



**BOARD OF COMMISSIONERS  
AGENDA**

**OCTOBER 15, 2012**

Table of Contents

<b>Agenda</b> . . . . .	<b>2</b>
Public Hearing and Action: <b>12-19 Case Analysis</b> . . . . .	<b>4</b>
Public Hearing and Action: <b>12-18 Case Analysis</b> . . . . .	<b>8</b>
Consideration and Action: <b>07-39 Memo</b> . . . . .	<b>11</b>
<b>07-39 Applicant Request</b> . . . . .	<b>12</b>
<b>07-39 Site Plan</b> . . . . .	<b>14</b>
Presentation by the Currituck County Joint Community Advisory Committee, Proclamation for National Alzheimer's Disease and National Family caregive Awareness Month <b>Resolution</b> . . . . .	<b>15</b>
Adoption of CDBG Program Manual <b>CDBG Program Summary</b> . . . . .	<b>16</b>
Change Order for a decrease in the amount of \$61,255.31, to the wastewater treatment plant at Maple Commerce Park <b>Maple Commerce Park CO #1</b> . . . . .	<b>19</b>
Approval of Mutual Aid Agreement with Emergency Management Agencies <b>Mutual Aid Agreement</b> . . . . .	<b>21</b>
Budget Amendments <b>Budget Amendments</b> . . . . .	<b>26</b>
Request for Finance Record Disposal per record retention schedule <b>Record Disposal</b> . . . . .	<b>29</b>
Approval of October 1, 2012 Minutes <b>October 1 Minutes</b> . . . . .	<b>30</b>

**REVISED**

**Currituck County**  
**Board of Commissioners Agenda**  
Historic Currituck County Courthouse

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**Date: Monday, October 15, 2012      Time: 7:00 PM**

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**7:00 pm Call to Order**

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

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

**Public Hearings**

- A) **Public Hearing and Action:** PB 12-19 Barry Nelms: Request to amend the new Unified Development Ordinance Chapter 5: Development Standards to allow off-premise directional signs for properties located adjacent to the Currituck Sound.
- B) **Public Hearing and Action:** PB 12-18 Currituck County Unified Development Ordinance Administrative Manual: Request to approve the Administrative Manual for the new Unified Development Ordinance.
- C) **Consideration and Action:** PB 07-39 Nicholson's Point, Planned Unit Development: Request for a preliminary plat/special use permit extension for 140 residential units in Maple, Crawford Township.

**Administrative Reports**

- A) **Presentation by the Currituck County Joint Community Advisory Committee, Proclamation for National Alzheimer's Disease and National Family caregiver Awareness Month**

**New Business**

- A) **Consent Agenda:**

1. Adoption of CDBG Program Manual
2. Change Order for a decrease in the amount of \$61,255.31, to the wastewater treatment plant at Maple Commerce Park
3. Approval of Mutual Aid Agreement with Emergency Management Agencies
4. Budget Amendments
5. Request for Finance Record Disposal per record retention schedule
6. Resolution to apply for certain State and Federal Grant Funding
7. Approval of October 1, 2012 Minutes

**B) Commissioner's Report**

**C) County Manager's Report**

**Adjourn**



## Currituck County

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

To: Board of Commissioners  
From: Planning Staff  
Date: October 8, 2012  
Subject: PB 12-19 Barry Nelms Text Amendment

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The enclosed text amendment, submitted by Barry Nelms of Barry's on Walnut Island Restaurant and Lodge, proposes to allow off-premise directional signage for businesses located adjacent to the Currituck Sound. This request is being reviewed as an amendment to the new Unified Development Ordinance (UDO).

The UDO was recently amended to allow off-premise directional signage for businesses located adjacent to the Atlantic Intracoastal Waterway. This request would allow off-premise directional signage for businesses along Currituck Sound under the same standards and procedures.

While staff is sympathetic to the difficult economic times that exist for businesses, increasing the frequency of off-premise directional signage is not consistent with the policy objectives of the 2006 Land Use Plan (Policies CA1, CA4, CA5). Policy CA5 states: "...that an attractive, less commercialized landscape, particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional billboards and off-site advertising signs shall not be permitted in Currituck County."

Due to the policy direction included in the Land Use Plan, staff cannot support this text amendment request as it would only strengthen the precedent to allow off-premise signage in the county.

The Planning Board *recommended denial* of PB 12-19 with staff recommendations, potential impact of number of businesses on the Currituck Sound vs. number of businesses on the Atlantic Intracoastal Waterway, and 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.

## PLANNING BOARD DISCUSSION *(September 11, 2012)*

The Planning Board asked staff the number of businesses on the Mainland and Outer Banks located on the Currituck Sound which would be affected by this request. Staff did not have this information available. The Planning Board also noted that new businesses located on the sound would benefit from this request.

Ms. Wilson stated this could transfer to the Outer Banks since there are many businesses that are located on the Currituck Sound. This makes it different from the Atlantic Intracoastal Waterway.

## ACTION

Mr. Clark moved to deny PB 12-19 with staff recommendations, potential impact of number of businesses on the Currituck Sound vs. number of businesses on the Atlantic Intracoastal Waterway, and 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. Ms. Newbern seconded the motion. Motion carried unanimously.

Currituck County  
PB 12-19  
UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 5: Development Standards to allow off-premise directional signs for properties located adjacent to the Currituck Sound.

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

Item 1: That Table 5.12.4 Signs Exempted from Sign Permit Requirements is amended by adding the following underlined language and deleting the following strikethrough language:

**5.12.4. Signs Exempted from Sign Permit Requirements**

The signs in Table 5.12.4, Signs Exempted from Sign Permits, are exempt from the requirements to obtain sign permit approval, but are subject to the standards in Section 5.12.7, Maintenance Standards, and the standards in this sub-section.

**TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS**

SIGN TYPE	EXAMPLE	APPLICABLE STANDARDS	MAXIMUM SIGN AREA (SQ. FT)	MAXIMUM HEIGHT (FEET)
Directional Sign, Off-Premise		Up to one off-premise directional sign authorized by the Board of Commissioners may be placed on property under the same ownership as a business site located adjacent to the Atlantic Intracoastal Waterway <u>and Currituck Sound.</u>	100	12

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

Item 3: This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

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

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

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



## Currituck County

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

### MEMORANDUM

To: Board of Commissioners  
From: Planning Staff  
Date: October 8, 2012  
Re: PB 12-18 Administrative Manual

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The purpose of the administrative manual is to assist in the administration of the new Unified Development Ordinance (UDO). It is similar to the development review process manual of the current UDO. The administrative manual's primary goal is to explain the review procedures of development applications established in the UDO. The manual contains, among other things: application forms, staff review checklist, planting details, and submittal and fee schedules. The manual consolidates information in the development review process, and helps applicants understand the procedures and requirements. The intent of the manual is more specifically to:

- A. Establish a process that is clear and understandable to all interested parties, applicants and staff;
- B. Clarify the standards and procedures for submitting complete and relevant information for development applications;
- C. Provide information and tools to assist applicants during the review process;
- D. Provide official interpretations of the UDO; and
- E. Establish planting standards that promote health and survival of landscaping installed in the county.

The administrative manual is divided into three parts:

1. Introduction  
The introduction provides background on the manual and its purpose, and recognizes it as part of the UDO.
2. Procedures and Applications  
Contains detailed review processes, applications, and design and submittal checklists for all development applications established in the UDO.
3. Appendices  
Contain standards that are applicable to all development applications, specifically, flood damage prevention, planting standards, and official interpretations. Also included are items that may assist applicants in the development review process including links to useful tools (UDO, Land Use Plan, online mapping) and staff review

checklist. Finally, the appendices establish submittal and fee schedules for development applications.

The administrative manual will be available on the county's website for review. The direct link will be emailed to you once it is posted. Should you have any questions on the manual, please contact Brad Schuler, Planner I, at 232-6033 or [Brad.Schuler@CurrituckCountyNC.gov](mailto:Brad.Schuler@CurrituckCountyNC.gov).

The Planning Board *recommended approval* of PB 12-18 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development.

PLANNING BOARD DISCUSSION *(September 11, 2012)*

No discussion.

**ACTION**

Ms. Newbern moved to approve PB 12-18 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Ms. Everhart seconded the motion. Motion carried unanimously.



## Currituck County

Planning and Community Development Department  
*Planning and Zoning Division*

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

To: Board of Commissioners

From: Planning Staff

Date: October 8, 2012

Subject: Nicholson's Point, Planned Unit Development

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On December 7, 2009, the Board of Commissioners voted to approve the preliminary plat/special use permit for Nicholson's Point, a 140 lot planned unit development located in Maple, Crawford Township. The preliminary plat/special use permit approval was due to expire on December 7, 2011. The North Carolina General Assembly passed a law that suspended the vesting period for development approvals that were valid at any time during January 1, 2008 through December 31, 2010. With the law in effect the preliminary plat/special use permit expiration date is January 1, 2013.

On August 20, 2012 James N. Owens submitted a request for a two year preliminary plat/special use permit extension of the subdivision (see attached).

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

1. The permit has not yet expired.
  - a. The permit has not yet expired and will expire January 1, 2013.
2. The permit recipient has proceeded with due diligence and in good faith; and,
  - a. The developer has proceeded with due diligence to move this project forward and has a significant investment in the proposed development.
3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
  - a. There are no changes proposed in the extension request.

734 Maury Avenue  
Norfolk, VA

August 20, 2012

Mr. Ben Woody  
Planning Director  
Currituck County  
P O Box 70  
Currituck, NC 27929

**RE: NICHOLSON'S POINT**

Dear Ben:

Thanks for taking my call regarding the zoning and approvals for Nicholson's Point PUD in Maple. As a result of the housing market collapse, development of the project is delayed indefinitely.

We understand that the Planned Unit Development zoning runs with the land and there is no expiration. However, approval of the subdivision plans will expire January 1, 2013, unless there is an event (or events) to cause the plans to become vested.

We ask that you make a determination regarding the vesting of the plans based on the considerable sums paid by NC Rose, LC for planning and engineering of the development. These amounts are summarized as follows:

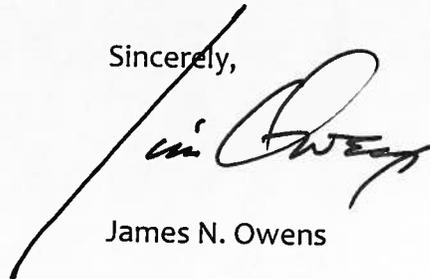
Development & Planning:	\$648,288
Engineering:	\$357,877
Legal & Professional Fees:	\$22,071
Management Fees:	\$92,550
Loan Closing:	\$36,211
Interest:	\$393,998
Real Estate Taxes:	\$22,908
Insurance:	\$9,454
<b>Total (Excluding land):</b>	<b>\$1,583,357</b>

In the event the plans are not vested, please consider this a **formal request** for the Board of Commissioners to extend the current approval for a period of two years to January 1, 2015, as permitted under the Unified Development Ordinance.

I participated as a member of the Technical Advisory Group in the re-write of the UDO, and am aware of some improvements under the new ordinance. Please review the current plans under the recently adopted UDO to determine if there is any advantage to seeking approval under the new ordinance. This would also serve the useful purpose of testing the new UDO in the real world.

We appreciate your attention to these matters. Please let me know if I can supply additional information or be of assistance.

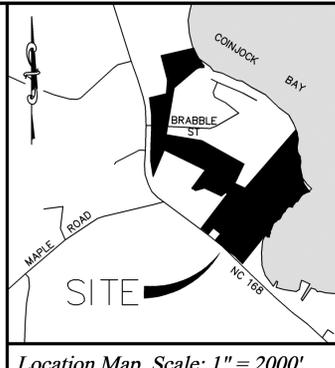
Sincerely,

A handwritten signature in black ink, appearing to read "James N. Owens". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

James N. Owens

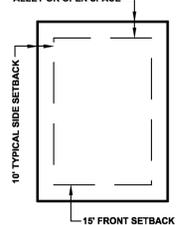
CC: NC Rose, LC

CARATOKE HIGHWAY - STATE ROUTE 168



Location Map, Scale: 1" = 2000'

TYPICAL BUILDING SETBACK LAYOUT FOR LOTS



NOTE:  
1. There is no Open Space 7 designation because it was combined with Open Space 1.

Match Line This Sheet

Match Line This Sheet

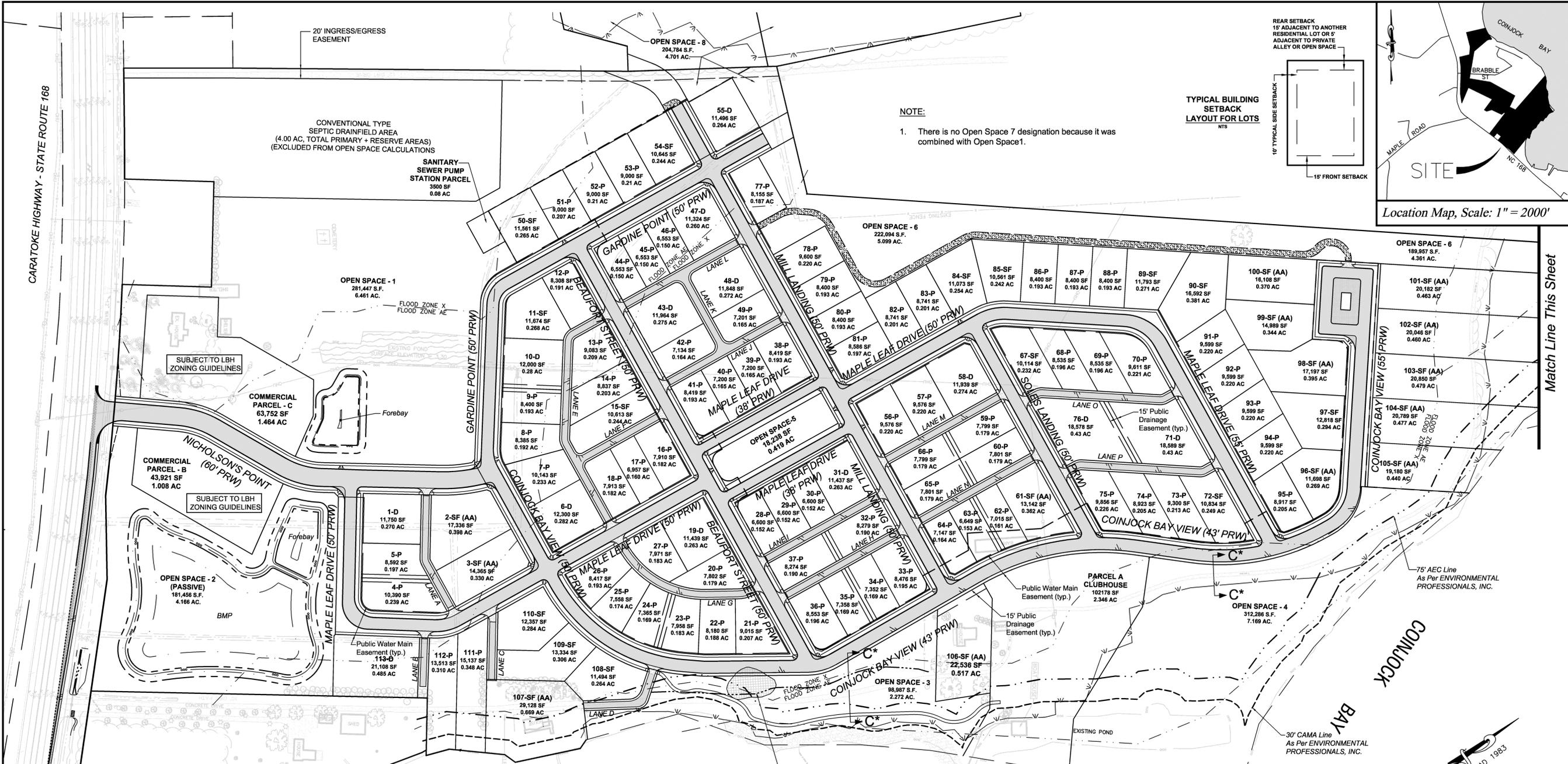
NO.	DATE	REVISIONS

Nicholson's Point  
Crawford Township  
Currituck County  
North Carolina



**Preliminary Plat**  
engineering services of virginia inc  
Civil Engineering & Land Surveying  
3351 Stonewall Road, Virginia Beach, VA 23452  
(757) 468-6800 FAX (757) 468-4966  
E-mail: email@esdva.com

SCALE:	1"=100'
FILE NAME:	M:\06117.dwg\ Preliminary Subdiv Plat\06117 Prelim Sub Plat.dwg
APPROVAL DATE:	00-00-00
PROJECT:	06117
DRAWN:	PAYF/DDF
CHECKED:	RHD
DATE:	10/26/09
SHEET:	1



SHELL MIDDEN AREA TO BE REMOVED BY PROJECT ARCHAEOLOGIST  
\*See Section C-C on Sheet 7

SITE AREA CALCULATION TABLE		
FORMULA		
<b>RESIDENTIAL</b>		
A	28 SINGLE FAMILY LOTS (-SF)	9.71 ACRES
B	(INCLUDES 14 SINGLE FAMILY LOTS WITH OPTIONAL ACCESSORY APARTMENT (-SF AA))	
C	72 PATIO LOTS (-P)	13.94 ACRES
D	13 DUPLEX LOTS (-D) = 26 DWELLING UNITS	4.04 ACRES
E	TOTAL RESIDENTIAL LOTS	113 LOTS
F	TOTAL RESIDENTIAL UNITS	140 UNITS
*(ASSUMING ALL DUPLEX LOTS = 2 UNITS & ALL SF AA LOTS HAVE OPTIONAL APARTMENT)		
G	PUMP STATION PARCEL	0.08 ACRES
H	SEPTIC DRAINFIELD PARCEL	4.06 ACRES
<b>COMMERCIAL</b>		
I	2 COMMERCIAL LOTS (TOTAL)	2.48 ACRES
J	CLUBHOUSE PARCEL	2.35 ACRES
K	PRIVATE RIGHT-OF-WAY	11.12 ACRES
L	PRIVATE LANES	1.83 ACRES
M	ACCESS & INGRESS/EGRESS EASEMENT	0.46 ACRES
N	OPEN SPACE 1, 2, 3, 4, 5, 6 (PORTION OF) & 8 (INCLUDED IN OPEN SPACE CALCULATIONS)	27.49 ACRES
O	OPEN SPACE 6 (PORTION OF), 9, 10 & 11 (EXCLUDED FROM OPEN SPACE CALCULATIONS)	4.70 ACRES
P	PARCEL 50	0.74 ACRES
Q	CAMA WETLANDS IN OPEN SPACE 3, 4 & 6 (EXCLUDED FROM OPEN SPACE CALCULATIONS)	1.75 ACRES
R	DEDICATED TO CURRITUCK COUNTY	1.00 ACRES
S	DEDICATED TO PUBLIC USE FOR ROAD PURPOSES	0.50 ACRES
T	DEDICATED TO NATURE CONSERVATION	47.72 ACRES
U	TOTAL SITE AREA	132.48 ACRES
<b>NET AREA FOR CALCULATION PURPOSES</b>		
V	(TOTAL SITE AREA - 1.00 ACRES DEDICATED TO CURRITUCK COUNTY, 0.50 ACRES DEDICATED TO PUBLIC USE FOR ROAD PURPOSES, 47.72 ACRES DEDICATION TO NATURE CONSERVATION, CAMA WETLANDS & OPEN SPACE 9, 10 & 11)	76.81 ACRES
<b>WETLANDS WITHIN CALCULATION AREA</b>		
W		8.32 ACRES
<b>SITE CALCULATIONS</b>		
E + U	PROPOSED DENSITY	1.82 UNITS PER ACRE
H + U	PERCENT COMMERCIAL	3.2% (10% ALLOWED)
M + U	PERCENT OPEN SPACE	27.49 ACRES / 35.80% (35% REQUIRED)
		27.49 ACRES / 35.80% (35% REQUIRED)
		(8.32 ACRES ARE WETLANDS AND 19.17 ACRES ARE UPLANDS)

**FIRE SPRINKLER NOTE:**  
ALL RESIDENTIAL STRUCTURES SHALL BE SPRINKLERED IN ACCORDANCE WITH NFPA 13 D.

- SUBDIVISION NOTES:**
- This subdivision will be developed with private streets and lanes. These areas will be designed as PRW (Private Right of Ways).
  - The sanitary collection and treatment system will be privately owned and maintained by the Homeowners Association.
  - The on-site storm drainage system will be privately owned and maintained by the Homeowners Association.
  - The water distribution system will be owned and maintained by Currituck County.
  - A non-exclusive easement will be provided over all private right of ways excluding the lanes, for the operation and maintenance of the water distribution system. This easement will be expanded where public facilities will be constructed outside of the private right of way.
  - Commercial properties along Nicholson's Point Road shall not have driveways closure than 100 feet from NC 168 right-of-way.
  - Accessory apartments are subject to the UDO maximum area requirements.

**RESIDENTIAL PARKING NARRATIVE:**  
Onsite parking will be provided on driveways and in garages on the residential parcels. Overflow and guest parking will be parallel parking on the private streets.

**Site Statistics**

**Owner:** James N. & Becky W. Owens  
734 Maury Avenue  
Norfolk Virginia, 23517  
Phone: (757) 640-8233

**Applicant/Developer/Owner:** NC Rose, LC c/o Emil Viola  
P.O. Box 6186  
4001 S. Military Hwy.  
Chesapeake Virginia, 23321  
Phone: (757) 681-8606

**Zoning:** RA (Mixed Residential)

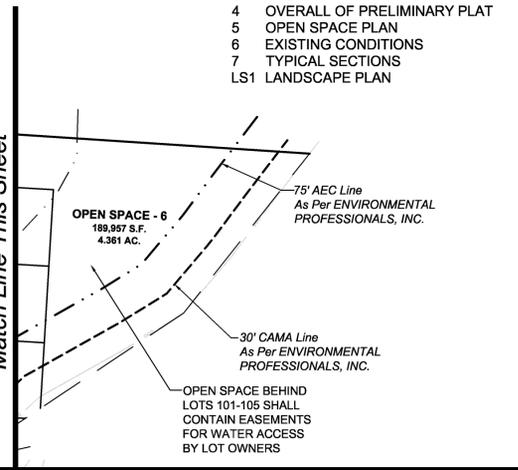
**Existing Use:** Agricultural With Residence

**Proposed Development:** Mixed Use Residential Subdivision (PUD)

**Location:** Crawford Township  
Currituck County, NC.

**Smallest Lot Size:** 6,553 SF (lots 44-P, 45-P & 46-P)

Match Line This Sheet



**NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH  
AND  
NATIONAL FAMILY CAREGIVER MONTH**

WHEREAS, Currituck North Carolina joins in recognizing National Alzheimer's Disease Awareness and Family Caregiver month beginning November 1, 2012 through November 30, 2012, and;

WHEREAS, Alzheimer's disease is a progressive degenerative disease of the brain causing deterioration in memory and thinking, as well as judgment and reasoning ability; while it also affects behavior, emotions and the ability to perform self care; and

WHEREAS, national research shows that over 5 million Americans in the United States are living with the disease, and additionally that 1,252 Americans are diagnosed daily. According to the National Institute on Aging, the total national cost per year for Alzheimers care is estimated at over \$100 billion for diagnosis, extended care, and family caregiver illness; and

WHEREAS, according to the North Carolina Department of Health and Human Services it is estimated more than 170,000 older adults currently have Alzheimer's disease or other types of dementia; and

WHEREAS, Alzheimer's disease is the sixth leading cause of death for people of all ages and the fifth leading cause for adults over age 65, and;

WHEREAS, it is estimated that for every individual with Alzheimer's disease - up to four family members act as caregivers, and their care giving, on average, will be 8 years, but may be as long as 20 years, and;

WHEREAS, more than 70% of the people with Alzheimer's disease live at home and are cared for by family and friends, and;

WHEREAS, in Currituck County, based on the 2010 census, it is estimated that 424 persons have the disease, and over 1700 caregivers are affected;

WHEREAS, the County of Currituck recognizes individuals, families, friends, and caregivers dealing with the devastating effects of Alzheimer's disease, the researchers who are seeking a cause or causes and cure, and the educational programs and support services provided by North Carolina Alzheimer's organizations and the Area Agency on Aging;

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners, do hereby proclaim November 2012 as "Alzheimer's Disease Awareness Month" in Currituck, North Carolina and commit its observance to all citizens.

ADOPTED this the 15<sup>th</sup> day of October, 2012

ATTEST:

\_\_\_\_\_  
John D. Rorer, Chairman

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

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## MEMORANDUM

**TO:** Currituck County, Board of Commissioners  
**FROM:** Ben Woody, Planning Director  
**DATE:** October 15, 2012  
**RE:** Currituck County Scattered Site Housing CDBG Program Manual

The purpose of this memo is to summarize the Program Manual for the FY 11 CDBG Program. We will ask for action on the items in the Manual at the October 15, 2012 meeting. A complete copy of the Manual is located at the Historic County Courthouse.

The following should provide a brief summary for you of the **required** items contained within the Manual.

- (1) **Fair Housing Plan:** The Plan's purpose is to ensure that fair housing is available to all citizens of Currituck County and that discrimination does not occur. The activities scheduled in the Plan will be undertaken to affirmatively further fair housing in the County.
- (2) **Equal Employment and Procurement Plan:** The Plan ensures that Currituck County maintains a policy that provides equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment. Through this document, Ben Woody, Planning Director is designated to assist in the implementation of the Plan and will serve as the Equal Employment and Procurement Officer for the County.
- (3) **Local Economic Benefit for Low and Very Low Income Persons Plan:** The Plan requires contractors to submit, as applicable, a Local Economic Benefit for Low and Very Low Income Persons Plan. It also requires that Currituck County will develop a listing of jobs, supplies and contracts likely to be used during the course of the project. The Plan also states that Ben Woody, Planning Director, will serve as Equal Opportunity Officer to coordinate the implementation of the Plan.
- (4) **Section 504 Compliance Officer/Grievance Procedure:** The Plan states that the County will not discriminate against persons with handicaps or disabilities in the CDBG Program or general government services. The Plan states that citizens may file Section 504 grievances at any time during the program and that the Board of Commissioners designates Ben Woody, Planning Director, as Section 504 Compliance Officer for the process. Grievances would come to Ben Woody, Planning Director, 153 Courthouse Road, Suite 110, Currituck, NC 27929, and the Board of Commissioners must respond to all grievances within ten (10) days of receipt of the comments. If any individual, family or entity should have a grievance concerning any action prohibited under Section 504, they would schedule a meeting with the Compliance Officer. Deadlines for responses are contained in the Plan.

- (5) **Citizen Participation Plan:** The Plan ensures that citizens will be provided adequate opportunity for meaningful involvement on a continuing basis and for participation in planning, implementing, and assessing Currituck County's CDBG Program. The Plan contains sections such as Objectives of the Plan, Citizen Involvement, Citizen Access to Records, Timely Information and Submission of Views and Proposals, Response to Proposals and Complaints, and a Citizen Participation Plan Certification.
- (6) **Residential Anti-Displacement and Relocation Assistance Plan:** The Plan requires the replacement and providing of relocation assistance to anyone living in an eligible dwelling which is demolished or converted to use other than low/moderate income housing. The Plan includes explanation of One-for-One Replacement Unit Requirement and Relocation Assistance.
- (7) **Optional Coverage Relocation Plan:** The Plan makes occupants of dwellings that agree to voluntary demolition of the dwelling they occupy eligible for relocation benefits.
- (8) **Code of Conduct/Hatch Act Policy/Section 519:** The Policy itself is a conflict of interest policy that explicitly spells out what County officials and employees cannot do and be involved in during the course of the project. In addition, the policy prohibits the use of excess force.
- (9) **Acquisition Guidelines:** The Guidelines detail the objectives of the real property acquisition practices of the County. The Guidelines state that it is the County's intent to only acquire property in the approved project area to meet the aims and objectives of the CDBG program.
- (10) **Disposition Guidelines:** The Guidelines detail the objectives of the real property disposition practices of the County. The Guidelines state the intent and procedures of the disposition practices of the County.
- (11) **Relocation Guidelines:** The Guidelines detail the objectives of the relocation practices of the County. The Guidelines state that it is the intent of the County to only relocate occupants whose dwelling is unfit for human habitation and beyond the scope of rehabilitation.
- (12) **Clearance Guidelines:** The Guidelines detail the objectives of the demolition and clearance practices of the County. The Guidelines state that the intent of the County is to rehabilitate substandard privately owned dwellings whenever feasible. However, when housing conditions are dilapidated and the cost of rehabilitation is economically unfeasible, the CDBG program will acquire, demolish, and clear the structures.
- (13) **Rehabilitation Guidelines:** The Guidelines detail the objective of the rehabilitation practices of the County. The Guidelines state that the intent of the County is to rehabilitate private property in a cost-effective manner in the approved project area whenever feasible to meet the plans and to achieve the aim of the CDBG project. Attached for information purposes is the Rehabilitation Financial Design.

- (14) **Rehabilitation/Reconstruction Guidelines:** The Guidelines detail the objective of the rehabilitation/reconstruction practices of the County. The Guidelines state that the intent of the County is to use reconstruction in lieu of rehabilitation for properties that can not be cost effectively rehabilitated.
- (15) **Complaint Procedure:** The Procedure has all comments being sent to Ben Woody, Planning Director, 153 Courthouse Road Currituck, NC 27929. The deadlines for responses and periods are included in the Procedure.
- (16) **Contracts Officer Designation:** The Designation states that the Board of Commissioners designates Ben Woody, Planning Director as Contracts Officer for the CDBG Program. The Contracts Officer will have the authority to execute contracts pertaining to acquisition, disposition, clearance, relocation, rehabilitation and administration within the limitations of the approved Grant Application and Local, State and Federal Procurement Procedures.
- (17) **Labor Standards Officer Designation:** The Designation states that the Board of Commissioners designates Ben Woody, Planning Director as the Labor Standards Officer for the CDBG Program with the authority to enforce compliance of labor standards on all jobs requiring labor standards provisions.
- (18) **Verification Officer Designation:** The Designation states that the Board of Commissioners designates Ben Woody, Planning Director as the Verification Officer for the CDBG Program with the responsibility to verify the eligibility of all contractors and subcontractors participating on jobs funded in full or in part with Community Development funds.
- (19) **Just Compensation Officer Designation:** The Designation states that the Board of Commissioners designates Ben Woody, Planning Director as the Just Compensation Officer for the CDBG Program, and through this service would have the authority to certify just compensation of private property acquisition within the limitations of the approved Grant Application and State and Federal Acquisition Procedures.
- (20) **Financial Management Procedure:** The Procedure will meet Currituck County's requirement to maintain a financial accounting system for the CDBG Program. The Procedure meets all various Federal guidelines for financial management of Federally-assisted activities. All of the requirements needed are contained within the Procedure.

We hope that this memo helps summarize what is contained in the Manual.

cc: Tammy Glave, Planner II  
CDBG File

**Change Order**  
No. 1  
Revised

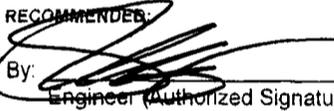
Date of Issuance: 9/27/2012 Effective Date: 9/27/2012

Project: <u>Maple Commerce Park</u>	Owner: <u>Currituck County</u>	Owner's Contract No:
Contract: <u>Wastewater Treatment Plant</u>		Date of Contract: <u>5/26/2011</u>
Contractor: <u>Hatchell Concrete, Inc.</u>		Engineer's Project No.: <u>090077</u>

**The Contract Documents are modified as follows upon execution of this Change Order:**  
Description: Reconciliation of contract for unused line items as highlighted on attached sheet.

Attachments: (List documents supporting change): Progress estimate sheet

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price: \$ <u>1,940,862.00</u>	Original Contract Time: <input type="checkbox"/> Working days <input type="checkbox"/> Calendar days Substantial completion (days or date): Ready for final payment (days or date):
Increase/Decrease from previously approved Change Orders No. <u>0</u> to No. <u>0</u> : \$ <u>0.00</u>	[Increase][Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>0</u> : Substantial completion (days): <u>0</u> Ready for final payment (days): <u>0</u>
Contract Price prior to this Change Order: \$ <u>1,940,862.00</u>	Contract Time prior to this Change Order: Substantial completion (days or date): <u>0</u> Ready for final payment (days or date): <u>0</u>
Increase/Decrease of this Change Order: \$ <u>(61,255.31)</u>	Increase of this Change Order: Substantial completion (days or date): <u>0</u> Ready for final payment (days or date): <u>0</u>
Contract Price incorporating this Change Order: \$ <u>1,879,606.69</u>	Contract Time with all approved Change Orders: Substantial completion (days or date): <u>0</u> Ready for final payment (days or date): <u>0</u>

RECOMMENDED:  
By:   
Engineer (Authorized Signature)

ACCEPTED:  
By: \_\_\_\_\_  
Owner (Authorized Signature)

ACCEPTED:  
By:   
Contractor (Authorized Signature)

Date: 10-3-12

Date: \_\_\_\_\_

Date: 9-27-2012

Approved by Funding Agency (if applicable): \_\_\_\_\_ Date: \_\_\_\_\_

### Progress Estimate

### Contractor's Application

For (contract)		MAPLE WWTP / PO# 20111450-000		Application Number:		11-RETAINAGE		
Application Period		8/20/2011		Application Date		9/26/2012		
A		B	Work Completed		E	F	G	
Item		Scheduled Value	C	D	Materials Presently Stored (not in C or D)	Total Completed and Stored to Date (C + D + E)	% (E) B	Balance to Finish (B - F)
Specification Section No	Description		From Previous Application (C + D)	This Period				
1	MOBILIZATION	\$58,000.00	\$58,000.00			\$58,000.00	71.0%	
2	BOND & INSURANCE	\$20,000.00	\$20,000.00			\$20,000.00	100.0%	
3	BUILDING, ERECTION & ASSOCIATED COSTS	\$230,000.00	\$230,000.00			\$230,000.00	100.0%	
4	WATERLINE/HYDRANTS & SERVICES	\$71,000.00	\$71,000.00			\$71,000.00	100.0%	
5	CONCRETE TANKS	\$265,000.00	\$265,000.00			\$265,000.00	100.0%	
6	COST OF AMPHIDROME SYSTEM	\$450,000.00	\$450,000.00			\$450,000.00	100.0%	
7	INSTALL OF AMPHIDROME SYSTEM	\$200,000.00	\$200,000.00			\$200,000.00	100.0%	
8	SITE EXCAVATION / ACCESS ROAD WORK	\$264,216.00	\$264,216.00			\$264,216.00	100.0%	
9	CURB & GUTTER / ASPHALT PAVING/ STONE	\$113,505.00	\$105,427.00			\$105,427.00	92.9%	\$8,078.00
10	FORCE MAIN, SEPTIC, PUMPS & SPRAY FIELD	\$177,741.20	\$177,741.20			\$177,741.20	100.0%	
11	UNDERCUT & BACKFILL	\$48,600.00	\$16,585.00			\$16,585.00	34.1%	\$32,015.00
12	ADDITIONAL POND EXCAVATION - HIGH RATE INFILTRATION	\$1,800.00						\$1,800.00
13	ADDITIONAL SELECT POROUS POND FILL	\$18,000.00						\$18,000.00
14	EQUIPMENT ALLOWANCE	\$15,000.00	\$13,637.69			\$13,637.69	90.9%	\$1,362.31
15	ABANDONMENT OF COUNTY WELL ALLOWANCE	\$2,000.00	\$2,000.00			\$2,000.00	100.0%	
16	INSPECTION & TESING OF INFILTRATION POND	\$6,000.00	\$6,000.00			\$6,000.00	100.0%	
<b>Totals</b>		<b>\$1,940,862.20</b>	<b>\$1,879,606.89</b>			<b>\$1,879,606.89</b>		<b>\$61,255.31</b>

## MUTUAL AID AGREEMENT

COUNTIES OF Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Tyrrell and Washington

MUTUAL AID AGREEMENT WITH EMERGENCY MANAGEMENT AGENCIES AND/OR OTHER GOVERNMENT FUNCTIONS

THIS AGREEMENT, MADE AND ENTERED INTO THIS 1<sup>st</sup> DAY OF JULY 2012, BY AND BETWEEN THE COUNTIES OF Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Tyrrell and Washington all being body politics and political subdivisions of the State of North Carolina, hereinafter referred to as "County" or "Counties."

WHEREAS, Eastern North Carolina is geographically vulnerable to a variety of disasters;

WHEREAS, Chapter 166A of the North Carolina General Statutes, entitled the North Carolina Emergency Management Act, recognizes this vulnerability and provides that its intended purposes are to:

- (1) Reduce vulnerability of people and property of this State to damage, injury, and loss of life and property;
- (2) Prepare for prompt and efficient rescue, care, and treatment of threatened or affected persons;
- (3) Provide for the rapid and orderly rehabilitation of persons and restoration of property; and
- (4) Provide for cooperation and coordination of activities relating to emergency and disaster mitigation, readiness, response, and recovery;

WHEREAS, under Chapter 166A and other chapters of the North Carolina General Statutes, entities entering into mutual aid and assistance agreements may include provisions for the furnishing and exchanging of supplies, equipment, facilities, personnel and services;

WHEREAS, the purpose of this agreement is to provide each of the parties hereto through their mutual cooperation, a predetermined plan by which each of them may render aid to the other on issues regarding resource deficiencies, and also in case of conflagration, holocaust, civil disorder, natural, man-made or technological disaster to a degree beyond the existing capabilities of any party.

WHEREAS, it is deemed to be in the public interest for the parties hereto to enter into an agreement for mutual assistance within law and order, fire protection, emergency medical care, search and rescue, emergency management, public works and other departments within a County's government in order to assure proper care of the citizens at large.

WHEREAS, by action of the governing body of each party hereto, they do hereby reach an agreement for mutual aid assistance and are duly authorized by the governing bodies of each of the parties to render mutual aid and assistance to the other.

THEREFORE, pursuant to G.S. 166A-10(b), these entities agree to enter into this Agreement for reciprocal emergency management aid and assistance, with this Agreement embodying the understandings, commitments, terms, and conditions for said aid and assistance, as follows:

- (1) Should it become necessary to activate this agreement as set forth, the local Emergency Management Coordinator/Director from the requesting County, shall make notification to local Emergency Management Coordinator of the County from which assistance is being requested.
- (2) The Local Emergency Management Coordinator/Director shall have the authority to request apparatus, equipment and manpower to assist the requesting party as may be required.
- (3) The conduct and actions of said personnel shall be the responsibility of the official in charge of the responding party.
- (4) Each party to this agreement or organization of the political subdivision shall assume the responsibility of any personnel of their own command responding to the duly requested mutual aid in event of death, injury or liabilities of which occur due to the responding to a request for mutual aid.
- (5) The party responding under the terms of this agreement shall assume no responsibility or liability for any tactic or strategy; said liability and responsibility shall rest solely with the party requesting such mutual aid.
- (6) The party responding under the terms of this agreement shall assume all liability for its own personnel and equipment while enroute, at the scene and returning from the request for mutual aid.
- (7) The party responding to the request for mutual aid under this agreement shall not respond any personnel not covered by Worker's Compensation or any vehicle not covered by liability insurance.
- (8) Upon request for mutual aid, the Emergency Management Coordinator/Director may honor the request, providing the capacity to provide protection within his own jurisdiction is not impaired. The decision to respond shall remain solely on ones' capacity to protect its' own jurisdiction.

- (9) The Local Emergency Management Coordinator/Director, or designee, in the county where the emergency exists shall make requests for assistance under this agreement. This local Emergency Management Coordinator/Director, or designee, will be in command and control of the emergency. The individual organization(s) responding shall receive orders and directions through the officer in command or the Incident Commander of requesting party.
- (10) The party responding to the request for mutual aid under this agreement shall enjoy the same authority, rights, privileges and immunities as enjoyed by the requesting jurisdiction.
- (11) Either party may, at anytime, terminate this agreement through its' respective Governing Body upon serving of a thirty-day written notice to the remaining parties to this agreement.
- (12) Except as otherwise provided below, it is understood that recipient shall pay to Provider all documented costs and expenses incurred by provider as a result of extending aid and assistance to recipient. The terms and conditions governing reimbursement for any assistance provided under this agreement shall be in accordance with the following provisions, unless otherwise agreed in writing by recipient and provider. Recipient shall be ultimately responsible for reimbursement of all eligible expenses.
- A. *Personnel*-- During the period of assistance, provider shall continue to pay its employees according to its then prevailing ordinances, rules, and regulations. Recipient shall reimburse provider for all direct and indirect payroll costs and expenses including travel expenses incurred during the period of assistance, including, but not limited to, employee retirement benefits as provided by Generally Accepted Accounting Principles (GAAP). However, as stated in Section IX of this agreement, recipient shall not be responsible for reimbursing any amounts paid or due as benefits to provider's personnel under the terms of the North Carolina Workers' Compensation Act (Chapter 97 of the North Carolina General Statutes).
  - B. *Equipment*-- Provider shall be reimbursed by recipient for the use of its equipment during the period of assistance according to either a pre-established local or state hourly rate or according to the actual replacement, operation, and maintenance expenses incurred. For those instances in which costs are reimbursed by the Federal Emergency Management Agency (FEMA), the FEMA-eligible direct costs shall be determined in accordance with 44 C.F.R. 206.228. Provider shall pay for all repairs to its equipment as determined necessary by its on-site supervisor(s) to maintain such equipment in safe and operational condition. At the request of provider, fuels, miscellaneous supplies,

and minor repairs may be provided by recipient, if practical. The total equipment charges to recipient shall be reduced by the total value of the fuels, supplies, and repairs furnished by recipient and by the amount of any insurance proceeds received by provider.

- C. *Materials And Supplies*-- Provider shall be reimbursed for all materials and supplies furnished by it and used or damaged during the period of assistance, except for the costs of equipment, fuel and maintenance materials, labor, and supplies, which shall be included in the equipment rate established in subsection B of this section (Section VII), unless such damage is caused by gross negligence, willful and wanton misconduct, intentional misuse, or recklessness of provider's personnel. Provider's personnel shall use reasonable care under the circumstances in the operation and control of all materials and supplies used by them during the period of assistance. The measure of reimbursement shall be determined in accordance with 44 C.F.R. 206.228. In the alternative, the parties may agree that recipient will replace, with like kind and quality as determined by provider, the materials and supplies used or damaged.
- D. *Record Keeping*-- Recipient and provider personnel shall provide information, directions, and assistance for record keeping to provider's personnel. Provider shall maintain records and submit invoices for reimbursement by Recipient using the format used or required by FEMA publications, including 44 C.F.R. part 13 and applicable Office of Management and Budget (OMB) Circulars.
- E. *Payment; Other Miscellaneous Matters as to Reimbursements*-- The reimbursable costs and expenses with an itemized notice shall be forwarded as soon as practicable after the costs and expenses are incurred, but not later than sixty (60) days following the period of assistance, unless the deadline for identifying damage is extended in accordance with 44 C.F.R. part 206. Recipient shall pay the bill or advise of any disputed items, not later than sixty (60) days following the billing date. These time frames may be modified in writing by mutual agreement. This shall not preclude provider or recipient from assuming or donating, in whole or in part, the costs and expenses associated with any loss, damage, or use of personnel, equipment, and resources provided to recipient. Neither party to this agreement shall be bound to give assistance to the requesting party if in their judgment such assistance would impose upon the community a serious impairment of protection or extreme financial hardship.

IN WITNESS WHERE OF THE COUNTIES OF Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Tyrell, Washington, parties hereto have caused this instrument to be signed in its corporate name by the Chairman of the Governing Body of each county, attested by its Clerk to the Governing Body and its corporate seal affixed;

EFFECTIVE DATE, this Agreement shall take effect upon its approval by the entity seeking to become a signatory to this Agreement and upon proper execution hereof.

By: \_\_\_\_\_

**County of Bertie,  
Chairman, Board of Commissioners**

Attest:

\_\_\_\_\_

**Clerk to the Board**

“This instrument has been preaudited in the manner required by the local Government Budget and Fiscal Control Act.”

By: \_\_\_\_\_

**County Finance Officer**

**Page 5 of 17**

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of October, 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<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>
26535-514000	Travel	\$ 1,210	
26535-545000	Training & Education	\$ 2,200	
26535-590000	Capital Outlay		\$ 3,410
		<u>\$ 3,410</u>	<u>\$ 3,410</u>

**Explanation:** Emergency Telephone System (26535) - Transfer capital funds from capital outlay to travel/training for Center Manager Certification Program. Residual funds available from cost savings on recorder purchase.

**Net Budget Effect:** Emergency Telephone System Fund (26) - No change.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of October, 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10550-516400	Equipment Maintenance	\$ 1,722	
10550-532000	Supplies	\$ 1,190	
10550-545000	Contract Services	\$ 7,590	
10380-484001	Insurance Recovery		\$ 9,502
10550-516000	Maintenance & Repair		\$ 1,000
		<u>\$ 10,502</u>	<u>\$ 10,502</u>

**Explanation:** Airport (10550) - Increase appropriations to record insurance recovery due to lightning damage at the airport.

**Net Budget Effect:** Operating Fund (10) - Increased by \$9,502.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of October, 2012, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
66868-545000	Contract Services		\$ 2,200
66868-590000	Capital Outlay	\$ 2,200	
		<u>\$ 2,200</u>	<u>\$ 2,200</u>

**Explanation:** Southern Outer Banks Water (66868) - Transfer funds for well pump and motor at Shad Street.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

Memorandum

TO: Dan Scanlon

From: Sandra Hill

Date: September 21, 2012

Subject: Record Disposal

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

<u>Time Period</u>	<u>Description</u>	<u>Approximate number of records</u>
July 1, 8 June 30, 2009	1099 Report	1
July 1, 2008 - June 30, 2009	Accounts Payable Invoices	16,703
	Bank Statements	192
	Bank Reconciliation Reports	192
	Deposit Slips	3380
	Accounts Receivable Files	2560
	Daily Receipts	13,914
	Budget Amendments	149
	Journal Vouchers	9,093
	NC Sales Tax Summary Reports	12
	Sales Tax Refund Report	1
	Investment Records	362
	Airport - Fuel reports	360

CURRITUCK COUNTY  
NORTH CAROLINA  
October 1, 2012

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 Rorer, Commissioners Gilbert, O'Neal, Etheridge, Martin and Petrey. Commissioner Aydlett was absent due to illness.

**A) Invocation**

**B) Pledge of Allegiance**

The Reverend David Anderson, Truth Alive Church, was present to give the invocation.

**C) Approval of Agenda**

Commissioner O'Neal moved to approve with amendment to delete appointment to Ocean Sands Advisory Board. Commissioner Etheridge seconded the motion. Motion carried.

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

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

**Public Hearings**

- A) Public Hearing and Action:** PB 12-16 Farms and Timberland, Inc.: Request for conditional zoning from Agricultural (A) to Conditional District-Single Family Mainland (CD-SFM) of 55.82 acres in Moyock on the south side of Baxter Lane, Tax Map 9, Parcels 25C, 25D, 25E, 25F, and 25G, Moyock Township.
- B) Consideration and Action:** PB 08-45 Estates at Carova Beach: Request for a preliminary plat extension to replat 20 existing lots into 28 residential lots in Carova Beach, Fruitville Township.

**New Business**

- A) Consideration of Lease Agreement with College of the Albemarle for the Regional Aviation and Technical Training Center in Maple.**
- B) Recommendation of award of bid for COA Apron**
- C) Consent Agenda:**
  - 1. Approval of \$12,000 equipment for the Knotts Island Fire Department, 6 portable radios with 1 gang charger, 6 speaker mic's and a plug fee.
  - 2. Approval of ABC Board Travel Policy pursuant to 18B-700(g2) which is the same as the County Travel Policy
  - 3. Approval of Dominion Power Right of Way Agreement for Maple Commerce Park
  - 4. Firemen's Relief Fund - Moyock VFD

- 5. Budget Amendments
- 6. Approval of Change Order #1 for \$6,980 for the Currituck Community Park Roads & Infrastructure
- 7. Approval of September 17, 2012 Minutes
- 8. Request DOT to add Trenor Lane in Currituck Woods Subdivision to the State System

- D) Commissioner's Report
- E) County Manager's Report

**Adjourn**

**Special Meeting**

Tourism Development Authority

Budget Amendment

**Adjourn**

**D) Public Comment**

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

Chairman Rorer opened the public comment period. There being no comments, he closed the public comment period.

**Public Hearings**

**A) Public Hearing and Action: PB 12-16 Farms and Timberland, Inc.: Request for conditional zoning from Agricultural (A) to Conditional District-Single Family Mainland (CD-SFM) of 55.82 acres in Moyock on the south side of Baxter Lane, Tax Map 9, Parcels 25C, 25D, 25E, 25F, and 25G, Moyock Township.**

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE  
 Board of Commissioners  
 DATE: October 1, 2012  
 PB 12-16 Farms & Timberland, Inc.**

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**ITEM:** PB 12-16 Farms & Timberland, Inc. request for conditional zoning from Agricultural (A) to Conditional District-Single Family Mainland (CD-SFM) of 55.82 acres in Moyock on the south side of Baxter Lane.

**LOCATION:** Moyock: Baxter Lane, Moyock Township.

**TAX ID:** 0009-000-025C-0000  
 0009-000-025D-0000  
 0009-000-025E-0000

0009-000-025F-0000  
 0009-000-025G-0000

OWNER: Farms & Timberland, Inc.  
 2225 Spinnaker Circle  
 Virginia Beach, VA 23451

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Current Zoning	New Zoning
NORTH:	Low Density Residential/Farmland	A	AG
SOUTH:	Woodland/Low Density Residential/open space	LM/R	LI/SFM
EAST:	Low Density Residential/Farmland	R/A	SFM/AG
WEST:	Farmland	A	AG

LAND USE PLAN CLASSIFICATION:

The 2006 Land Use Plan classifies the site as Rural within the Moyock subarea.

Areas designated as Rural are intended to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area. With respect to residential development, Rural areas allow for a maximum density of 1 unit per 3 acres and would be served by on site well and septic.

The policy emphasis of the Land Use Plan is for the Moyock subarea to properly manage the increased urban level of growth that this area is sure to experience. All four land use classifications are included in the Moyock subarea. The existing environmentally sensitive areas that cannot support higher density and do not have access to services are classified as either Conservation or Rural areas. Residential development densities should be limited to 1-2 units per acre where onsite wastewater is proposed and other county services are limited. In areas where central sewer is proposed or existing, additional services are available and the character of the surround areas supports it, higher densities ranging from 3-4 units per acre could be considered through the use of overlay zones.

The following Land Use Plan policy statement supports the request:

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

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 Plan Map.

- CURRENT ZONING:** Agricultural (A)  
**NEW ZONING:** Agricultural (AG)
- PROPOSED ZONING:** Conditional District – Single Family Mainland (CD-SFM)
- CURRENT USE:** Woodland
- SIZE OF SITE:** 55.82 Acres
- ZONING HISTORY:** The 1974 Official Zoning Map zoned the property RA-20.  
 The 1989 Official Zoning Map zoned the property A.
- UTILITIES:** An existing four inch water line along Baxter Road serves this property. The applicant is proposing a six inch waterline extension. Individual on-site septic systems are proposed for the individual lots.
- TRANSPORTATION:** The property is accessed by Baxter Lane, a paved state maintained road.
- FLOOD ZONE:** The property is located in a Shaded X flood zone (500-year floodplain) and AE (BFE 5.4') flood zone.
- WETLANDS:** The US Army Corps of Engineers identified no jurisdictional 404 wetlands or waters on the property (January 15, 2010).
- SOILS:** The Currituck County Soils Map indicates the property contains Roanoke and Augusta soils. The Roanoke soils (approximately 52.4 acres) are not suitable for on-site septic, and the Augusta soils are considered marginal.
- PROPOSED DENSITY:** 0.64 units per acre based on the development site.

**PROPOSED ZONING CONDITIONS:**

1. The proposed use is a 36-lot single family subdivision having a minimum size of 40,000 square feet and an overall density of 0.64 dwelling units/acre.
2. Site built single family homes.
3. The extension of a 6" water line and arrangements to ensure improvements of the road to the county property.
  - a. **OPTION 1:** Bring a 6" water line from Moyock Landing Dr. north across the property owned by Currituck County through this tract to make a loop connection with the 4" water line at Baxter Lane.
  - b. **OPTION 2:** Extend the existing 6" water line from the railroad tracks on Baxter Lane to the site. This option will be a dead end line.

**COMMUNITY MEETING:**

A community meeting was held July 25, 2012 at 7:00 pm at the Moyock Library. The neighborhood concerns include the unknown maintenance responsibilities of interconnected roads, stormwater impacts, and potential reduced water pressure.

**TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

The rezoning request is from Agricultural (A), a district established in the current/old UDO, to Conditional District – Single Family Mainland (CD-SFM), a newly established district of the new UDO. Although the 2006 Land Use Plan classifies the property as Rural, the proposed request could be considered consistent with the policy emphasis for the Moyock subarea based on the following:

1. The property is located adjacent to Full Service classification.
2. The proposed development will provide street interconnection from Baxter Lane to the county property located in Shingle Landing development and the adjacent property located to the east (n/f Jarvis & Dunstan).
3. Utility infrastructure (six inch water line) will be extended to the property and within the proposed development.
4. The property does not contain environmentally sensitive areas (404 wetlands).

Outstanding Staff Concerns/Considerations: The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. The following staff concerns/considerations could be appropriately addressed through the conditional zoning process:

1. The existing water line along Baxter Road (east of the railroad) is a four inch line and does not meet the minimum utility requirements. Upgrading the existing water line to a six inch line would improve the development potential for properties along Baxter Road, but the upgrade would not loop or interconnect.
2. Currituck County has not authorized or approved a water line extension through open, undeveloped public property. The proposed extension would not be placed within a road right-of-way.
3. The existing vegetation (percentage) within the open space should be retained to reduce the maintenance burden on the association.

The TRC recommends approval of the request to rezone 55.82 acres from Agricultural (A) to Conditional District – Single Family Mainland (CD-SFM) provided the outstanding concerns and considerations can be addressed and agreed to by the applicant.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board *recommended approval* of PB 12-16 with staff recommendations and due to its consistency with the 2006 Land Use Plan.

Chairman Rorer opened the public hearing.

Eddie Hyman, Engineer, was present to answer questions.

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

Commissioner Martin, moved to approve due to its consistency with the 2006 Land Use Plan and the request is reasonable and in

the public interest and promotes orderly growth and development. Commissioner O'Neal seconded the motion. Motion carried.

**B) Consideration and Action: PB 08-45 Estates at Carova Beach:  
Request for a preliminary plat extension to replat 20  
existing lots into 28 residential lots in Carova Beach,  
Fruitville Township.**

Ben Woody, Planning Director, reviewed the request.

On September 8, 2009, the Board of Commissioners voted to approve the preliminary plat/special use permit for Estates at Carova Beach to replat 20 existing lots into 28 residential lots in Carova Beach, Fruitville Township. The preliminary plat/special use permit approval was due to expire on September 8, 2011. The North Carolina General Assembly passed a law that suspended the vesting period for development approvals that were valid at any time during January 1, 2008 through December 31, 2010. With the law in effect the preliminary plat/special use permit expiration date is January 1, 2013.

On September 20, 2012 the engineer, Mark Bissell, submitted a request for a two year preliminary plat/special use permit extension of the subdivision.

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

1. The permit has not yet expired.
  - a. The permit has not yet expired and will expire January 1, 2013.
2. The permit recipient has proceeded with due diligence and in good faith; and,
  - a. The developer has proceeded with due diligence to move this project forward and has all local, state, and federal permits and authorizations to begin construction of the three sections authorized by the special use permit.
3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
  - a. There are no changes proposed in the extension request.

Commissioner O'Neal moved to approve with the condition that the county can use the open space for any public use. Commissioner Etheridge seconded the motion. Motion carried.

**New Business**

**A) Consideration of Lease Agreement with College of the  
Albemarle for the Regional Aviation and Technical Training  
Center in Maple.**

Ike McRee, County Attorney, reviewed the lease agreement.

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

**B) Recommendation of award of bid for COA Apron**

Commissioner Gilbert moved to award the bid to RPC in the amount of \$375,274. Commissioner Etheridge seconded the motion. Motion carried.

The State will be responsible for 90% of the funding and the county will be responsible for 10%.

**C) Consent Agenda:**

1. Approval of \$12,000 equipment for the Knotts Island Fire Department, 6 portable radios with 1 gang charger, 6 speaker mic's and a plug fee.
2. Approval of ABC Board Travel Policy pursuant to 18B-700(g2) which is the same as the County Travel Policy
3. Approval of Dominion Power Right of Way Agreement for Maple Commerce Park
4. Firemen's Relief Fund - Moyock VFD
5. Budget Amendments
6. Approval of Change Order #1 for \$6,980 for the Currituck Community Park Roads & Infrastructure
7. Approval of September 17, 2012 Minutes
8. Request DOT to add Trenor Lane in Currituck Woods Subdivision to the State System

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
68888-590000	Capital Outlay	\$	137,826		
68888-561000	Professional Services	\$	5,896		
68888-533200	Lab Test	\$	6,000		
68888-557100	Software License Fee	\$	105		
68330-449900	Miscellaneous Grants			\$	106,813

68330-448800	Walnut Island Sanitary District	\$	30,000
68390-499900	Fund Balance Appropriated	\$	13,014
		<u>\$</u>	<u>149,827</u>
		<u>\$</u>	<u>149,827</u>

**Explanation:** Walnut Island Sewer Fund (68888) - Increase appropriations for road work and additional operating costs for the sewer district.

**Net Budget Effect:** Walnut Island Sewer Fund (68) - Increased by \$149,827.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or <u>Increase Expense</u>		Increase Revenue or <u>Decrease Expense</u>	
10540-532000	Supplies			\$	700
10540-553000	Dues & Subscriptions	\$	700		
		<u>\$</u>	<u>700</u>	<u>\$</u>	<u>700</u>

**Explanation:** Inspections (10540) - Transfer funds for certification renewals for inspectors.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or <u>Increase Expense</u>		Increase Revenue or <u>Decrease Expense</u>	
10750-502000	Salaries			\$	936
10750-545000	Contracted Services	\$	936		
10760-585001	Donations - Currituck Kids	\$	1,000		
10380-487001	Donations - Currituck Kids			\$	1,000
		<u>\$</u>	<u>1,936</u>	<u>\$</u>	<u>1,936</u>

**Explanation:** DSS Administration (10750); Public Assistance (10760) - To transfer funds from position vacancy for staff training in Medicaid Transportation and Crisis Intervention programs and to increase budget for Currituck Kids donation to actual received.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or		Increase Revenue or	
		<u>Increase Expense</u>		<u>Decrease Expense</u>	
10640-545002	Contract Services - NCSU Salary	\$	41,026		
10640-502000	Salary			\$	29,916
10640-505000	FICA			\$	2,296
10640-506000	Insurance			\$	5,293
10640-507000	Retirement			\$	3,521
			<u>\$</u>	<u>41,026</u>	
				<u>\$</u>	<u>41,026</u>

**Explanation:** Cooperative Extension (10640) - To reclassify Ag Technician position from a County position to a 100% County funded State position.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or		Increase Revenue or	
		<u>Increase Expense</u>		<u>Decrease Expense</u>	
10795-545000	Contract Services	\$	1,512		
10795-516001	Repairs & Maintenance - Parks			\$	1,512
			<u>\$</u>	<u>1,512</u>	
				<u>\$</u>	<u>1,512</u>

**Explanation:** Parks & Recreation (10795) - Transfer funds for additional cleaning services for the Community Center.

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

**D) Commissioner's Report**

Commissioner Martin reminded citizens of Bark in the Park on October 13th.

Commissioner Etheridge reminded citizens that early voting begins on October 18<sup>th</sup>.

Commissioner Petrey commented on the Whalehead Gala on October 13<sup>th</sup> at the Whalehead Club.

Commissioner Gilbert thanked the Moyock citizens for coming out to the Moyock Area Plan meeting.

Chairman Rorer reminded citizens to register to vote by October 12<sup>th</sup>.

**E) County Manager's Report**

Dan Scanlon, County Manager, commended the following staff on their Awards that were given to them for excellent work.

Ben Woody, NC Planning Award

Liz Hodges, state award for Communication Center

David Chunn, award for best Well Water Operator

**Adjourn**

There being no further business, the meeting was adjourned.

**Special Meeting**

Tourism Development Authority

Budget Amendment

Commissioner Etheridge moved to approve. Commissioner Gilbert seconded the motion. Motion carried.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
15442-545000	Contract Services Appropriated Fund	\$ 1,520	
15390-499900	Balance		\$ 1,520
		<u>\$ 1,520</u>	<u>\$ 1,520</u>

**Explanation:** Tourism Related Expenditures (15447) - Increase appropriation to budget for lawn care at the Jarvisburg Colored School.

**Net Budget Effect:** Occupancy Tax Fund (15) -Increased by \$1,520.

**Adjourn**

There being no further business, the meeting adjourned.

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