cost*” shall mean the cost associated with the interconnection of the Walnut Island Collection System (defined below) to the Wastewater Utility System.

1.20 “*Non-Discharge Permit*” shall mean the permit for the construction and operation of the wastewater treatment and reclaimed water utilization system for Waterside Villages Development issued by DWQ as Permit No. _____, including all modifications thereto. A copy of the Non-Discharge Permit (together with the Operational Agreement related thereto, dated May 8, 2006) is attached hereto as EXHIBIT 1.20.

1.21 “*Non-Exclusive Wastewater System Easement Agreement*” shall mean that certain easement agreement, a form of which is set forth at EXHIBIT 1.21, to be executed by WATERSIDE VILLAGES and CURRITUCK COUNTY at Closing and thereafter recorded by WATERSIDE VILLAGES in the Registry, pursuant to which WATERSIDE VILLAGES will grant, transfer and assign to CURRITUCK COUNTY certain real property rights and interests in and to the Easement Areas, subject to the terms and conditions set forth therein.

1.22 “*Permit*” or “*Permits*” shall mean the Collection System Permit and/or the Non-Discharge Permit, as the context requires.

1.23 “*Registry*” shall mean the Currituck County, North Carolina Register of Deeds.

1.24 “*Requirements*” shall mean all applicable federal, state and local laws, rules and regulations, including without limitation those of the Commission, DENR and DWQ and other applicable agencies and public authorities, and all Permits, other permits and licenses related to the ownership, operation and maintenance of the Acquired Assets, as same may be amended from time to time.

1.25 “*Treated Effluent*” shall mean the wastewater that has been treated to the point that it meets the quality standards required by the Non-Discharge Permit.

1.26 “*Walnut Island Collection System*” shall mean the wastewater collection system that will deliver wastewater from customers of ~~WALNUT ISLAND~~CURRITUCK COUNTY to the WWTP.

1.27 “*Walnut Island Real Property Interests*” shall mean the real property more particularly described on EXHIBIT 1.27 on which ~~WALNUT ISLAND~~CURRITUCK COUNTY currently operates a drain field for the Walnut Island Collection System.

1.28 “*Waterside Villages Development*” shall mean the project known as Waterside Villages, and formerly ~~known~~known as Waterside Villages of Currituck, to be located on the Waterside Villages Land, and consisting of approximately 71 acres along United States Highway 158 in Carteret County, North Carolina. It is anticipated that the Waterside Villages Development will ultimately consist of 250 residences, a swimming pool, tennis courts, club house, proposed boat basin, boat storage, guard house and other amenities, all of which may be revised from time to time.

1.29 “*Waterside Villages Land*” shall mean the approximately 71 acres on which the Waterside Villages Development is intended to be developed, and more particularly described on EXHIBIT ~~1.29~~.

1.30 “*Waterside Villages Real Property Interests*” shall mean the WWTP Property.

1.31 “*Waterside Wastewater Collection System*” shall mean, collectively, the Wastewater Service Lines (defined below), gravity collection lines, force mains, pump stations, and all appurtenant equipment that will deliver wastewater from the lots or units at the Waterside Villages Development to the WWTP.

1.32 “*Wastewater Plans*” are all plans and specifications for the Wastewater Utility System approved by the County (if required), and DWQ and engineered by WATERSIDE VILLAGES’ engineer.

1.33 “*Wastewater Service Line*” shall mean the portion of the individual household wastewater line for which CURRITUCK COUNTY is assuming maintenance responsibility at Closing. The Wastewater Service Line shall include only that portion of the individual household wastewater line that extends from the sewer cleanout at or near the property line to CURRITUCK COUNTY’s wastewater main at or near the street, unless the sewer cleanout is not on the individual lot owner’s property in which case CURRITUCK COUNTY assumes maintenance responsibility up to the property line.

1.34 “*Wastewater Utility System*” shall mean, collectively, the WWTP, the Waterside Wastewater Collection System, groundwater discharge pipelines, Groundwater Irrigation Areas, and all other facilities and systems used in the collection, treatment, holding and disposal of the wastewater and management of groundwater at the Waterside Villages Development. Attached as EXHIBIT 1.34 is a map of the Wastewater Utility System.

1.35 “*WWTP*” shall mean the 120,000 GPD wastewater treatment plant located within the WWTP Property as depicted on EXHIBIT 1.35.

1.36 “*WWTP Property*” shall mean the real property more particularly described on EXHIBIT 1.36 on which the WWTP and the Groundwater Irrigation Area are located.

2. **REPRESENTATIONS AND WARRANTIES OF WATERSIDE VILLAGES**

WATERSIDE VILLAGES hereby represents and warrants as follows:

2.1 Organization; Good Standing; Power – WATERSIDE VILLAGES is a limited liability company duly organized, validly existing and in good standing under the laws of the State of North Carolina has all the requisite power and authority to enter into this Agreement and perform Waterside Villages’ obligations hereunder.

2.2 Authority Relative to Agreement – The execution, delivery and performance of this Agreement by WATERSIDE VILLAGES have been duly and effectively authorized by all necessary action. This Agreement is a valid and legally binding obligation of WATERSIDE VILLAGES enforceable in accordance with its terms except (i) as limited by (a) applicable bankruptcy, insolvency, reorganization, moratorium, fraudulent conveyance, or other laws of general application relating to or affecting the enforcement of creditors’ rights generally, (b) laws relating to the availability of specific performance, injunctive relief, or other equitable remedies, or (ii) to the extent the indemnification provisions may be limited by applicable federal or state securities laws.

2.3 Effect of Agreement — The execution, delivery and performance of this Agreement by WATERSIDE VILLAGES and the consummation of the transactions contemplated hereby will not (i) require the consent, approval or authorization of any person, corporation, partnership, joint venture or other business association or public authority other than the Commission or DWQ, or as otherwise set forth or required by any Permit, (ii) violate,

with or without the giving of notice or the passage of time or both, any provisions of law now applicable to WATERSIDE VILLAGES or (iii) result in a violation of WATERSIDE VILLAGES' Articles of Organization or Operating Agreement.

2.4 Effective as of Closing – Each of the representations and warranties contained in this Section 2 shall be true and correct as of Closing and shall survive Closing for one (1) year.

3. **REPRESENTATIONS AND WARRANTIES OF WALNUT ISLAND**

~~WALNUT ISLAND hereby represents and warrants as follows:–~~

~~3.1 Organization; Good Standing; Power – WALNUT ISLAND is a sanitary district duly organized, validly existing and in good standing under the laws of the State of North Carolina has all the requisite power and authority to enter into this Agreement and perform WALNUT ISLAND's obligations hereunder.~~

~~3.2 Authority Relative to Agreement – The execution, delivery and performance of this Agreement by WALNUT ISLAND have been duly and effectively authorized by all necessary action. This Agreement is a valid and legally binding obligation of WALNUT ISLAND enforceable in accordance with its terms except (i) as limited by (a) applicable bankruptcy, insolvency, reorganization, moratorium, fraudulent conveyance, or other laws of general application relating to or affecting the enforcement of creditors' rights generally, (b) laws relating to the availability of specific performance, injunctive relief, or other equitable remedies, or (ii) to the extent the indemnification provisions may be limited by applicable federal or state securities laws.~~

~~3.3 Effect of Agreement – The execution, delivery and performance of this Agreement by WALNUT ISLAND and the consummation of the transactions contemplated hereby will not (i) require the consent, approval or authorization of any person, corporation, partnership, joint venture or other business association or public authority other than the Commission or DWQ, or as otherwise set forth or required by any Permit, (ii) violate, with or without the giving of notice or the passage of time or both, any provisions of law now applicable to WALNUT ISLAND or (iii) result in a violation of WALNUT ISLAND's Articles of Organization or Operating Agreement.~~

~~3.4 Effective as of Closing – Each of the representations and warranties contained in this Section 3 shall be true and correct as of Closing and shall survive Closing for one (1) year.~~

4. **REPRESENTATIONS AND WARRANTIES OF CURRITUCK COUNTY**

CURRITUCK COUNTY hereby represents and warrants as follows:

3.1 ~~4.1~~ Organization; Good Standing; Power – CURRITUCK COUNTY is a subdivision of the state of North Carolina, validly existing and in good standing under the laws of the State of North Carolina, and has all requisite corporate power and authority to own, operate and maintain the Wastewater Utility System and the Waterside Villages Real Property Interests in accordance with the terms of this Agreement and the Requirements, to carry on its

business as now being conducted and to enter into this Agreement and to perform its obligations hereunder and under the Non-Exclusive Wastewater System Easement Agreement.

3.2 ~~4.2~~ Authority Relative to Agreement – The execution, delivery and performance of this Agreement by CURRITUCK COUNTY have been duly and effectively authorized by all necessary action. This Agreement has been duly executed by CURRITUCK COUNTY and is a valid and legally binding obligation of CURRITUCK COUNTY enforceable in accordance with its terms except (i) as limited by (a) applicable bankruptcy, insolvency, reorganization, moratorium, fraudulent conveyance, or other laws of general application relating to or affecting the enforcement of creditors’ rights generally, (b) laws relating to the availability of specific performance, injunctive relief, or other equitable remedies, or (ii) to the extent the indemnification provisions may be limited by applicable federal or state securities laws.

3.3 ~~4.3~~ Effect of Agreement – The execution, delivery and performance of this Agreement by CURRITUCK COUNTY and the consummation of the transactions contemplated hereby will not (i) require the consent, approval or authorization of any person, corporation, partnership, joint venture or other business association or public authority other than the Commission or DWQ, or as otherwise set forth or required by any Permit (ii) violate, with or without the giving of notice or the passage of time or both, any provisions of law now applicable to CURRITUCK COUNTY, or (iii) result in a violation of CURRITUCK COUNTY’s charter or ordinances.

3.4 ~~4.4~~ Effective as of Closing – Each of the representations and warranties contained in this Section 4.3 shall be true and correct as of Closing and shall survive Closing for one (1) year.

4. ~~5.~~ **RESOLUTION OF CONDEMNATION LAWSUIT**

4.1 ~~5.1~~ Consent Judgment – The Parties acknowledge that the Condemnation Lawsuit has caused uncertainty concerning the ownership of the Condemned Property, and that the public interest to be served by the Condemnation Lawsuit would be better served if the Wastewater Utility System and Waterside Villages Real Property Interests are transferred and assigned to CURRITUCK COUNTY. In order to resolve the Condemnation Lawsuit and settle the issue of ownership of the Condemned Property, at closing, CURRITUCK COUNTY, as successor in interest to WALNUT ISLAND, and WATERSIDE VILLAGES shall execute and submit the Consent Judgment to the Currituck County Superior Court. ~~In consideration of the benefits to WALNUT ISLAND~~ CURRITUCK COUNTY under this Agreement and the Capacity Allocations, ~~WALNUT ISLAND~~ CURRITUCK COUNTY shall transfer and assign ~~the~~ the Walnut Island Real Property Interests to ~~WATERSIDE VILLAGES~~.

4.2 ~~5.2~~ Quit-Claim Deed – At closing, ~~WALNUT ISLAND will~~ CURRITUCK COUNTY shall execute and deliver to WATERSIDE VILLAGES a quit-claim deed, in the form set forth in EXHIBIT 5.24.2, pursuant to which ~~WALNUT ISLAND~~ CURRITUCK COUNTY will grant, transfer and assign to WATERSIDE VILLAGES all real property rights and interests ~~WALNUT ISLAND~~ CURRITUCK COUNTY may have in the Condemned Property ~~and the Waterside Villages Real Property Interests~~.

4.3 ~~5.3~~ Effective as of Closing – Each of the representations and warranties contained in this Section 54 shall be true and correct as of Closing and shall survive Closing for one (1) year.

5. ~~6.~~ OPERATION OF THE WASTEWATER UTILITY SYSTEM

5.1 ~~6.1~~ Operation of Wastewater Utility System – Immediately upon the Closing and at all times thereafter, CURRITUCK COUNTY shall (i) provide wastewater service to the lots or units of the Waterside Villages Development ~~and customers of WALNUT ISLAND~~, (ii) operate, maintain, repair and replace the components of the Wastewater Utility System, all in accordance with this Agreement and the Requirements, and (iii) comply with the terms and conditions of the Non-Exclusive Wastewater System Easement Agreement.

5.2 ~~6.2~~ Responsibilities for the WWTP and the Wastewater Collection System. After Closing, CURRITUCK COUNTY shall operate, maintain, and repair the WWTP, and the Waterside Villages Wastewater Collection System in accordance with the Permit.

5.3 ~~6.3~~ Allocation of Wastewater Treatment Capacity. After Closing, CURRITUCK COUNTY shall allocate and make available for the benefit and use of the Waterside Villages Development, its successors and assigns 90,000 GPD of the 120,000 GPD of wastewater treatment capacity provided by the ~~Permit according to the following schedule:~~ Permits.

~~(a) 90,000 GPD will be made available for the benefit and use of lots and units in the Waterside Villages Development, its successors and assigns; and~~

~~(b) 30,000 GPD will be made available for the benefit and use of the customers of the Walnut Island Sanitary District, its successors and assigns.~~

5.4 ~~6.4~~ Landscaping and Landscape Maintenance – CURRITUCK COUNTY will be responsible for maintaining all landscaping required for the operation of the Wastewater Utility System, including without limitation, maintaining sufficient turf grass in Groundwater Irrigation Areas. WATERSIDE VILLAGES shall have the right to install and maintain landscaping around the WWTP at WATERSIDE VILLAGES' sole cost, provided that such landscaping does not violate any applicable requirements of the Permits. Such landscaping shall not prevent CURRITUCK COUNTY from accessing the WWTP.

5.5 ~~6.5~~ Purchase Price, Connection Fees and Monthly Rates

(a) Connection Fees – CURRITUCK COUNTY shall collect no connection fees for connections of lots or units in the Waterside Villages Development to the Wastewater Utility System.

(b) Monthly Wastewater Rates ~~—The monthly rates charged shall be the rates established by the Commission as sufficient to operate and maintain the Wastewater Utility System.~~

5.6 ~~6.6~~ Survival. This Section 65 shall survive the Closing.

6. ~~7.~~ **CONVEYANCE OF WASTEWATER UTILITY SYSTEM**

6.1 ~~7.1~~ Closing - Upon receipt of the last item described in Section 7.1~~6.1~~(b), the Parties shall mutually agree upon a date for the transfer of the Wastewater Utility System, Condemned Property, Waterside Villages Real Property Interests, and Walnut Island Real Property Interests, which date shall not be more than ten (10) days from the date of delivery of the last item described below.

(a) Schedule. The Closing shall take place at the offices of K&L Gates LLP in ~~Research Triangle Park~~Raleigh, North Carolina or, at any Party's election, by and through an escrow agent, upon completion of all closing requirements of this Agreement. For all purposes under this Agreement, including without limitation, prorations and adjustments, CURRITUCK COUNTY shall be deemed to be the beneficial owner of the Wastewater Utility System on the Closing Date. The Closing shall be accomplished in person, or by telecopy or electronic mail exchange of documents with originals to follow by overnight delivery, or in such other manner or at such places as the Parties may agree.

(b) Pre-Closing Deliveries - Prior to or at Closing (and as an express condition of Closing):

(i) ~~WATERSIDE VILLAGES and WALNUT ISLAND~~The Parties shall execute the Consent Judgment.

(ii) ~~WALNUT ISLAND~~CURRITUCK COUNTY shall execute and deliver to WATERSIDE VILLAGES a Quit-claim Deed, in the form of EXHIBIT ~~5.24.2~~, for the Condemned Property.

(iii) WATERSIDE VILLAGES shall execute and deliver to CURRITUCK COUNTY a Special Warranty Deed (in the form attached hereto as EXHIBIT 7.1~~6.1~~(b)(iii)) for the Waterside Villages Real Property Interests.

(iv) WATERSIDE VILLAGES shall execute and deliver the Bill of Sale for the Acquired Assets, in the form attached as EXHIBIT 7.1~~6.1~~(b)(iv).

(v) WATERSIDE VILLAGES and CURRITUCK COUNTY shall execute and deliver for recording in the Registry the Non-Exclusive Wastewater System Easement Agreement.

(vi) WATERSIDE VILLAGES and CURRITUCK COUNTY shall execute and deliver for recording in the Registry the Memorandum of Agreement, in the form attached as EXHIBIT 7.1~~6.1~~(b)(vi).

(vii) WATERSIDE VILLAGES and CURRITUCK COUNTY shall execute transfer forms for the Permits.

(viii) WATERSIDE VILLAGES shall deliver to CURRITUCK COUNTY the lot numbers and addresses of all properties, facilities and amenities within the Waterside Villages Development to be served by the Wastewater Utility System.

(ix) ~~WALNUT ISLAND~~CURRITUCK COUNTY shall execute and deliver to ~~WATERSIDE VALLAGES~~VILLAGES a Special Warranty Deed (in the form attached hereto as ~~EXHIBIT 7.16.1(b)(ix)~~ for the Walnut Island Real Property Interests.

(x) The Parties shall deliver such other agreements, documents and certificates necessary or desirable to affect such transfers.

7. ~~8.~~ CONNECTION TO OFF-SITE WASTEWATER SYSTEM

7.1 ~~8.1~~ Connection to Walnut Island Collection System. The Parties further agree and acknowledge that CURRITUCK COUNTY ~~and WALNUT ISLAND~~ may desire in the future to interconnect the Wastewater Utility System to the Walnut Island Collection System. CURRITUCK COUNTY ~~and WALNUT ISLAND~~ shall be entitled to do so, on the following terms and conditions:

7.2 ~~8.2~~ All permitting, construction and operation of this interconnection shall be the sole responsibility, and at the sole cost, of ~~WALNUT ISLAND~~ ~~should~~ CURRITUCK COUNTY should it decide to complete the interconnection of the Wastewater Utility System to the Walnut Island Collection System. Furthermore, CURRITUCK COUNTY agrees that it is obligated to serve all of the end users at the Waterside Villages Development and that the interconnection of the Wastewater Utility System to the Walnut Island Collection System shall not reduce the Waterside Villages Development's Capacity Allocation (90,000 GPD) or reduce the currently permitted numbers of dwelling units, community facilities, and amenities that can be served. CURRITUCK COUNTY agrees to serve the currently planned customers in the Waterside Villages Development by reserving a wastewater allocation of 90,000 GPD for the Waterside Villages Development.

7.3 ~~8.3~~ Additionally, WATERSIDE VILLAGES agrees to provide to CURRITUCK COUNTY a non-exclusive easement for ingress, egress, regress, installation, operation and maintenance of any future connection of the Wastewater Utility System to the Walnut Island Collection System, on terms and conditions acceptable to WATERSIDE VILLAGES. Waterside Villages will receive no compensation for the value of such non-exclusive easement for ingress, egress, regress and maintenance, but may demand reimbursement for expenses and damages related to such easement, if any. The easement shall specify that in exercise of its rights under the easement, CURRITUCK COUNTY shall not unreasonably interfere with any owner's use and enjoyment of the Waterside Villages Development.

7.4 ~~8.4~~ Survival. The terms and conditions of this Section 7 shall survive Closing.

8. ~~9.~~ ACCEPTANCE

Acceptance. Except as expressly set forth in this Agreement, WATERSIDE VILLAGES makes no representations or warranties of any kind or character, express or implied, oral or written, past, present or future, of, as to, concerning or with respect to (i) the value, nature, quality or condition of the Wastewater Utility System or the Waterside Villages Real Property Interests, (ii) the manner or quality of the design, construction, installation or materials, if any, incorporated into or otherwise related to the Wastewater Utility System, the Waterside Villages Real Property Interests or the Easement Areas, (iii) the manner, quality, state of repair

or lack of repair of the Wastewater Utility System, the Waterside Villages Real Property Interests or the Easement Areas, or (iv) any other matter affecting the Wastewater Utility System or the Waterside Villages Real Property Interests. CURRITUCK COUNTY acknowledges that the Wastewater Utility System and the Waterside Villages Real Property Interests are being sold, granted, assigned and/or transferred "as is" and CURRITUCK COUNTY further acknowledges and agrees that CURRITUCK COUNTY has had a full opportunity to inspect the Wastewater Utility System, the Deed Properties and the Easement Areas and agrees (i) that the Acquired Assets comply with the Wastewater Plans, respectively, and (ii) to acquire the Wastewater Utility System and the Waterside Real Property Interests, at Closing, on an "as is" basis.

9. ~~10.~~ **TAXES**;

9.1 ~~10.1~~ Transfer Tax. At Closing, any and all sales taxes, duties, levies or imposts payable by reason of the sale or transfer of the Wastewater Utility Systems and the Waterside Villages Real Property Interests shall be paid by CURRITUCK COUNTY. Any and all sale taxes, duties, levies or imposts payable by reason of the sale or transfer of the Walnut Island Real Property Interests shall be paid by WATERSIDE VILLAGES.

9.2 ~~10.2~~ Property Taxes. WATERSIDE VILLAGES shall be responsible for all property taxes assessed against the Easement Areas ~~and Walnut Island Real Property Interests.~~ CURRITUCK COUNTY shall be solely responsible for taxes assessed against the Waterside Villages Real Property Interests. The Parties agree to prorate taxes for the tax year in which the Closing takes place at the time of Closing.

9.3 ~~10.3~~ Survival. This Section 109 shall survive Closing.

10. ~~11.~~ **GENERAL PROVISIONS**

10.1 ~~11.1~~ Representations, Warranties and Agreements Survive Closing – All representations and warranties of WATERSIDE VILLAGES, ~~WALNUT ISLAND~~ and CURRITUCK COUNTY hereunder shall survive Closing for one (1) year. Further, any agreement herein which contemplates performance after the time of Closing (including, without limitation, the operation, maintenance, repair and replacement of the Wastewater Utility System by CURRITUCK COUNTY and the delivery of water and wastewater services to the Waterside Villages Development ~~and WALNUT ISLAND~~ by CURRITUCK COUNTY) shall not be deemed to be merged into or waived by the instruments delivered in connection with Closing, but shall expressly survive Closing and be binding upon the Parties.

10.2 ~~11.2~~ Compliance with Laws – At all times that CURRITUCK COUNTY operates the Wastewater Utility System, CURRITUCK COUNTY shall comply with all Requirements and with all applicable federal, state or local law or regulation intended to protect the environment and public health and safety. In the event of noncompliance or a violation thereof, CURRITUCK COUNTY shall take such actions as are required by the applicable federal, state or local regulatory authorities.

10.3 ~~11.3~~ Binding upon Successors and Assigns

(a) This Agreement shall be binding upon and shall inure to the benefit of WATERSIDE VILLAGES, ~~WALNUT ISLAND~~ and CURRITUCK COUNTY, and the successors and permitted assigns of each.

(b) WATERSIDE VILLAGES may assign its rights and delegate its duties under this Agreement in whole or in part to an affiliate, a successor, or to the Association. WATERSIDE VILLAGES shall provide a copy of any such assignment to CURRITUCK COUNTY within one business day of the execution of any such assignment.

(c) CURRITUCK COUNTY has been specially selected to assume the obligations under this Agreement as a result of its particular expertise in the fields of wastewater and water distribution management, and accordingly, prior to Closing, CURRITUCK COUNTY has the right to assign, transfer or otherwise convey this Agreement or its obligations hereunder to only a licensed operator.

10.4 ~~11.4~~ No Third Party Beneficiary Rights – Nothing expressed or referred to in this Agreement will be construed to give any person other than the Parties any legal or equitable right, remedy or claim under or with respect to this Agreement or any provision of this Agreement, except such rights as shall inure to a permitted successor or assignee pursuant to Section 10.3 of this Agreement.

10.5 ~~11.5~~ Independent Contractors – The Parties are and shall be independent contractors to one another, and nothing herein shall be deemed to cause this Agreement to create an agency, partnership, or joint venture between the Parties.

10.6 ~~11.6~~ Counterparts – This Agreement may be executed in one or more counterpart signature pages, each of which (including counterpart signature pages transmitted by facsimile or other electronic means) will be deemed to be an original of this Agreement and all of which, when taken together, will be deemed to constitute one and the same agreement.

10.7 ~~11.7~~ Pre-audit Certification – CURRITUCK COUNTY hereby agrees that, at the time of execution of this Agreement, it shall cause the relevant personnel to deliver a pre-audit certificate pursuant to N.C. Gen. Stat. § 159-28 evidencing the appropriate budgetary authority for the obligation incurred by CURRITUCK COUNTY pursuant to this Agreement (the “Pre-audit Certificate”).

10.8 ~~11.8~~ Headings – The headings of particular provisions of this Agreement are inserted for convenience only and shall not be construed as a part of this Agreement or serve as a limitation or expansion on the scope of any term or provision of this Agreement.

10.9 ~~11.9~~ Enforcement of Agreement – Each Party acknowledges and agrees that the other Party would be irreparably damaged if any of the provisions of this Agreement are not performed in accordance with their specific terms and that any breach of this Agreement by a Party could not be adequately compensated in all cases by monetary damages alone. Accordingly, in addition to any other right or remedy to which a Party may be entitled, at law or in equity, it shall be entitled to enforce any provision of this Agreement by a decree of specific performance and to temporary, preliminary and permanent injunctive relief to prevent any

breach or threatened breach of any of the provisions of this Agreement, without posting any bond or other undertaking.

10.10 ~~11.10~~ Waiver – No waivers of, or exceptions to, any term, condition or provision of this Agreement, in any instance or instances, shall be deemed to be, or construed as, a further or continuing waiver of any such term, condition or provision.

10.11 ~~11.11~~ Entire Agreement – This writing and the documents referred to herein embody the entire agreement and understanding between the Parties and there are no other agreements or understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby.

10.12 ~~11.12~~ Modifications in Writing – This Agreement shall not be modified, amended, or changed in any respect except in writing, duly signed by the Parties and each Party hereby waives any right to amend this Agreement in any other way.

10.13 ~~11.13~~ Drafts Not an Offer to Enter into a Legally Binding Contract. The Parties hereto agree that the submission of a draft of this Agreement by one party to another is not intended by either party to be an offer to enter into a legally binding contract with respect to the purchase and sale of the Acquired Assets or the Real Property Interests. The Parties shall be legally bound with respect to the purchase and sale of the Acquired Assets and the Real Property Interests pursuant to the terms of this Agreement only if and when the parties have been able to negotiate all of the terms and provisions of this Agreement in a manner acceptable to each of the parties in their respective sole discretion, including, without limitation, all of the Exhibits hereto, and CURRITUCK COUNTY and WATERSIDE VILLAGES have fully executed and delivered to each other a counterpart of this Agreement, including, without limitation, all Exhibits hereto.

10.14 ~~11.14~~ Governing Law – This Agreement shall be governed by the internal substantive laws of the State of North Carolina.

10.15 ~~11.15~~ Notices – All notices and other communications required or permitted hereunder shall be in writing and shall be sent either (i) personally by hand delivery, or (ii) by nationally recognized overnight courier. All such notices and other written communications shall be effective on the date of delivery.

If to WATERSIDE VILLAGES, such notice shall be addressed to:

WATERSIDE VILLAGES, LLC
WACHOVIA BANK, NATIONAL ASSOCIATION,
MANAGER
301 SOUTH COLLEGE STREET
CHARLOTTE NC 28288
Attn: _____
Telephone: _____

~~If to WALNUT ISLAND, such notice shall be addressed to:~~

~~WALNUT ISLAND SANITARY DISTRICT
c/o Sharp, Michael, Graham & Evans, LLP
P.O. Drawer 1027
Kitty Hawk, NC 27949
Attn: Starkey Sharp
Telephone: _____~~

If to CURRITUCK COUNTY, such notice shall be addressed to:

CURRITUCK COUNTY.
P.O. Box 39-153 Courthouse Road, Suite 210
Currituck, NC 27929
Attn: Donald I. McRee, Jr., County Attorney
Telephone: 252-232-0300 ext. 4037

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed, under seal, in their respective names, all by authority duly given, as of the effective date.

WATERSIDE VILLAGES, LLC (SEAL)

By: Wachovia Bank, National Association,
its Manager (SEAL)

By: _____ (SEAL)

Name: _____

Title: _____

County of _____

State of _____

I certify that the following person personally appeared before me this day acknowledging to me that he signed the foregoing document: _____ of Waterside Villages, LLC, a North Carolina limited liability company.

Date: _____, 2011

(Official Seal below)

Print Name: _____

Notary Public

My commission expires: _____

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed, under seal, in their respective names, all by authority duly given, as of the effective date.

WALNUT ISLAND SANITARY DISTRICT

By: _____
Name: _____ (SEAL)
Title: _____

County of _____

State of _____

~~I certify that the following person personally appeared before me this day acknowledging to me that he signed the foregoing document: _____ of the Walnut Island Sanitary District.~~

Date: _____, 2011

Print Name: _____
Notary Public

(Official Seal below)

My
commission expires: _____

~~IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed, under seal, in their respective names, all by authority duly given, as of the effective date.~~

CURRITUCK COUNTY

By: _____
Name: Daniel F. Scanlon II (SEAL)
Title: County Manager

County of _____

State of _____

I certify that the following person personally appeared before me this day acknowledging to me that he signed the foregoing document: Daniel F. Scanlon II, County Manager of Currituck County.

Date: _____, 2011

(Official Seal below)

Print Name: _____
Notary Public

My commission expires: _____

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Sandra Hill, Currituck County Finance Director

County of _____

State of _____

I certify that the following person personally appeared before me this day acknowledging to me that he signed the foregoing document: Sandra Hill, Finance Manager of Currituck County, a political subdivision of the State of North Carolina.

Date: _____, 2011

Print Name: _____

(Official Seal below)

Notary Public

My commission expires: _____

INDEX TO EXHIBITS

<u>TITLE</u>	<u>EXHIBIT</u>
Collection System Permit	1.7
Consent Judgment	1.11
Groundwater Irrigation Area (Depiction)	1.18
Non-Discharge Permit	1-19 <u>1.20</u>
Non-Exclusive Wastewater System Easement Agreement	1.21
<u>Walnut Island Real Property Interests</u>	<u>1.27</u>
Waterside Villages Development (Legal Description) <u>Land</u>	1-28 <u>1.29</u>
Map of Wastewater Utility System	1.34
WWTP (Depiction)	1.35
WWTP Property (Legal Description)	1.36
Quit-Claim Deed Condemned Property	5-24 <u>2.2</u>
Special Warranty Deed – Waterside Villages Real Property Interests	6.1(e <u>b</u>)(iii)
Bill of Sale	6.1(b)(iv)
Memorandum of Agreement	6.1(b)(vi)
Special Warranty Deed – Walnut Island Real Property Interests	6.1(b)(ix)



Eric T. Weatherly, P.E.
County Engineer

Currituck County

153 Courthouse Road, Suite 302
Currituck, North Carolina 27929
252-232-6035
FAX 252-232-3298
Eric.Weatherly@CurrituckCountyNC.Gov

MEMORANDUM

Date: December 22, 2011

To: Board of Commissioners
County Manager

From: Eric T. Weatherly

RE: Change Order and Amendment to Contract
Currituck Regional Airport
Partial Parallel Taxiway, Stub Taxiway and Apron Pavement Rehabilitation

Background

The airport taxiway and apron project was completed under the original grant budget. With the remaining grant funds, the NC Division of Aviation is allowing the County to install chain link fence around the northern end of the airport.

Talbert & Bright (T&B), the engineer for the airport projects, came in under budget on their services for the airport taxiway project by \$13,093.05. Their charge for services for the fence project is \$8,750, resulting in an amendment to their contract in a net decrease of \$4,343.05.

RPC Contracting, Inc. (RPC), the contractor on the airport taxiway project, came in under budget by \$92,227.91. The fence installation will cost \$100,168, resulting in a net increase in RPC's contract in the amount of \$7,940.09.

Recommendation

Staff is recommending to the Board of Commissioners that the Change Order for \$7,940.09 be granted to RPC and an amendment to T&B's contract of a decrease of \$4,343.05 to complete the fencing around the airport. These funds are covered by the remaining grant funds.

TALBERT & BRIGHT, INC.
CHANGE ORDER

DATED December 8, 2011

NO.: 3

PROJECT: Partial Parallel Taxiway, Stub Taxiway and Apron Rehabilitation TBI NO.: 2201-1001

NCDOA GRANT NO.: 36237.8.6.1 OWNER: Currituck County

CONTRACTOR: RPC Contracting, Inc. ADDRESS: 934 W. Kitty Hawk Rd.

CONTRACT DATE: November 4, 2010 Kitty Hawk, North Carolina 27949

TO: RPC Contracting, Inc.

ORIGINAL CONTRACT AMOUNT	\$ <u>1,544,960.70</u>
PREVIOUS CHANGES	\$ <u>(228.06)</u>
CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	\$ <u>1,544,732.64</u>
NET INCREASE RESULTING FROM THIS CHANGE ORDER	\$ <u>7,940.09</u>
CURRENT CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	\$ <u>1,552,672.73</u>
NET CONTRACT TIME RESULTING FROM THIS CHANGE ORDER	<u>60</u> (CALENDAR DAYS)
CURRENT CONTRACT TIME INCLUDING THIS CHANGE ORDER	<u>265</u> (CALENDAR DAYS)

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

RECOMMENDED FOR ACCEPTANCE, TALBERT & BRIGHT, INC.:

BY: [Signature] DATE: 12/13/11

ACCEPTED BY CONTRACTOR: RPC CONTRACTING, INC.

BY: [Signature] DATE: 12/9/11

ACCEPTED BY OWNER: CURRITUCK COUNTY

BY: _____ DATE: _____

YOU ARE DIRECTED TO MAKE THE CHANGES NOTED BELOW IN THE SUBJECT CONTRACT:

Change Order #3 reflects the final as-built quantities reported as attached to this change order. The final quantities resulted in construction being completed (\$98,820) under the grant construction budget. The project (including construction administration, RPR services and Quality Assurance Testing) was complete (\$114,473.89) under the overall grant budget. With these remaining funds, the airport is requesting to complete installation of perimeter fencing at the north end of the airport.

Change Order #3 also includes the adding this fencing work to the existing contract. This proposed fence installation includes the following new items and increasing the quantity of the following items:

Item 4, Clearing and Grubbing, Add 1 Acre at the original contract price

Item 48, Seeding, Add 1 Acre at the original contract price

Item 49, Mulching, Add 1 Acre at the original contract price

CO3.1, 8' High Galvanized Chain Link Fence with Barbed Wire, Add 4,000 LF @ \$21.34 per LF.

CO3.2, 20' Wide Double Leaf Swing Gate, Add 4 Each @ \$1,727.00 per Each.

CO3.3, Surveying for New Fence, Add 1 LS @ \$620.00 per LS.

The addition of these items is included in the attached spreadsheet. The total cost for this additional fence installation included with Change Order #3 is \$100,168.00.

Currituck County Airport
 Partial Parallel Taxiway, Stub Taxiway, & Apron Rehab
 TBI No. 2201-1001
 Final Change Order As-Constructed Quantities and Proposed Fence

Item	Spec.	Description	Unit	Quantity thru CO 2	Unit Price	Ext. Total	Final Quantities	Extended Total
1	P-150	Mobilization	LS	1	\$ 96,300.00	\$ 96,300.00	1	\$ 96,300.00
2	P-150	Engineers Field Office	Month	6	\$ 1,850.00	\$ 11,100.00	6	\$ 11,100.00
3	PSP	Temporary Low Profile Lighted Barricades and Runway Closure Crosses	LS	1	\$ 25,480.00	\$ 25,480.00	1	\$ 25,480.00
4	P-151	Clearing and Grubbing	Acre	2	\$ 6,000.00	\$ 12,000.00	3	\$ 18,000.00
5	P-152	Unclassified Excavation	CY	24,900	\$ 2.30	\$ 57,270.00	25425	\$ 58,477.50
6	P-152	Borrow Embankment	CY	8,500	\$ 9.35	\$ 79,475.00	9835	\$ 91,957.25
7	P-152	Undercut Excavation	CY	1,840	\$ 15.20	\$ 27,968.00	392	\$ 5,958.40
8	PSP	Moisture Conditioned Subgrade using Cement	SY	4,000	\$ 2.75	\$ 11,000.00	0	\$ -
9	PSP	Portland Cement	Lb	120,000	\$ 0.09	\$ 10,800.00	0	\$ -
10	REP	Pavement Removal	SY	5,370	\$ 9.00	\$ 48,330.00	5180	\$ 46,620.00
11	ITEM	Tie Down Removal	Each	18	\$ 86.00	\$ 1,548.00	18	\$ 1,548.00
12	P-156	Temporary Stabilized Construction Entrance	Each	1	\$ 2,140.00	\$ 2,140.00	1	\$ 2,140.00
13	P-156	Temporary Seeding and Mulching	Acre	19	\$ 680.00	\$ 12,920.00	0	\$ -
14	P-156	Temporary Silt Fence	LF	4,100	\$ 1.85	\$ 7,585.00	1917	\$ 3,546.45
15	P-156	Temporary Rock Inlet Protection	Each	3	\$ 450.00	\$ 1,350.00	3	\$ 1,350.00
16	P-156	Rip Rap Outlet Protection	Each	2	\$ 680.00	\$ 1,360.00	2	\$ 1,360.00
17	P-156	Temporary Sediment Trap	Each	6	\$ 2,000.00	\$ 12,000.00	6	\$ 12,000.00
18	P-156	Excelsior Matting	SY	17,600	\$ 1.28	\$ 22,528.00	33,900	\$ 43,392.00
19	RPS	Drainage Demolition	LS	1	\$ 2,350.00	\$ 2,350.00	1	\$ 2,350.00
20	ITEM	Runway Concrete Pavement Repair	SY	42	\$ 87.70	\$ 3,683.40	67	\$ 5,875.90
21	P-209	Crushed Aggregate Base Course	CY	5,350	\$ 51.80	\$ 277,130.00	4910	\$ 254,338.00
22	P-401	Bituminous Surface Course - 100% payment	Ton	4,730	\$ 78.80	\$ 372,724.00	4551.2	\$ 358,634.56
	P-401	Bituminous Surface Course - 84.7% Payment	Ton	0	\$ 66.74	\$ -	175.16	\$ 11,690.18
23	P-602	Bituminous Prime Coat	Gal	9,600	\$ 2.30	\$ 22,080.00	0	\$ -
24	P-603	Bituminous Tack Coat	Gal	2,900	\$ 2.20	\$ 6,380.00	2500	\$ 5,500.00
25	P-620	Pavement Marking	SF	3,050	\$ 1.75	\$ 5,337.50	2823	\$ 4,940.25
26	ITEM	Tie Down Installation	Each	18	\$ 120.00	\$ 2,160.00	15	\$ 1,800.00
27	P-631	Refined Coal Tar Emulsion with Additives for Slurry Coat	SY	1,080	\$ 1.20	\$ 1,296.00	2156	\$ 2,587.20
28	D-701	24" x 38" Elliptical R.C. Pipe, (Class IV)	LF	208	\$ 118.00	\$ 24,544.00	208	\$ 24,544.00
29	D-701	18-inch R.C. Pipe, Class III	LF	72	\$ 39.10	\$ 2,815.20	64	\$ 2,502.40
30	D-701	36-inch R.C. Pipe, Class III	LF	264	\$ 121.40	\$ 32,049.60	254	\$ 30,835.60
31	D-701	18-inch Flared End Section	Each	1	\$ 600.00	\$ 600.00	1	\$ 600.00
32	D-701	24"x38" Flared End Section	Each	2	\$ 985.00	\$ 1,970.00	2	\$ 1,970.00
33	D-701	36-inch Flared End Section	Each	2	\$ 1,100.00	\$ 2,200.00	2	\$ 2,200.00
34	D-705	4-inch Perforated PVC Pipe Underdrain	LF	5,700	\$ 15.00	\$ 85,500.00	5693	\$ 85,395.00
35	D-705	4" PVC Collector Pipe, Schedule 40	LF	1,130	\$ 10.60	\$ 11,978.00	1153	\$ 12,221.80
36	Item	4" Underdrain Endwall	Each	15	\$ 390.00	\$ 5,850.00	15	\$ 5,850.00
37	Item	4" Underdrain Cleanout	Each	18	\$ 200.00	\$ 3,600.00	17	\$ 3,400.00
38	D-751	6' Diameter Precase Manhole	Each	1	\$ 3,520.00	\$ 3,520.00	1	\$ 3,520.00
39	WP	8" PVC, C900 Waterline, Including Fittings	LF	300	\$ 21.50	\$ 6,450.00	293	\$ 6,299.50
40	WP	8"-45 Degree Bend	Each	6	\$ 400.00	\$ 2,400.00	4	\$ 1,600.00
41	WP	8" Gate Valve, Box and Cover	Each	2	\$ 1,220.00	\$ 2,440.00	2	\$ 2,440.00
42	WP	Connection to Existing Waterline	Each	2	\$ 800.00	\$ 1,600.00	2	\$ 1,600.00
43	WP	18" Steel Casing Pipe	LF	225	\$ 87.00	\$ 19,575.00	225	\$ 19,575.00
44	WP	Thrust Blocks	Each	6	\$ 80.00	\$ 480.00	4	\$ 320.00
45	WP	Remove Existing 8" PVC Waterline	LF	300	\$ 6.00	\$ 1,800.00	300	\$ 1,800.00
46	ITEM	Concrete Encase Existing 2 Way - 2" PVC Conduit	LF	0	\$ 32.00	\$ -	0	\$ -
47	ITEM	Relocate Existing Well Power Control Panel	LS	1	\$ 2,450.00	\$ 2,450.00	1	\$ 2,450.00
48	T-901	Seeding	Acre	19	\$ 980.00	\$ 18,620.00	20	\$ 19,600.00
49	T-908	Mulching	Acre	19	\$ 300.00	\$ 5,700.00	13	\$ 3,900.00
50	L-107	Relocated Wind Cone	LS	1	\$ 2,000.00	\$ 2,000.00	2	\$ 4,000.00
51	L-107	Segmented Circle	LS	1	\$ 11,600.00	\$ 11,600.00	1	\$ 11,600.00
52	L-108	Cable Trenching	LF	12,600	\$ 1.10	\$ 13,860.00	11,850	\$ 13,035.00
53	L-108	Counterpoise Trenching	LF	6,300	\$ 0.90	\$ 5,670.00	6,281	\$ 5,652.90
54	L-108	Underground Cable, 1/C, No. 8 AWG, 5kV, L-824, Type C, Installed	LF	12,060	\$ 0.95	\$ 11,457.00	12,560	\$ 11,932.00

Currituck County Airport
 Partial Parallel Taxiway, Stub Taxiway, & Apron Rehab
 TBI No. 2201-1001
 Final Change Order As-Constructed Quantities and Proposed Fence

Item	Spec.	Description	Unit	Quantity thru CO 2	Unit Price	Ext. Total	Final Quantities	Extended Total
55	L-108	Underground Cable, 1/C, No. 8 AWG, 600V, Type USE, Installed	LF	350	\$ 1.20	\$ 420.00	301	\$ 361.20
56	L-108	Underground Cable, 1/C, No. 4 AWG, 600V, Type USE, Installed	LF	2,600	\$ 1.45	\$ 3,770.00	2,714	\$ 3,935.30
57	L-108	Underground Cable, 1/C, No. 2 AWG, 600V, Type USE, Installed	LF	2,300	\$ 2.10	\$ 4,830.00	2,357	\$ 4,949.70
58	L-108	Bare Copper Counterpoise Wire, No. 6 AWG, including ground rods and ground connectors	LF	9,600	\$ 0.85	\$ 8,160.00	9,872	\$ 8,391.20
59	L-110	4 Way - 4" Concrete Encased Duct Bank	LF	190	\$ 45.00	\$ 8,550.00	190	\$ 8,550.00
60	L-110	2 Way - 2" Concrete Encased Duct Bank	LF	155	\$ 35.00	\$ 5,425.00	155	\$ 5,425.00
61	L-110	Extend Existing 6 Way - 2" Concrete Encased Duct Bank	LF	30	\$ 60.00	\$ 1,800.00	30	\$ 1,800.00
62	L-125	Lighting and Signage Demolition	LS	1	\$ 750.00	\$ 750.00	1	\$ 750.00
63	L-125	Relocate Existing Medium Intensity Runway Lights, Type L-861, Base Mounted in Place	Each	4	\$ 250.00	\$ 1,000.00	4	\$ 1,000.00
64	L-125	Medium Intensity Taxiway Lights, Type L-861T, Stake Mounted in Place	Each	47	\$ 335.00	\$ 15,745.00	46	\$ 15,410.00
65	L-125	Medium Intensity Taxiway Lights, Type L-861T, Base Mounted in Place	Each	15	\$ 560.00	\$ 8,400.00	15	\$ 8,400.00
66	L-125	New Guidance Sign, L-858, Size 2, Single Faced, 1-Module, Installed Complete	Each	4	\$ 2,630.00	\$ 10,520.00	4	\$ 10,520.00
67	L-125	New Guidance Sign, L-858, Size 2, Double Faced, 3-Module, Installed Complete	Each	1	\$ 4,380.00	\$ 4,380.00	1	\$ 4,380.00
68	L-125	New Guidance Sign, L-858, Size 2, Double Faced, 2-Module, Installed Complete	Each	1	\$ 3,285.00	\$ 3,285.00	1	\$ 3,285.00
69	L-125	L-867 Handhole - 16" Dia with Concrete Apron	Each	3	\$ 495.00	\$ 1,485.00	3	\$ 1,485.00
70	ITEM	Electrical Manhole	Each	1	\$ 6,160.00	\$ 6,160.00	1	\$ 6,160.00
71	IAVE	7.5 kW, 6.6 Ampere, L-828 Regulator, complete and in place	Each	1	\$ 6,650.00	\$ 6,650.00	1	\$ 6,650.00
72	ITEM	Vault Modifications	LS	1	\$ 1,750.00	\$ 1,750.00	1	\$ 1,750.00
73	ITEM	Excavation and Disposal of Debris	CY	370	\$ 45.90	\$ 16,983.00	25	\$ 1,147.50
CO1.1	ITEM	57 sotne	Ton	94	\$ 35.00	\$ 3,290.00	94	\$ 3,290.00
CO 1.2	IAVE	24" HDPE	LF	40	\$ 47.00	\$ 1,880.00	40	\$ 1,880.00
CO 1.3	ITEM	Class B Rip Rap	Ton	36	\$ 66.30	\$ 2,386.80	36	\$ 2,386.80
CO 1.4	ITEM	Power Service	LS	1	\$ 2,068.14	\$ 2,068.14	1	\$ 2,068.14
CO2.1	IAVE	New L-807 Wind Cone, Size 2, Style 1-A with L-810 LED Obstruction Light	LF	1	\$ 7,425.00	\$ 7,425.00	1	\$ 7,425.00
CO2.2	ITEM	Enlarge Backboard for Well Control Panel and Install new CT Cabinet	Ton	1	\$ 1,276.00	\$ 1,276.00	1	\$ 1,276.00
CO2.3	ITEM	Replace 80 Amp Breaker in Well Control Panel	LS	1	\$ 1,320.00	\$ 1,320.00	1	\$ 1,320.00
CO3.1	ITEM	8' High Galvanized Chain Link Fence with Barbed Wire	LF	0	\$ 21.34	\$ -	4000	\$ 85,360.00
CO3.2	ITEM	20' Wide Double Leaf Swing Gate	Each	0	\$ 1,727.00	\$ -	4	\$ 6,908.00
CO3.2	ITEM	Surveying for New Fence	LS	0	\$ 620.00	\$ -	1	\$ 620.00
Total Final Construction Cost								\$ 1,552,672.73

**CURRITUCK REGIONAL AIRPORT
 WORK AUTHORIZATION FOR PROFESSIONAL SERVICES
 Work Authorization No. 10-01
 December 13, 2011
 TBI Project No. 2201-1001 (Amendment #2)**

It is agreed to undertake the following work in accordance with the provisions of our Contract for Professional Services.

Description of Work Authorized

The Engineer shall provide professional services for design and construction administration phase services associated with perimeter fence installation to be installed as a change order to the Partial Parallel Taxiway and Apron Rehabilitation project at Currituck Regional Airport. The taxiway project was completed under budget and the Airport has requested that the remaining funds be utilized towards completion of the perimeter fence on the north side of the airport. This request has been coordinated with the NC Division of Aviation.

The design and construction administration effort includes preparing a drawing, details and specifications for the proposed fence alignment, providing documents to Owner and Contractor for change order pricing, preparation of change order to include new fence. Services shall also include review of shop drawing submittals, coordination with contractor during construction and final inspection.

Time Schedule: Design Phase Services are complete. Construction Administration Phase Services will be performed within the contract time included in Change Order 3.

Cost of Services: The method of payment for Design and Construction Administration Phase services shall be lump sum in the amount of \$7,250.00, as derived in the attached Work Hour Estimate.

The work included the original scope of services and Amendment No. 1 was completed under budget. This work authorization will amend the budgets as follows:

Construction Administration:	Increase by \$7,250.00
Resident Project Representative:	Increase by \$1,500.00
Quality Assurance Testing:	Decrease by \$13,093.05

This amendment results in a net decrease of (\$4,343.05).

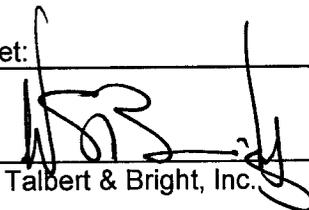
Agreed as to Scope of Services, Time Schedule and Budget:

Approved:

 For Currituck County

 Date

 Witness


 For Talbert & Bright, Inc.

12/13/11

 Date


 Witness

Currituck Regional Airport
 Partial Parallel Taxiway, Stub Taxiway and Apron Pavement Rehabilitation Project
 Work Hour Estimate
 December 13, 2011
 TBI No. 2201-1001 (Amendment 2)

Description				
	Design and Construction Administration Phase	PM	E4	S4
1	Develop Final Scope and Work Authorization. Coordinate with Owner.	1	0	1
2	Coordinate Fence Location and Prepare Schematic Layout for review and approval by Currituck County and NCDOA	2	4	0
3	Develop fence details and material specification (FAA Spec F-162)	1	2	1
4	Coordinate proposed fence with Contractor to obtain change order pricing	1	2	0
5	Prepare Change Order to add work to existing Parallel Taxiway project. Coordinate with Owner and Contractor.	1	1	2
6	Review and Process Contractor Shop Submittals	1	2	0
7	Site visit to review proposed fence line with contractor and Owner	0	6	0
8	Coordinate Construction Issues with Owner, Contractor, and RPR. Answer Questions, Resolve Issues and Provide Supplemental Instructions as Needed.	2	4	0
9	Review and Process Contractor Pay Estimates	1	1	1
10	Collect, Review and File Administrative Documentation, Including Sales Tax Reports, DBE Participation Reports, Certified Pay Rolls, Labor Interviews.	1	0	4
11	Process Grant Budget Modification Paperwork, Including Quarterly Reports, Reimbursement Requests, Etc.	1	0	8
12	Project Final Inspection, Develop/Issue "Punch List".	8	0	2
Work Hour Total		20	22	19

Work Hour Summary

	Billing Rate	Estimated Work Hours	Estimated Cost
Employee Classifications			
Project Manager	\$154.00	20	3,080.00
Engineer IV	\$104.00	22	2,288.00
Administrative/Secretarial IV	\$64.00	19	1,216.00
Subtotal		61	\$6,584.00

Direct Expenses

Expense Description	Unit	Unit Rate	Estimated Units	Estimated Cost
Travel	Trip	300.00	2	\$600.00
Printing/Reproduction	L. S.	25.00	1	\$35.00
Telephone, Shipping, Misc. Expenses	L. S.	25.00	1	\$35.00

Subtotal

\$670.00

Total - Design & Construction Administration Phase Services

\$7,254.00

Lump Sum

\$7,250.00

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-532000	Supplies	\$ 9,000	
61818-536000	Uniforms	\$ 160	
61818-511010	Data Transmission	\$ 1,800	
61818-516000	Repairs & Maintenance		\$ 9,160
61818-533800	Chemicals		\$ 1,800
		<u>\$ 10,960</u>	<u>\$ 10,960</u>

Explanation: *Mainland Water (61818)* - Transfer funds for supplies, uniforms and data transmission for Mainland Water.

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

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10960-539000	Unemployment Compensation	\$ 25,897	
10390-495015	T F - Occupancy Tax Fund		\$ 6,000
10390-499900	Appropriated Fund Balance		\$ 19,897
		<u>\$ 25,897</u>	<u>\$ 25,897</u>

Explanation: *Central Services (10960)* - Increase appropriations for unemployment compensation through July 31, 2011 and for increased administrative revenues from increased occupancy tax collections.

Net Budget Effect: Operating Fund (10) - Increased by \$25,897.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<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>
10760-561000	Prof. Services-Non Reimbursed	\$ 2,000	
10760-585000	Donations	\$ 4,000	
10330-431200	CSE Shares		\$ 2,000
10380-487000	Donations		\$ 4,000
		<u>\$ 6,000</u>	<u>\$ 6,000</u>

Explanation: COUNTY ASSISTANCE (760) - Adjust budget for projected donations to be received and the County's 34% portion of Child Support paternity fees paid to the state.

Net Budget Effect: Operating Fund (10) - Increased by \$6,000.

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BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10980-545000	Contract Services	\$ 26,000	
10460-531000	Gas	\$ 585	
10440-514000	Travel	\$ 485	
10330-445100	Public Assistance (FEMA)		\$ 27,070
		<u>\$ 27,070</u>	<u>\$ 27,070</u>

Explanation: *Finance (10440); Public Works (10460); Disaster Recovery (10980) - To increase appropriations to record FEMA and State reimbursement for Non-vegetative debris removal from Hurricane Irene; Project 00790(0).*

Net Budget Effect: Operating Fund (10) - Increased by \$27,070.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10440-514000	Travel	\$ 484	
10980-502100	Overtime	\$ 14,238	
10980-505000	FICA	\$ 1,090	
10980-507000	Retirement	\$ 1,473	
10980-514000	Travel	\$ 360	
10980-532000	Supplies	\$ 3,010	
10980-545000	Contract Services	\$ 7,566	
10330-445100	Public Assistance (FEMA)		\$ 28,221
		<u>\$ 28,221</u>	<u>\$ 28,221</u>

Explanation: *Finance (10440); Disaster Recovery (10980)* - To increase appropriations to record FEMA and State reimbursement for Emergency Operations Center during Hurricane Irene. Project Worksheet 00741 (0)

Net Budget Effect: Operating Fund (10) - Increased by \$28,221.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<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>
10440-514000	Travel	\$ 242	
10460-531000	Gas	\$ 228	
10980-545000	Contract Services	\$ 70,336	
10330-445100	Public Assistance (FEMA)		\$ 70,806
		<u>\$ 70,806</u>	<u>\$ 70,806</u>

Explanation: *Finance (10440); Disaster Recovery (10980) - To increase appropriations to record FEMA and State reimbursement for Beach Clean-up during Hurricane Irene. Project Worksheet 00254 (0).*

Net Budget Effect: Operating Fund (10) - Increased by \$70,806.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<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	\$ 61	
10460-531000	Gas	\$ 298	
10980-514000	Travel	\$ 40	
10980-532000	Supplies	\$ 3,971	
10980-590000	Capital Outlay	\$ 5,913	
10330-445100	Public Assistance (FEMA)		\$ 10,283
		<u>\$ 10,283</u>	<u>\$ 10,283</u>

Explanation: *Finance (10440); Public Works (10460); Disaster Recovery (10980) - To increase appropriations to record FEMA and State reimbursement for Generators Used by Mainland Water during Hurricane Irene. Project Worksheet 00252 (0).*

Net Budget Effect: Operating Fund (10) - Increased by \$10,283.

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BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<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	\$ 61	
10460-531000	Gas	\$ 73	
10461-531000	Gas	\$ 82	
10980-532000	Supplies	\$ 15,627	
10980-590000	Capital Outlay	\$ 10,080	
10330-445100	Public Assistance (FEMA)		\$ 25,923
		<u>\$ 25,923</u>	<u>\$ 25,923</u>

Explanation: *Finance (10440); Public Works (10460); Disaster Recovery (10980)* - To increase appropriations to record FEMA and State reimbursement for Generators Used by Outer Banks Water/Sewer Plants during Hurricane Irene. Project Worksheet 00258 (0).

Net Budget Effect: Operating Fund (10) - Increased by \$25,923.

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BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10440-514000	Travel	\$ 970	
10510-531000	Gas	\$ 9,610	
10980-502100	Overtime	\$ 34,851	
10980-505000	FICA	\$ 2,666	
10980-507000	Retirement	\$ 4,196	
10980-545000	Contract Services	\$ 23,767	
10330-445100	Public Assistance (FEMA)		\$ 76,060
		<u>\$ 76,060</u>	<u>\$ 76,060</u>

Explanation: *Finance (10440); Public Works (10460); Disaster Recovery (10980) - To increase appropriations to record FEMA and State reimbursement Law Enforcement Activities during Hurricane Irene. Project Worksheet 00432 (0).*

Net Budget Effect: Operating Fund (10) - Increased by \$76,060.

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BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12543-511003	Telephone & Postage	\$ 2,300	
12543-513003	Utilities		\$ 2,000
12543-514503	Travel/Training	\$ 4,000	
12543-516003	Maintenance & Repairs		\$ 1,000
12543-532003	Supplies	\$ 2,000	
12543-532103	Fire Supplies	\$ 1,200	
12543-536103	PPE	\$ 14,500	
12543-544003	Volunteer Assistance		\$ 21,000
12543-545000	Contract Services	\$ 2,500	
12543-553003	Dues & Subscriptions	\$ 500	
12543-554003	Insurance	\$ 11,000	
12543-561003	Professional Services		\$ 2,000
12543-590003	Capital Outlay		\$ 12,000
		<u>\$ 38,000</u>	<u>\$ 38,000</u>

Explanation: *Moyock Volunteer Fire Department (12543)* - To transfer budgeted funds per request of the Moyock Volunteer Fire Department.

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

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BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
65858-590000	Capital Outlay	\$ 8,000	
65858-561000	Professional Services		\$ 8,000
65858-545000	Contracted Services	\$ 3,000	
65858-533200	Lab Test		\$ 3,000
		<u>\$ 11,000</u>	<u>\$ 11,000</u>

Explanation: *Moyock Commons Sewer District (65858) - To replace existing blower and for sludge hauling.*

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

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BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10441-590441	Technology over \$1000	\$ 12,335	
10795-590441	Technology over \$1000		\$ 12,335
		<u>\$ 12,335</u>	<u>\$ 12,335</u>

Explanation: *Information Technology (10441); Parks and Recreation (10795) - Transfer funds for the ITS portion of the Parks and Recreation software.*

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

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BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
50650-590000	Roadways & Utilities	\$ 64,448	
50650-596100	Professional Services	\$ 18,267	
50795-594500	Soccer Fields	\$ 153,114	
50390-495040	T F - Capital Improvements		\$ 235,829
51800-594500	Contract Services	\$ 89,358	
51390-495042	T F - Land Transfer Capital Fund		\$ 89,358
		<u>\$ 325,187</u>	<u>\$ 325,187</u>

Explanation: *Maple Commerce Park (50650); Community Recreation Facility (50795)* - To appropriate funds for the earthwork contract for the COA site, roadways and soccer fields at the Maple Commerce Park/Community Center site.

Net Budget Effect: County Gov't Construction Fund (50) - Increased by \$235,829.
School Capital Construction Fund (51) - Increased by \$89,358.

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BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of January , 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10550-531000	Gas	\$ 1,000	
10550-531400	Equipment Fuel		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

Explanation: *Airport (10550)* - To increase funds for gas for the remainder of this fiscal year.

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

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Clerk to the Board

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AND
CAMDEN, CHOWAN, CURRITUCK, PASQUOTANK AND PERQUIMANS COUNTIES
AND
ALBEMARLE REGIONAL HEALTH SERVICES OPERATING AS
INTER-COUNTY PUBLIC TRANSPORTATION AUTHORITY
CONCERNING
THE RURAL OPERATING ASSISTANCE PROGRAM

The Rural Operating Assistance Program (ROAP), administered by the Public Transportation Division of the North Carolina Department of Transportation, is a state funded grant program that provides funds for counties to provide transportation services for the elderly, the disabled and low income persons.

The Rural Operating Assistance Program (ROAP) is divided into three programs for which funds are available:

- Elderly and Disabled Transportation Assistance Program (EDTAP)
- Employment Transportation Assistance Program (EMPL)
- Rural General Public Program (RGP)

G.S. §136-44.27 allows public transportation authorities and regional public transportation authorities, created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes, to become applicants and to receive any ROAP funds to which the member municipality or county is entitled.

The Department of Transportation (the Department), Camden, Chowan, Currituck, Pasquotank and Perquimans counties (Counties), and the Albemarle Regional Health Services

operating as Inter-County Public Transportation Authority (Authority), collectively the Parties, agree to the following terms and conditions that will enable program delegation from the Counties to the Authority.

COUNTY RESPONSIBILITIES

To achieve the purposes outlined above the County agrees to the following terms and conditions:

1. Each County authorizes the Authority to become the applicant for all Rural Operating Assistance Program funds allocated to the County.
2. Each County authorizes the Authority to be the direct recipient of ROAP disbursements from the Department
3. Each County delegates to the Authority the power to determine how the ROAP funds will be distributed within the county, including the allocation of funds, management of the funds, administering the program, and filing reports that account for how the funds were expended. The distribution methodology shall be in writing and a plan shall be developed for management of the funds that will be approved in advance by the Department.

In situations where the Authority includes multiple counties, each county in the Authority's region agrees that the Authority shall use the funds to provide transportation services to anyone living in the service area of the transit authority, regardless their county of residence.

4. Each county Representative that sits on the Authority's Governing Board shall provide oversight of the Authority spending and services.
5. The Authority will submit a copy of all NCDOT reports concerning the ROAP program to each county served by the Authority.
6. Each County is responsible to provide written notification to the Department when the County no longer wants the Authority to administer the ROAP Programs on its behalf.

AUTHORITY RESPONSIBILITIES

To achieve the purposes outlined above, the Authority agrees to the following terms and conditions.

1. The Authority will complete all of the application requirements and submit the ROAP grant application for the full allocations to each County and be responsible for that allocation and disbursement of the ROAP funds in each county.

2. To receive and manage the ROAP funds from the Department and to use any interest earned from the disbursements within the ROAP programs.

3. Upon request the Authority will provide all transit service and financial information to the Department and the county manager or his/her designee.

Should the Authority delegate funds to qualified agencies in the Authority area, those agencies shall provide the same reports and make the reports available as described above.

4. The Authority agrees it is responsible for maintaining all the documentation required for state reporting or auditing in regards to any ROAP funds retained by the authority. The authority will prepare and sign all state-required reports and provide them to the county for its review before they are submitted to the Department.

5. The Authority shall ensure that all ROAP funds passed through the authority are accounted for and presented in the authority's A-133 audit. Additionally, the authority will be responsible for refunding any unexpended funds to the state as required.

6. The Authority will comply with any other ROAP program requirements and accountability guidelines not specifically listed in this agreement or mentioned in the Certified Statement.

NOW, THEREFORE, by signing below the duly authorized representative of the Public Transportation Division of the North Carolina Department of Transportation hereby agrees to the following terms and conditions:

1. To disburse the ROAP funds allocated to the Counties to the Authority as scheduled in the annual application documentation.

2. To receive and review a semi-annual and annual report from the designated transportation authority and to invoice the authority for unspent ROAP funds.

3. To notify the Counties if there are any discrepancies or concerns about the transportation authority's administration of the ROAP program.

4. To ask the External Audit Branch to compare information on the ROAP reports to the transportation authority's annual independent audit report. Additionally, the External Audit will do on-site audits of ROAP expenditures as scheduled.

This agreement takes effect immediately after all parties have signed it. All parties to this agreement must mutually agree in writing to any changes. This agreement remains in effect until any agency participant provides written notification to all the other parties to this agreement of their intention to terminate this memorandum of understanding. Any written notification of termination of this memorandum of understanding must include a termination date that provides at least thirty (30) days advance notification to all parties.

“By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor’s Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

- (1) have a contract with a governmental agency; or
- (2) have performed under such a contract within the past year; or
- (3) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24.”

WITNESS my hand and seal, this day of _____, 20_____ .

Authorized Signature of Board of County Commissioners

Official Seal

Authorized Signature of Transportation Authority Board

Official Seal

Authorized Signature of Department of Transportation

Official Seal

Resolution for Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority to apply for, administer and report on all funding associated with the North Carolina Department of Transportation's Rural Operating Assistance Program (ROAP)

A motion was made by Queen Etheridge and seconded by Paul Martin for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority is a Public Transportation Authority created pursuant Article 25 of Chapter 160A of the North Carolina General Statues, which serves the counties of Chowan, Perquimans, Pasquotank, Camden, and Currituck.

WHEREAS, this resolution will allow Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority (ARHS-ICPTA) to apply for the county's NCDOT ROAP allocation regionally and combine the funding to seamlessly serve the region served by ARHS-ICPTA.

WHEREAS, by assuming the responsibility of completing the grant application, directly receiving, and reporting on this funding regionally, the Regional Public Transportation Authority created pursuant Article 25 of Chapter 160A of the North Carolina General Statues will assume all fiduciary, reporting, public notification and audit requirements associated with the county's NCDOT ROAP allocation.

WHEREAS, this resolution serves as an agreement between ARHS-ICPTA and the county until it is suspended. The county must give 90 days notice to ARHS-ICPTA prior to the end of the fiscal year to dissolve the agreement.

WHEREAS, the purpose of this resolution is to accomplish the following objectives:

- ✓ Reduce the number of Rural Operating Assistance Program (ROAP) accounts ARHS-ICPTA manages from thirty (30) to three (3).
- ✓ Allow a Regional Public Transportation Authority created under pursuant Article 25 of Chapter 160A of the North Carolina General Statues to leverage the region's current total ROAP allocation against the FTA Section 5310, Grant for Elderly Individuals and Individuals with Disabilities, and 5316 Job Access Reverse Commute (JARC), created under SAFETEA-LU, which are 50/50 grant programs.
- ✓ Reduce the number of grant applications and reports for NCDOT to review concerning North Carolina's ROAP program.

NOW, THEREFORE, be it resolved; that Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority (ARHS-ICPTA) is authorized to apply for the county's funding associated with the North Carolina Department of Transportation's Rural Operating Assistance Program (ROAP) and combine that funding to use it to provide transportation services to the AHRS-ICPTA service area.

I, O. Vance Aydlett, Jr. do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Currituck County Board of Commissioners duly held on the 1st day of August.

O. Vance Aydlett Jr.

Signature of the Board of County Commissioners Chairperson

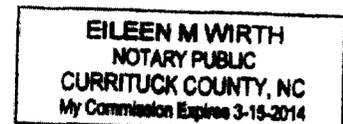
Subscribed and sworn to me (date) August 15, 2011

Eileen M. Wirth Eileen M. Wirth

Notary

153 Courthouse Road, Currituck, NC
Address

My Commission Expires (date) 3.15.2014



CURRITUCK COUNTY
NORTH CAROLINA
DECEMBER 5, 2011

The Board of Commissioners met for Dinner at 4:00 p.m., then at 5:00 p.m. for a Closed Session according to GS 143-318.11(3) to consult with attorney in order to preserve the attorney-client privilege. After reconvening from closed session, no action was taken. At 6:30 p.m., the Board met to discuss Internet Cafés.

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 Gilbert, O'Neal, Martin, Etheridge, Petrey, and Rorer.

Invocation

Pledge of Allegiance

The Reverend Glenn McCranie was present to give the invocation.

Election of Chairman

Dan Scanlon, County Manager, presided over the election of Chairman.

Commissioner O'Neal moved to nominate Commissioner Martin. Commissioner Petrey seconded the motion. Motion failed with Commissioners Aydlett, Gilbert, Rorer and Etheridge voting no.

Commissioner Gilbert moved to nominate Commissioner Rorer. Commissioner Aydlett seconded the motion. Motion carried with Commissioners O'Neal, Martin and Petrey voting no.

Election of Vice Chairman

Commissioner Petrey moved to nominate Commissioner Martin. Commissioner O'Neal seconded the motion.

Chairman Rorer moved to nominate Commissioner Gilbert. Commissioner Aydlett seconded the motion. Motion carried with Commissioner Petrey, Martin and O'Neal voting no.

Approval of Agenda

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

- Item 1 **Election of Chairman**
- Item 2 **Election of Vice Chairman**
- Item 3 Approval of Agenda
- Item 4 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 5 **Recognition of Currituck County High School Football Team and the Currituck County High School Soccer Team**
- Item 6 **Consideration and Action:** PB 00-15 Soundside Recycling: Renewal of a special use permit for a demolition landfill operation and a mulch sales stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.
- Item 7 **Public Hearing and Action:** PB 95-36 Cypress Landing, Phase 4: Request for a preliminary plat/special use permit for a 12 lot conservation subdivision located in Moyock at the terminus of Northwest River Drive, Tax Map 14, Parcel 13F, Moyock Township.
- Item 8 **Public Hearing and Action:** PB 11-17 Daniel C. Cartwright: Request for a conditional zoning from A (Agricultural) to CD-HM (Conditional District - Heavy Manufacturing) for 1.10 acres located at 128 Station Lane, Shawboro, Tax Map 23, Parcel 50, Crawford Township.
- Item 9 **Public Hearing and Action:** PB 06-24 Laurel Woods Estates: Request for an amended preliminary plat/special use permit for a 156-lot residential subdivision to modify the phasing plan and allow performance bonds for street trees and sidewalks, located on NC 168 .5 mile north of the intersection of Bells Island Road, Tax Map 50, Parcels 70A and 70B, Crawford Township.
- Item 10 **Discussion of Ocean Rescue Contract**
- Item 11 **Apply for permits to clean ditches to original dimensions in Carova and North Swan.**
- Item 12 **Appointment of a Commissioner to The Albemarle Commission**
- Item 13 **Appointments to Board of Adjustment**
- Item 14 **Appointments to Whalehead Stormwater Drainage Service District**
- Item 15 **Consent Agenda:**
 - 1. Request to declare two vehicles and one trailer as surplus
 - 2. Budget Amendments
 - 3. Approval of November 21, 2011, Minutes
 - 4. Approval of November 7, 2011, Minutes
- Item 16 Commissioner's Report
- Item 17 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 Rorer, District 2 Commissioner, stated that he has received some comments regarding his residency. He has lived in District 2 for most of the time, except for the last 10 months due to his wife's illness and is looking for a place to live in his district and he hopes to move within the next couple of weeks.

Chairman Rorer opened the public comment period.

Toni Tabb, is challenging the district that Chairman Rorer is living in and is against Commissioner Rorer being Chairman and he should step down. She has filed a challenge with the Board of Elections office today.

Barry Richman, is the Magistrate in Corolla and requested the Board to contact the legislature because they are considering reducing the number of Magistrates in Currituck from 4 to 3. This would leave Corolla without a Magistrate.

Commissioner O'Neal moved to send a letter to our Representatives opposing this new ruling. He also encouraged all citizens to do the same. Commissioner Aydlett seconded the motion. Motion carried.

Recognition of Currituck County High School Football Team and the Currituck County High School Soccer Team

John Wheeler, Coach for the High School Football Team introduced the team members and stated that the team won the play off game.

Mark Chappell, Coach for the Soccer Team introduced his team members and assistant Coach Tony. The team ranks 12th in the State.

The Board recognized both teams for their achievements and sportsmanship.

Consideration and Action: PB 00-15 Soundside Recycling: Renewal of a special use permit for a demolition landfill operation and a mulch sales stockpile area located at 7565 Caratoke Highway, Tax Map 110, Parcels 38 and 39, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

On December 6, 2010, the Board of Commissioners granted Soundside Recycling a one-year extension of the special use permit for a demolition landfill (recycling center). This extension required that all state permits needed to relocate operations east of the power transmission lines be issued within one year and that the applicant comply with all county ordinances within 90 days of the extension.

According to quarterly updates and recent correspondence with Racy Newbern, the State permit for the relocation of materials and operations was issued in March 2011. A pre-operative condition of the State permit is to provide a surety guarantee prior to operation of the new facility. The surety guarantee was secured in November 2011. Mr. Newbern stated that improvements to the site are underway to achieve compliance with the relocation requirement of the special use permit.

Prior to the December 5, 2011 Board of Commissioners meeting, staff will inspect the property to ensure the applicant complies with all county ordinances. A summary will be provided at the public hearing.

This special use permit is set to expire on December 6, 2011 and the applicant is requesting a renewal. The current special use permit and site plan are enclosed. Should you have any questions, do not hesitate to contact Ben Woody at 232-3055.

Chairman Rorer opened the public hearing.

Racy Newbern, applicant, was present to answer questions.

Commissioner Martin questioned how long has he been waiting for a permit.

Commissioner O'Neal stated that it does take the agency this long to secure bonds.

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

Commissioner O'Neal moved to extend for 60 days.

Commissioner Aydlett seconded the motion. Motion carried.

Public Hearing and Action: PB 95-36 Cypress Landing, Phase 4: Request for a preliminary plat/special use permit for a 12 lot conservation subdivision located in Moyock at the terminus of Northwest River Drive, Tax Map 14, Parcel 13F, Moyock Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
December 5, 2011
PB 95-36 Cypress Landing, Phase 4**

ITEM: PB 95-36 Cypress Landing, Phase 4, Preliminary Plat/Special Use Permit for a 12 lot conservation subdivision.

LOCATION: In Moyock at the terminus of Northwest River Driver, Moyock Township.

TAX ID: 0014-000-013F-0000

ZONING DISTRICT: Residential (R)

PRESENT USE: Undeveloped

OWNER: Jerry Old
1669 Tulls Creek Road
Moyock NC 27958

APPLICANT: Mel Hopkins
204 Walden Dr
Yorktown VA 23692

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Single Family Dwelling	R
SOUTH	Open Space for Cypress Landing Subdivision	R
EAST:	County Operated Manned Convenience Center	R
WEST:	Cypress Landing, Phase 3	R

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Rural within the Moyock subarea.

- SIZE OF SITE:** 22.171 Acres
- NUMBER OF UNITS:** 12 Lots
- PROJECT DENSITY:** .54 units/acre
- OPEN SPACE:** The applicant is required to provide 45% open space and is doing so by dedicating 9.99 acres to open space for this phase of the development.
- UTILITIES:** Public water will be provided by the Currituck County Water System and the lots will be served by individual on-site septic systems. Water demands will be approximately 4,320 gallons per day. The individual septic systems are being designed to support a four bedroom single family dwelling per lot.

I. NARRATIVE OF REQUEST:

- The applicant is proposing to construct a 12 lot residential subdivision.
- This is the fourth and final phase of Cypress Landing Subdivision.
- The sketch plan for this phase was approved on September 22, 2011.

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.

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

Suggested Findings:

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

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

Suggested Findings:

- a. As presented, the subdivision meets or exceeds the minimum requirements of the ordinance.

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

Suggested Findings:

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

5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located

Suggested Findings:

- a. The UDO indicates that a conservation subdivision is allowed in the R zoning district with a special use permit.
- b. The proposed residential lots are currently within a neighborhood with densities comparable to those proposed and should be in harmony with the neighborhood.

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

Suggested Findings:

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The Rural class is intended to provide for agriculture, forestry, and another allied uses traditionally associated with a rural area. The sub-area emphasis is to encourage clustered housing developments limited to a density of approximately one to two units per acre. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl. One form of development is:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent, the Limited Service areas identified on the Future Land Use Map.

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

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 12 lot subdivision will not exceed the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following plan corrections:

1. Please consult with Mr. Kevin Carver R.S. at 252-232-6603 in order to obtain required permits to construct a proposed dwelling and septic system on each lot of proposed subdivision. (ARHS Comment)
2. An erosion and sedimentation control plan must be submitted to the Land quality Section of DENR and approved prior to beginning the project. (NCDENR Land Quality Comment)

IV. PLANNING STAFF RECOMMENDATION:

Staff recommends approval of this request subject to all findings of fact listed above and all TRC comments being adequately addressed.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board *recommended approval* of the preliminary plat/special use permit with the findings of fact and staff recommendations.

Chairman Rorer opened the public hearing.

Jerry Old, Applicant, and Mel Hopkins, Engineer was present to answer questions.

There being no comments, Chairman Rorer closed the public hearing.

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

Public Hearing and Action: PB 11-17 Daniel C. Cartwright: Request for a conditional zoning from A (Agricultural) to CD-HM (Conditional District - Heavy Manufacturing) for 1.10 acres located at 128 Station Lane, Shawboro, Tax Map 23, Parcel 50, Crawford Township.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
December 5, 2011
PB 11-17 Daniel C. Cartwright
Conditional Zoning Request**

ITEM: PB 11-17 Daniel C. Cartwright requests to rezone 1.10 acres from Agricultural (A) to Conditional District - Heavy Manufacturing District (CD-HM).

LOCATION: 128 Station Lane, Shawboro: North side of Station Lane approximately 500 feet west of Shawboro Road (NC 34) intersection, Crawford Township.

TAX ID: 0033-000-0050-0000

OWNER: Currituck Grain Inc.
PO Box 7100
Virginia Beach, Va 23457

APPLICANT: Daniel Clay Cartwright
382 N. Gregory Road
Shawboro, NC 27973

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Agriculture	A
SOUTH	Agriculture	A
EAST:	Railroad Right-of-Way	GB
WEST:	Single Family Dwelling	A

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Rural within the Shawboro-Crawford subarea.

CURRENT ZONING: Agricultural (A)

PROPOSED ZONING: Conditional District - Heavy Manufacturing (CD-HM)

CURRENT USE: Agriculture

SIZE OF SITE: 1.10 acres

ZONING HISTORY: 1973: AO-1 - Agriculture-Open Space District
1975: A-40 - Agricultural District
1989: A - Agricultural District

UTILITIES: Property is served by well water and has an approved septic permit. There is potential for connection to the county's water system.

The neighboring property to the east is also served by well water.

TRANSPORTATION: The property is accessed by Station Lane, an approximately 16 foot wide state maintained road.

FLOOD ZONE: The subject property is not located within the 100-year flood plain and is identified as Flood Zone X.

WETLANDS: There are no wetlands on the property.

SOILS: According to the Currituck County Soils Survey, the entire property has soils that are considered unsuitable.

PROPOSED ZONING CONDITIONS:

1. An 8 foot tall fence shall be installed and maintained around the perimeter of the property.

COMMUNITY MEETING:

A community meeting was held on October 13th, 2011. A report of the meeting is attached.

TECHNICAL STAFF RECOMMENDATION:

The TRC reviewed the conceptual plan on October 19, 2011. A formal site plan submittal must be reviewed by TRC prior to development.

PLANNING STAFF RECOMMENDATION:

The planning staff recommends denial of the proposed conditional zoning request based on the following:

- The proposed heavy manufacturing use can be considered inconsistent with the Rural land use classification. The Rural class is intended to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area. Preferred uses include very low-density dispersed development associated directly with farm uses.
- Due to the adjacent single family residences, the proposed use appears to be inconsistent the following Land Use Plan policies:

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like.

POLICY ID1: To diversify the local economy and broaden the local tax base, the County shall encourage a public service and regulatory environment conducive to COMPATIBLE INDUSTRIAL DEVELOPMENT. "Compatible" shall be defined as, among other things, Industries that do not adversely impact the environmental quality of the area, or overburden the local infrastructure.

POLICY ID2: Industrial uses should not be located in areas that would diminish the desirability of existing and planned NON-INDUSTRIAL DEVELOPMENTS, nor shall incompatible non-industrial uses be allowed to encroach upon existing or planned industrial sites.

POLICY ID6: New industrial development shall be encouraged to locate in existing and/or planned INDUSTRIAL PARKS.

- NCDOT has stated that Station Lane, being only approximately 16' wide, can not support daily truck traffic.
- The increased vehicle traffic and noise of the operation may disturb the residences on Station Lane and nearby property.
- Sheriff Susan Johnson has concerns regarding the increased price of scrap metal and increased theft associated with it. In a letter attached, she explains that during these times, scrap metal operations need constant monitoring by law enforcement to ensure compliance with the N.C.G.S. She states that future request for these operations be scrutinized and evaluated on the location as it will effect both the community and law enforcement. She recommends that when new scrap metal operations are approved in the county, the Sherriff's Office would need another detective position to handle the demands presented by this type of business to meet the requirements of the statute. *Please see attached letter for full explanation.*
- The conceptual plan submitted does not illustrate required parking areas and bufferyards. Further compliance with the Unified Development Ordinance may reduce the overall outdoor storage area.
- Section 3.8.1 of the UDO states that no junkyard shall be within 1,000 feet of a major highway. The property is approximately 500 feet from NC 34. It is in staff's opinion that NC 34 is a major highway.

PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended denial** of the conditional zoning request 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 promote orderly growth and development and staff recommendations. Ms. Taylor seconded the motion. Ayes: Jim Clark, Joe Kovacs, Susan Taylor and John Wright. Nays: Fannie Newbern and Forrest Midgette.

PLANNING BOARD DISCUSSION (11/8/11)

Mr. Cartwright stated that this property was used for a saw mill, and prior to that it was a cotton mill. Mr. Cartwright stated that the Department of Transportation (DOT) originally stated that Station Lane would not support daily truck traffic, but after he talked to them DOT has sent another comment stating Station Lane would support daily truck traffic. Mr. Cartwright talked about the height of the stock piles, the eight foot tall fence, and

buffering. Mr. Cartwright stated this is an ideal spot for a scrap yard.

Mr. Clark asked what the hours of operation will be.

Mr. Cartwright stated daylight hours and five or six days per week.

Mr. Wright asked where the closest heavy manufacturing district is as it relates to this property.

Mr. Cartwright stated approximately 400 yards.

Mr. Midgette asked if the railroad tracks would be utilized.

Mr. Cartwright stated yes.

Mr. Midgette stated that the Unified Development Ordinance classifies a junk yard and scrap yard as the same. Mr. Midgette stated in his opinion they are not.

Mr. Litten stated he is concerned with noise, traffic, hours of operation, debris, dust, thief issues, and decreasing property values. Mr. Litten is asking the Planning Board to deny this request.

Mr. Midgette asked Mr. Litten if he attended the community meeting.

Mr. Litten stated no.

Ms. Miller stated she is concerned with traffic, hours of operation, and this request is not in line with the county's goals. Ms. Miller would like this property to remain in an agricultural district and it is of no benefit to the community. Ms. Miller is asking the Planning Board to deny this request.

Mr. Midgette asked Ms. Miller if she attended the community meeting.

Ms. Miller stated no, but she was not aware of the meeting.

Ms. Etheridge stated Mr. Cartwright lead people to believe that he wanted to store landscaping material on this site and some people are still under this impression. The county ordinance states heavy manufacturing districts seem to have the most significant impact on communities. Ms. Etheridge provided the uses of a heavy manufacturing district. Ms.

Etheridge is concerned with traffic, debris, decreasing property values, and how unsightly a scrap yard will look in a residential community. Ms. Etheridge stated Mr. Cartwright does not own the property. Ms. Etheridge is asking the Planning Board to deny this request.

Mr. Midgette asked Ms. Etheridge if she attended the community meeting.

Ms. Etheridge stated no.

Mr. Ray Etheridge is asking the Planning Board to deny this request.

Mr. Fred Etheridge stated he is asking the Planning Board to deny this request. Mr. Etheridge stated he does not want a junk yard in this community. He is also concerned with traffic, dust and noise.

Ms. Litten stated she is concerned with traffic, thief issues, and the negative side affects. Ms. Litten is asking the Planning Board to deny this request.

Mr. Cartwright addressed noise, traffic and crime issues. Mr. Cartwright stated since he is asking for a conditional zoning request his uses would be in the original application which are a scrap yard and landscaping materials. Mr. Cartwright asked planning staff to read the statement recently submitted by DOT.

Mr. Schuler read an email statement from DOT dated November 7, 2011.

Mr. Cartwright stated he feels this request will be a positive influence on the community.

PLANNING BOARD ACTION

Mr. Kovacs moved to deny PB 11-17 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 promote orderly growth and development and staff recommendations. Ms. Taylor seconded the motion. Ayes: Jim Clark, Joe Kovacs, Susan Taylor and John Wright. Nays: Fannie Newbern and Forrest Midgette.

Chairman Rorer opened the public hearing.

Commissioner Martin asked the County Attorney if this was spot zoning. Ike McRee, County Attorney, stated that he

does agree that this is spot zoning and the Board needs to have sufficient findings and establish a reasonable basis for approval.

Commissioner O'Neal stated that he thought this was an appropriate zoning due to the location of the railroad tracks.

Clay Cartwright, Applicant, reviewed his use of the property as a recycling of metals. He would buy metals, separate, and ship off. He would also have mulch, rock and riprap.

Commissioner Petrey questioned if he would have a fence.

Ben Woody, Planning Director, read letter from Department of Transportation on traffic on Station Lane.

Greg Barco, supports request.

Kenneth Wallace, opposes a scrap yard at this location and the contamination of the water and other toxic concerns.

Karen Etheridge, Jarvisburg Realtor, opposes this request because it will depreciate the value of property in Shawboro.

Fred Etheridge, Shawboro Road, opposes the request and that this would destroy the Shawboro area.

Newton Hampton, Coinjock, supports the request.

C.J. Hutson, supports the request.

Kitty Etheridge, Shawboro, requested the Board to deny this junkyard and that it would devalue the property. She requested the Board to protect the safety and well being of the residents in Shawboro by denying this request.

Ron Anoaia, Real Estate Agent from Virginia, stated that a salvage yard would devalue the property and make it difficult to sell property in Shawboro. He stated that this zoning would be a mistake and needed a comprehensive plan.

Commissioner O'Neal questioned the difference between a salvage yard and a recycling center.

Ray Etheridge, Shawboro, stated that Commissioner Etheridge would profit from this junk yard and why did not Mr. Cartwright locate this on his property.

Commissioner Etheridge wanted to comment on Ray Etheridge's statements. He stated that Mr. Cartwright came to him and asked him what to do and nothing more.

Ray Litton, opposes the request.

Julia Meiggs, opposes the request.

Mary Wallace, opposes the request and this use on her family property.

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

Commissioner Etheridge 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 and its long history of industrial uses, granary, lime plant and liquid fertilizer plant are among the businesses that have operated there. He also would like to include an opaque fence. Commissioner O'Neal seconded the motion. Motion carried with Commissioner Martin voting no.

Commissioner Martin wanted to state why he voted no. He opposes a junk yard and this is not a good location.

Public Hearing and Action: PB 06-24 Laurel Woods Estates: Request for an amended preliminary plat/special use permit for a 156-lot residential subdivision to modify the phasing plan and allow performance bonds for street trees and sidewalks, located on NC 168 .5 mile north of the intersection of Bells Island Road, Tax Map 50, Parcels 70A and 70B, Crawford Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: December 5, 2011
PB 06-24 Laurel Woods Estates**

ITEM: PB 06-24 Laurel Woods Estates Amended Preliminary Plat/Special Use Permit for a 156 lot phase in the conservation subdivision.

LOCATION: The property is located on the west side of NC 168, Caratoke Highway; ½ mile north of the intersection of Bells Island Road, Crawford Township.

TAX ID: 0050-000-070A-0000
0050-000-070B-0000

ZONING DISTRICT: Mixed Residential (RA)

PRESENT USE: Agricultural

OWNER: D&B Properties, Inc.
c/o Brian Sutryk
820 Greenbrier Circle, Suite 31
Chesapeake, VA 23320

APPLICANT: Sam Miller
Laurel Woods Estates NC, LLC
820 Greenbrier Circle, Suite 30
Chesapeake, VA 23320

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Low density residential uses/farmland	RA
SOUTH	Low density residential uses/woodland/farmland	RA
EAST:	Low density residential	R
WEST:	Farmland	RA

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Services within the Courthouse subarea.

SIZE OF SITE: 156.67 acres

NUMBER OF UNITS: 160 total residential lots approved on the sketch plan
156 total residential lots within this phase

PROJECT DENSITY: 1.02 units/acre

UTILITIES: The development will be served by county water. The proposed water usage is 76,800 gpd. The applicant is proposing on-site wastewater systems for each 20,000 sf residential lot.

IV. NARRATIVE OF REQUEST:

- The applicant is seeking amended preliminary plat/special use permit approval for 156 lots within a proposed 160 lot conservation subdivision.

- The applicant is proposing the following modifications to the plat and special use permit:
 - o Phasing Plan
 - § Up to 49 lots recorded for Phase 1, year 1
 - § 36 lots recorded for Phase 2, year 2
 - § 38 lots recorded in Phase 3, year 3
 - § 33 recorded in Phase 4, year 4 (156 lots) with the potential to add the remaining 4 lots in year 4 (160 lots).
 - o Performance bond for the planting of some of the street and site trees due to the time of planting. Street trees associated with the first phase will be installed Spring 2012.
 - o Performance bond for the installation of the sidewalks planned along the streets. The sidewalks will be completed with the construction of the homes to avoid damage. The walking trails will be installed as planned.

V. PLANNING STAFF RECOMMENDATION:

The preliminary plat must be corrected to illustrate lots 147, 148, 149, and 153 as future parcels. The four parcels did not receive a provisionally suitable recommendation from Albemarle Regional Health Department and did not receive preliminary plat approval.

The planning staff recommends approval of the request to amend the preliminary plat/special use permit condition L. issued by the Board of Commissioners November 5, 2007:

- L. The county will administer the formal phasing plan by allowing only the indicated number of lots to be built on (~~10 year one, and 30 in subsequent years~~) to receive final plat approval in that calendar year.
- Up to 49 lots recorded for Phase 1, year 1
 - 36 lots recorded for Phase 2, year 2
 - 38 lots recorded in Phase 3, year 3
 - 33 recorded in Phase 4, year 4 (156 lots) with the potential to add the remaining 4 lots in year 4 (160 lots).

The planning staff recommends approval of the request for performance bonds. Performance bonds must be submitted to the county prior to recording the final plat.

- Performance bond for the planting of some of the street and site trees due to the time of planting. Street trees associated with the first phase will be installed Spring 2012.
- Performance bond for the installation of the sidewalks planned along the streets. The sidewalks will be completed

with the construction of the homes to avoid damage. The walking trails will be installed as planned.

III. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the amended preliminary plat/special use permit with the findings of fact and staff recommendations.

PLANNING BOARD DISCUSSION (11/8/11)

Mr. Kovacs asked clarification on the phasing.

Mr. Miller provided an overview of the phasing plan and the performance bond for the planting of some of the street and site trees due to the time of planting.

PLANNING BOARD ACTION

Ms. Newbern moved to approve PB 06-24 with the findings of fact and staff recommendations included in the case analysis. Mr. Wright seconded the motion. Motion carried unanimously.

Chairman Rorer opened the public hearing.

Sam Miller, Applicant, was present to answer questions.

There being no comments, Chairman Rorer closed the public hearing.

Commissioner Martin moved to approve with findings of fact and staff recommendations included in the case analysis. Commissioner O'Neal seconded the motion. Motion carried.

Discussion of Ocean Rescue Contract

Dan Scanlon, County Manager, reviewed the contract which expires December 31, 2011. It is a 1 year contract for the same amount.

Sylvia Wolfe, reviewed the programs they have been working on.

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

Apply for permits to clean ditches to original dimensions in Carova and North Swan.

Dan Scanlon, County Manager, this is for the R02 area to maintain ditches and just needs the Board to approve process to get permits.

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

Appointment of a Commissioner to The Albemarle Commission

Commissioner Aydlett re-appointed Commissioner Rorer. Commissioner Martin seconded the motion. Motion carried.

Appointments to Board of Adjustment

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

Appointments to Whalehead Stormwater Drainage Service District

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

Daniel Clements, III, Robert Collins, Richard Donica, George Mears and Jack Riggle.

Consent Agenda:

1. Request to declare two vehicles and one trailer as surplus
2. Budget Amendments
3. Approval of November 21, 2011, Minutes
4. Approval of November 7, 2011, Minutes

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

RESOLUTION

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on December 5, 2011 authorized the following, pursuant to GS 160A and 270(b), property listed below, be traded in for a replacement, sold at auction or by advertised sale:

<u>Asset Tag</u>	<u>Description</u>	<u>Serial Number</u>
	2006 Ford Freestar (DSS)	2FMZA52226BA19653
	1985 Long Trailer (WISD)	130AU1212DC001578
	1987 GMC Truck (WISD)	1GTCS14E3H2529171

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10750-590000	Capital Outlay	\$ 26,000	
10380-488400	ABC Profits		\$ 26,000
		<u>\$ 26,000</u>	<u>\$ 26,000</u>

Explanation: *Social Services (10750)* - To increase appropriations for a replacement van for DSS. The 2006 Ford Freestar with 144,000 is inoperable and too costly to repair. This vehicle purchase will advance the vehicle requested for the FY 2013 budget year.

Net Budget Effect: Operating Fund (10) - Increased by \$26,000.

Commissioner's Report

The Board wished everyone a Merry Christmas, since the December 19th meeting has been canceled.

The Board also thanked Commissioner Aydlett for his leadership this year as Chairman.

County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 3rd day of January, 2012 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2012.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-539000	Unemployment Compensation	\$ 3,342	
15447-587010	T T - Operating Fund	\$ 6,000	
15390-499900	Appropriated Fund Balance	\$ 590,658	
15320-415000	Occupancy Tax		\$ 600,000
		<u>\$ 600,000</u>	<u>\$ 600,000</u>

Explanation: Occupancy Tax: Promotion (15442) and Tourism Related (15447) -To increase appropriations for increase in unemployment compensation and to reflect increase in collection of Occupancy Tax.

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

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Journal # _____

Clerk to the Board