

CURRITUCK COUNTY  
NORTH CAROLINA  
December 3, 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 John Rorer, Vice-Chair Marion Gilbert, Commissioners O'Neal, Etheridge, Martin, Aydlett and Petrey.

**A) Invocation**

**B) Pledge of Allegiance**

Walter Gallop, Retired Air Force Chaplain, was present to give the invocation.

**C) Renate Macchirole, Presentation of Governor's Award for Volunteer Service, The Monarch Lighthouse Club Bell Ringers**

Ms. Macchirole, presented the Governor's Award for Volunteer Service to the Monarch Lighthouse Club Bell Ringers.

The Lighthouse Club Bell Ringers performed several Christmas songs with bells.

The Board thanked Ms. Macchirole for her presentation and they were honored with the Bell Ringers performance.

**1. Approval of November 19, 2012 Minutes**

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

**2. Recognition and comments from out-going Commissioners Rorer and Etheridge**

The Board recognized Commissioner Etheridge and Commissioner Rorer for their service to the citizens of Currituck County and wished them well in their future endeavors.

**5 minute recess**

**3. The Honorable Ray Matusko, Clerk of Superior Court, to give the oath of office for newly elected Commissioners**

Ray Matusco, Clerk of Court, presented the oath of office to Commissioners O'Neal, McCord, Aydlett and Griggs.

**4. Election of Chairman**

Dan Scanlon, County Manager, presided over the election of Chairman. Mr. Scanlon opened the floor for nominations for Chairman.

Commissioner Petrey nominated Commissioner O'Neal. Commissioner Martin seconded the motion. Nominations were closed. Commissioner O'Neal was elected Chairman by acclamation.

**5. Election of Vice-Chairman**

Chairman O'Neal opened the floor for nominations for Vice-Chairman.

Commissioner Gilbert nominated Commissioner Aydlett. There was no second to the motion.

Commissioner Petrey nominated Commissioner Martin as Vice-Chairman. Chairman O'Neal seconded the motion. Commissioner Martin was elected as Vice-Chairman by acclamation.

**D) Approval of Agenda**

Commissioner Petrey moved to amend the agenda by adding to consent agenda: Acknowledge receipt of proposed Property Tax Schedules, Standards and Rules from the Tax Assessor and call for a public hearing on January 7, 2013; and delete: Resolution for surplus property. Commissioner Gilbert seconded the motion. Motion carried.

**E) Public Comment**

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

Chairman O'Neal opened the public comment period.

Wanda Burns, Shingle Landing, stated her concerns with the railroad crossing and fees and the roads were not finished.

Joe Drago, Shingle Landing, commented about the Home Owners Association issues and the railroad crossing.

Don Williams, Developer, stated that Phase I roads are up to DOT standards and the railroad fees have been paid. He also questioned Commissioner Gilbert and her handling of the meetings scheduled with homeowners.

Tommy Hardison, expressed concerns with railroad crossing and suggested interconnecting the roads.

Mary Waller, expressed concerns with railroad crossing and the roads not up to DOT standards.

Ron Melton, questioned why this was not on the agenda as promised at last meeting. There are safety concerns and drainage issues.

Chairman O'Neal requested the County Attorney to review responsibility of homeowner associations.

The Board requested the County Attorney to meet with homeowners to answer and clarify their concerns.

Commissioner Gilbert reminded citizens of a community meeting in Moyock December 13 on the small area plan

There being no further comments, Chairman O'Neal closed the public comment period.

### **Public Hearings**

- A) Consideration and Action: PB 94-49 Currituck Club, Phase 1A and 8A: Request for an amended preliminary plat/special use permit extension for Phases 1A and 8A. The two phases within the planned unit development consists of 30 residential lots.**

Ben Woody, Planning Director, reviewed the request.

On February 7, 2011, the Board of Commissioners voted to approve the amended preliminary/special use permit for Currituck Club, PUD (Phases 1A and 8A). The two phases within the planned unit development consists of 30 residential lots. The preliminary plat/special use permit approval will expire February 7, 2013.

On July, 11, 2012, Douglas E. Anderson, Currituck Associates – Residential Partnership Executive Vice President, submitted a request for a two year preliminary plat extension of the subdivision (see attached).

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

1. The permit has not yet expired.
  - a. The special use permit has not yet expired and will expire February 7, 2013.
2. The permit recipient has proceeded with due diligence and in good faith; and,
  - a. The developer has proceeded with due diligence and in good faith.
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 Petrey moved to approve. Commissioner Aydlett seconded the motion. Motion carried.

**B) Public Hearing and Action: PB 12-23 Corolla Wild Horse Fund: Request for a special use permit for an outdoor tour operation - horse tours. The property is located at 1129 Corolla Village Road, Tax Map 114H, Parcel B, Poplar Branch Township (Beach).**

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS  
DATE: December 3, 2012  
PB 12-23 Corolla Wild Horse Fund

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<b>ITEM:</b>	PB12-23 Corolla Wild Horse Fund – SUP Outdoor Tour Operator – Horse Tours
<b>LOCATION:</b>	1129 Corolla Village Road
<b>TAX ID:</b>	114H-000-000B-0000
<b>ZONING DISTRICT:</b>	GB - General Business
<b>PRESENT USE:</b>	Corolla Wild Horse Fund Horse Museum & Offices

**OWNER:** TFP LLC  
PO Box 369  
Corolla, NC 27927

**APPLICANT:** Corolla Wild Horse Fund  
1129 Corolla Village Road  
Corolla, NC 27927

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Retail Shops	Zoned GB
<b>SOUTH</b>	Charter School	Zoned GB
<b>EAST:</b>	Real Estate Offices	Zoned GB
<b>WEST:</b>	Retail Shops	Zoned GB

**LAND USE PLAN**

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

**SIZE OF SITE:** 1,306 sq. ft. Condo Footprint on 1 acre parcel

**I. NARRATIVE OF REQUEST:**

- a. The applicant seeks a Special Use Permit for Outdoor Tour Operator.
- b. The applicant previously operated from the adjacent property under Special Use Permit PB09-37; it was approved on February 15, 2010 for one (1) vehicle seating 1-5 persons.
- c. The applicant has moved locations due to the Charter School and therefore requires a Special Use Permit for the new location.
- d. The request is for two (2) tour vehicles (seating five (5) patrons) to be used for guided tours.
- e. The Board of Commissioners has considered limiting the total number of horse tour vehicles; however, no action has been taken to date.

**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. Outdoor Tour Operators are permitted in the GB zoning district with a Special Use Permit.

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

**Suggested Findings:**

- a. The proposed conditions include all of the provisions for Outdoor Tour Operators in Section 3.7.3 of the Unified Development Ordinance.

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

**Suggested Findings:**

- a. Based on the submittal, the project will not endanger the public health or safety.
- b. There are no proposed changes to the existing site.

- 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 parcel is currently in a well-established commercial area.

- 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. The proposed use is in keeping with the policies of the plan, some of which are:

- a. Policy ED1: new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
- b. Policy HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

The Corolla Village Small Area Plan designates this site as Conservation on the Future Land Use Map.

- c. Policy ED1: Promote the growth of existing businesses and the recruitment of new businesses that are compatible with the vision of the area.

- 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. Approval of this request should have no impact on public facilities

**III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends **CONDITIONAL APPROVAL** subject to the following:

1. All tours must be guided from Memorial Day to Labor Day. Tag-a-long tours are permitted as long as the lead vehicle is operated by an employee of the tour company and subsequent vehicles are under the employee's supervision.
2. Tour/Rental vehicles shall be labeled with decals or paint markings that clearly display the company name. Label font size shall be a minimum of four inches.
3. Tours shall comply with Chapter 3: Article II. Wild Horses, Chapter 10: Article II. Beaches and all other applicable provisions of the Currituck County Code of Ordinances. Tours shall also operate in accordance with all State and Federal laws.
4. There shall be one parking space required for every vehicle seating 1-5 persons, two parking spaces required for every vehicle seating 6-10 persons etc., and one parking space required for every two employees. If any additional activities or uses occur. Currently there is adequate on-site parking.

Use	Parking Requirement	Quantity	Parking Total
Museum	1 space per 300 sq. ft.	964 sq. ft.	3 spaces
Office	1 space per 400 sq. ft.	392 sq. ft.	1 spaces
Horse Tour Rentals	Tour vehicle seating 1-5 persons = 1 space per vehicle	2 vehicles	2 spaces
Employees (Horse tours)	1 space/2 employees	2 employees	1 spaces
Total Parking available to Corolla Wild Horse Fund = 7 spaces		Total Parking Required for uses associated with Corolla Wild Horse Fund 7 spaces	

5. Vehicles held in reserve in the event of inclement weather or breakdowns may be used as long as the parking requirements and all other conditions of this permit are met. Reserve vehicles must be stored at an approved location.
6. This special use permit shall be reviewed administratively on an annual basis and a report shall be filed with the Currituck County Board of Commissioners detailing the nature of any complaints received by the Planning Department. At the discretion of the Code Enforcement Officer or Board of Commissioners, the special use permit shall be subject to revocation or modification by the permit issuing authority following a public hearing.
7. The Board of Commissioners may establish a maximum number of vehicles, hours of operation, and permit duration as part of the special use permit approval process.

**IV. PLANNING BOARD RECOMMENDATION:**

The Planning Board *recommended approval* of PB 12-23 with the Technical Review Committee recommendations included in the case analysis.

Chairman O'Neal opened the hearing.

Karen McCalpin, Executive Director of the Wild Horse Fund, reviewed the operation of the nonprofit.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Aydlett moved to approve with the findings of fact and staff recommendations included in case analysis. Commissioner Gilbert seconded the motion. Motion carried.

**C) Public Hearing and Action: PB 12-10 East Point Estates:  
Request for a preliminary plat/special use permit for 22  
lots located on Knotts Island, 172 Marsh Causeway, Tax Map  
46, Parcel 3, Fruitville 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 3, 2012  
PB 12-10 East Point Estates

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**ITEM:** PB 12-10 East Point Estates, Preliminary Plat/Special Use Permit for a 22-lot subdivision.

**LOCATION:** Knotts Island: 172 Marsh Causeway, Fruitville Township.

**TAX ID:** 0046-000-003B-0000

**ZONING DISTRICT:** RR (Residential Recreational)

**PRESENT USE:** Campground

**OWNER:** Currituck 34, LLC  
500 Central Drive, Suite 106  
Virginia Beach, VA 23464

**APPLICANT:** Clayton E. Massey, PE  
Bowman Consulting  
1561 Bradford Road, Suite 202  
Virginia Beach, VA 23455

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Mobile Home Park/Campground	RR
<b>SOUTH</b>	Low density residential/Farmland	A
<b>EAST:</b>	Low density residential/Mining/Farmland	A
<b>WEST:</b>	North Landing River	N/A

**LAND USE PLAN**

- CLASSIFICATION:** The 2006 Land Use Plan classifies the site as Limited Service Area within the Knotts Island and Gibbs Woods subarea.
- SIZE OF SITE:** 32.955 acres
- NUMBER OF UNITS:** 22 Residential Lots
- PROJECT DENSITY:** .67 units per acre
- OPEN SPACE:** 6.59 acres required open space (20% of total development).  
7.151 acres open space provided including 20,000 square foot of water access.
- UTILITIES:** The individual lots will be served by private wells and on-site septic systems.

**I. NARRATIVE OF REQUEST:**

1. Currituck 34, LLC is requesting preliminary plat/special use permit approval of a 22 lot residential subdivision with an overall project density of .67 units per acre.
2. The proposed development includes a 20,000 square foot water access. However, the area provided is linear in shape which may reduce the overall access potential. Access is provided to an existing boat ramp.
3. The sketch plan was approved October 12, 2012.

**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 subdivision is allowed in the RR zoning district with a special use permit.
  - b. The proposed residential subdivision shall harmonize well with the surrounding community.

- 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 Services within the Knotts Island and Gibbs Woods subarea. The Limited Services area is to provide for primarily residential development at low densities. Base density should be one unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in placed or planned on the surrounding community. The policy emphasis for the developable areas of Knotts Island is to remain as low to very low density residential areas; predominantly 1 unit per 3 acres. 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. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

POLICY KI1: The need for ACCESS TO PUBLIC TRUST WATERS in the Knotts Island area shall be met through periodic improvements to existing public facilities. The County also recognizes that private sector facilities may play a role in satisfying access needs to the water.

- 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 proposed 22 lot residential 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:

Planning:

1. A signed copy of the US Army Corps of Engineer's wetland delineation and jurisdictional determination shall be provided that is consistent with the preliminary determination.
2. Three full size copies of the revised open space calculations must be provided.
3. The road names must be provided and approved.
4. A hardsurfaced, ADA accessible trail system may be provided in the 22 lot residential subdivision in lieu of sidewalks on both sides of the proposed streets.

NC State Archaeology:

5. A Phase I Cultural Resources Survey was completed by Circa- Cultural Resource Management, LLC in June, 2012. Due to the sites high probability for potentially significant archaeological resources, the OSA is recommending that the project approvals include the following conditions:
  1. Prior to initiation of any ground disturbing activities within the project area, the permittee shall arrange for an archaeological survey and assessment of the entire project area. The purpose of the survey will be to locate archaeological sites within the project area and to determine if they are significant in terms of the National Register of Historic Places.
  2. If a significant site is located within the project area the permittee shall determine whether the site will be adversely affected by the project activities; and, if so, develop and implement an appropriate mitigation plan. Two copies of all resulting archaeological reports, as well as one copy of the North Carolina site forms, should be forwarded to the Office of State Archaeology for review and comment as soon as they are available and in advance of any construction or ground disturbance activities. A list of archaeological consultants who have conducted or expressed an interest in contract work in North Carolina is available at [www.arch.dcr.state.nc.us/consults.htm](http://www.arch.dcr.state.nc.us/consults.htm). The archaeologists listed, or any other experienced archaeologist, may be contacted to conduct the recommended survey. All activities associated with the archaeological investigations shall be coordinated with the Office of State Archaeology prior to beginning any archaeological fieldwork.

**IV. PLANNING BOARD RECOMMENDATION:**

The Planning Board **recommended approval** of 12-10 with the Technical Review Committee recommendations and notes regarding potential presence of archaeology resources on the final plat.

Chairman O'Neal opened the public hearing.

Commissioner Martin stated that the canal was very shallow.

Commissioner Aydlett stated that access to the property is not safe and recommended a traffic study.

Massey Consultant stated a study was done and there were no findings and that they were going to look at the entrance for safety.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Aydlett moved to approve with findings of fact and staff recommendations and a traffic safety study of the subdivision entrance sight entrance shall be provided prior to approval of the pre-construction plans. The study shall be reviewed by TRC to determine necessary improvements and/or maintenance of the development for safe sight distance. Commissioner Gilbert seconded the motion. Motion carried.

**D) Public Hearing and Action: PB 12-20 Harbinger Land & Timber: Request for conditional zoning from Agricultural (A) and Residential (R) to Conditional District-Residential (CD-R) of 84 acres in Moyock on the west side of Poyners Road and north and south sides of Elrod Road, Tax Map 31, Parcels 1A, 1B, 1D, 15A, and 17A, Crawford Township.**

Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: December 3, 2012  
PB 12-20 Harbinger Land & Timber, LLC**

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**Note:** *The applicant requests that this case be reviewed under the existing UDO. The applicant is aware that completed applications for sketch plan and preliminary plat approval must be submitted prior to January 1, 2013 for the subdivision portion of the review to remain under the existing UDO.*

**ITEM:** PB 12-20 Harbinger Land & Timber, LLC request for conditional zoning from Agricultural (A) and Residential (R) to Conditional District-Residential

(CD-R) of 84 acres in Moyock on the west side of Poyners Road and north and south sides of Elrod Road.

**LOCATION:** Moyock: Poyners Road and Elrod Road, Crawford Township.

**TAX ID:** 0031-000-001A-0000  
0031-000-001B-0000  
0031-000-001D-0000  
0031-000-015A-0000  
0031-000-017A-0000

**OWNER:** Harbinger Land & Timber, LLC  
PO Box 4  
Harbinger NC 27941

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

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

	<b>Land Use</b>	<b>Current Zoning</b>
<b>NORTH:</b>	Low Density Residential/Farmland	R
<b>SOUTH</b>	Woodland/Low Density Residential/ Farmland	A
<b>EAST:</b>	Low Density Residential/Woodland	R/A
<b>WEST:</b>	Low Density Residential/Woodland	A

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as Limited Service and Conservation within the Courthouse subarea.

Areas designated as Limited Service are intended to provide for primarily residential development at low densities. With respect to residential development, Limited Service areas allow for a maximum base density of 1 unit per acre but could be increased to 1.5 units per acre depending upon the availability of service facilities and the potential impact on the surrounding community.

Areas designed 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 no more than 1 unit per 3 acres.

The policy emphasis of the Land Use Plan is for the Courthouse subarea to continue to grow as a small community center. Given the existing cluster of services and local government functions here, and the sizable area of developable land adjoining the sound, it is likely that the Courthouse area will continue to see limited growth over the next

decade. Residential development densities should be limited to 1-2 units per acre where on-site wastewater is proposed.

The following Land Use Plan policy statements support this request:

Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type of capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services.

Policy HN8: To protect the County's tax base and to ensure the long-term viability of the County's neighborhoods and housing stock, the County will continue to enforce appropriate CONSTRUCTION AND SITE DEVELOPMENT STANDARDS for residential developments. Such standards may include, for example, that all homes have a permanent masonry foundation (except where flood levels require elevation) and a pitched roof and overhang, and that local roads must be built to meet NCDOT acceptance standards.

- CURRENT ZONING:** Agricultural (A) and Residential (R)
- PROPOSED ZONING:** Conditional District – Residential (CD-R)
- CURRENT USE:** Farmland and Woodland
- SIZE OF SITE:** 84 Acres
- ZONING HISTORY:** The 1989 Official Zoning Map zoned the property A and R.
- UTILITIES:** A water line runs along Poyners Road that serves this property. Individual on-site septic systems are proposed for the individual lots.
- TRANSPORTATION:** The property is accessed by Poyners Road and Elrod Road, both of which are state maintained roads.
- FLOOD ZONE:** The property is located in a Shaded X flood zone (500-year floodplain) and AE (BFE 5.4') flood zone.
- WETLANDS:** According to the NC Division of Coastal Management maps, it appears that the majority of Parcel 0031-000-017A-0000 is wetlands. Delineation by an environmental professional will be required to verify the actual wetland locations.
- SOILS:** The Currituck County Soils Map indicates the property contains Roanoke, Tomotley, Cape Fear, Dragston, Altavista, and Augusta soils. Septic suitability ranges from suitable and marginally suitable to unsuitable. The

majority of the land appears to be marginally suitable to suitable for on-site septic.

**PROPOSED DENSITY:** 0.58 units per acre based on the total development site.

**PROPOSED ZONING CONDITIONS:**

1. The proposed use is a 54-lot single family subdivision having a minimum size of 40,000 square feet and an overall density of 0.58 dwelling units/acre.
2. Site built single family homes and a church with related church activities.

**COMMUNITY MEETING:**

A community meeting was held October 17, 2012 at 7:00 pm at the Moyock Library. The neighborhood concerns include the proposed 40,000 sf lot sizes being smaller than the surrounding lot sizes, traffic on Elrod Road, soil limitations for on-site septic systems, and the potential incompatibility with an existing home based seafood business.

**TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

The TRC recommends **approval** of the request to rezone 84 acres from Agricultural (A) and Residential (R) to Conditional District – Residential (CD-R) provided the following items are addressed:

1. Since Tulls Creek Road is a Minor Collector Street, the number of driveways is limited by the UDO. Two driveways will be allowed onto Tulls Creek Road for the three lots that have frontage on Tulls Creek Road since they have a combined total of approximately 825' of street frontage. (UDO Section 9.1.5.3) Cross-access easements will be necessary for the shared driveways.
2. Double frontage lots require a non-access buffer along the most travelled road. (UDO Section 2.6.3)
3. It appears that lots 30-33 and possibly lot 19 are in the Conservation Land Use Classification in which density is limited to no more than 1 unit per 3 acres by the Land Use Plan. This may reduce the number of lots allowed in that area.
4. Correct the flood zone to AE 5.4'
5. Consider additional buffering (i.e. open space, vegetation) adjacent to approved commercial fishing use.
6. Fire hydrants must be within 500' of every inch of road frontage. Fire hydrant must be within 400' of all exterior portions of public structures (church). Access to more than two single family dwellings must be 20" capable of 75,000 lbs.
7. Contact the Water Dept. on waterline extension requirements.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board **recommended approval** of PB 12-20 with the Technical Review Committee recommendations as presented.

Chairman O'Neal opened the public hearing.

Janet Rose, Poyners Road, adjacent property owner, expressed concerns with their seafood business and future rezoning of agricultural property.

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Clifton Banks, opposes this request and the area is not suitable for this project.

Milton Etheridge, opposes the request.

Richard Wells, stated that this property will not perk and opposes the request.

Paul Rose, questioned the conservation area and buffer.

Bill Hancock, Poyners Road, was concerned with traffic and safety issues.

Robert Smithson, questioned the density and this request was not consistent with surrounding lots.

David Martin, Sligo, supports this project.

Eddie Hyman, Engineer, reviewed the project and addressed questions.

Gary Dunston, applicant, stated that this project would bring jobs to the community and increase the tax base.

Commissioner McCord questioned farmland.

There being no further comments, Chairman O'Neal closed the public hearing.

Commissioner Petrey moved to table to next meeting.

Commissioner Martin seconded the motion. Motion carried.

**Public Hearing and Action: PB 12-05 Currituck County:  
Request to amend the Unified Development Ordinance Chapter  
1: General Provisions, Chapter 2 Administration, Chapter 7:  
Environmental Protection, Chapter 9: Enforcement, and  
Chapter 10: Definitions and Measurement to update the Flood  
Damage Prevention Ordinance to remain compliant in the  
National Flood Insurance Program and the NC Floodplain  
Management Program.**

Holly White, Planner, reviewed the request.

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to amend miscellaneous sections of the Unified Development Ordinance (UDO) related to Flood Damage Prevention. The proposed amendments have been identified by staff and through extensive input by the North Carolina Floodplain Program. The proposed changes are the minimum necessary to remain compliant in the National Flood Insurance program and with the NC Floodplain Program.

By participating in the National Flood Insurance Program, residents are eligible for federally back flood insurance through FEMA. Currituck County also participates in the voluntary, Community Rating System Program. Through participation in this program, residents receive a 10% discount on flood insurance premiums. However, participation in the National Flood Insurance Program is a minimum requirement for eligibility in the Community Rating System.

The proposed amendments include:

33. Clarifying how future revisions to the flood maps are adopted
34. Clarifying the flood related duties of the Planning Director
35. Clarifying the necessary documentation required by NC Floodplain Mapping program to be present on a floodplain development permit and the length of time a floodplain permit is valid.
36. Clarification of grounds of denial for variances from the flood
37. Addition and clarification of the flood development standards
38. Clarification of the enforcement procedures for revocation of floodplain development permits
39. Addition and clarification of definitions

Many people think that if they do not live near a river or on the Outer Banks, they are not in danger of flooding. This is not true. Flooding is the nation's number one natural disaster, and it occurs inland and on the coast. Twenty to 25 percent of all flood insurance claims filed are outside of a special flood hazard area. There is also a 26 percent chance of experiencing a flood during the life of a 30-year mortgage in high-risk flood areas (A or V zones). Anywhere it rains, it can flood.

The Planning Board ***recommended unanimous approval*** at their November 13, 2012 meeting.  
**PLANNING BOARD DISCUSSION (11-13-12)**

Ms. White provided an overview of the text amendment.

**Currituck County  
PB 12-05  
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 1: General Provisions, Chapter 2: Administration, Chapter 7: Environmental Protection, Chapter 9: Enforcement, and Chapter 10: Definitions and Measurement to update the Flood Damage Prevention Ordinance.

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 33:** That Section 1.7.2 is amended by adding the following underlined language and deleting the following strikethrough language:

### **1.7.2 Incorporated by Reference**

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- A.** An Official Zoning Map and all the notations thereon is incorporated herein by reference and made part of this Ordinance.
- B.** The Flood Insurance Rate Maps (FIRM) prepared by the State and the associated Flood Insurance Study (FIS) that were adopted on December 16, 2005 (as amended), are incorporated herein by reference and made part of this ordinance. Future revisions to the FIS and FIRM panels that do not change flood hazard data within the jurisdictional authority of Currituck County are also adopted by reference and declared to be part of this ordinance.

**Item 34:** That Section 2.2.6 is amended by adding the following underlined language and deleting the following strikethrough language:

### **2.2.6 Planning Director**

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The Planning Director shall have the following powers and duties:

#### **A. Powers and Duties**

##### **(3) Floodplain Administrator**

The Planning Director shall serve as the Floodplain Administrator, and shall perform the following duties:

- (a)** Review all floodplain development applications for receipt of all necessary State and Federal permits and issue floodplain development permits for all proposed development within special flood hazard areas.
- (b)** Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
- (c)** Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (d)** Prevent encroachments into floodways and non-encroachment areas unless the certification and flood damage prevention standards of Section 7.4, Flood Damage Prevention, are met.

- (e)** Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures in accordance with Section 7.4.5, Flood Certificates.
- (f)** Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and public utilities have been floodproofed, in accordance with the standards in Section 7.4.5, Flood Certificates
- (g)** Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the standards of Section 7.4.5, Flood Certificates.
- (h)** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 7.4.5, Flood Certificates, and Section 7.4.6, Standards.
- (i)** ~~Obtain, review, and utilize any base flood elevation data, along with floodway data or non-encroachment area data available to administer the flood damage prevention provisions.~~
- (j)** Interpret the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary may appeal the interpretation in accordance with Section 2.4.17 Appeal.
- (k)** When base flood elevation data has not been provided in accordance with the standards of Section 7.4, Flood Damage Prevention, obtain, review, and reasonably utilize any base flood elevation data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 7.4.6 E, Standards for Riverine Floodplains without Established Floodways or Non-encroachment Area, in order to administer the standards of this ordinance.
- (l)** When base flood elevation data is provided but no floodway or non-encroachment area data has been provided in accordance with the standards of Section 7.4, Flood Damage Prevention, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a

- Federal, State, or other source in order to administer the standards of this ordinance.
- (m)** Permanently maintain all records that pertain to the administration of the flood damage prevention standards and make these records available for public inspection, except for any information protected by the Privacy Act of 1974.
  - (n)** Make on-site inspections of work in progress, issue stop-work orders, or revoke floodplain development permits, as required.
  - (o)** Make periodic inspections throughout the special flood hazard area.
  - (p)** Maintain a current map repository to include, but not limited to, the FIS Report, FIRM, Letters of Map Change, and other official flood maps and studies.
  - (q)** Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

**Item 35:** That Section 2.4.12 is amended by adding the following underlined language and deleting the following strikethrough language:

#### **2.4.12 Floodplain Development Permit**

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##### **D. Floodplain Development Permit Review Standards**

A floodplain development permit shall be approved only upon a finding that all of the following standards are met:

- (1)** The permit is issued prior to the commencement of development;
- (2)** The development proposed within the special flood hazard area complies with the standards in Section 7.4, Flood Damage Prevention, and all other applicable standards in this Ordinance and the County Code of Ordinances; and
- (3)** The floodplain development permit includes:
  - (a)** A description of development to be permitted under the floodplain development permit.
  - (b)** The special flood hazard area determination for the proposed development in accordance with available data specified in Section 7.4, Flood Damage Prevention.
  - (c)** The regulatory flood protection elevation required for the reference level, all attendant utilities, and the protection of all public utilities as applicable.

- (d) All certification submittal requirements with appropriate timelines.
- (e) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (f) Flood openings requirements, if in flood zones A or AE.

~~(4) — There will be no alteration of primary or frontal sand dunes (other than that associated with dune restoration) or fill used for structural support for development in a VE flood zone.~~

**G. Expiration of Approval**

~~Applicable (see Section 2.3.15). Approval of a floodplain development permit shall automatically expire if the development activity it authorizes is not commenced within six months after the date of approval.~~

**Item 36:** That Section 2.4.14 is amended by adding the following underlined language and deleting the following strikethrough language:

### **2.4.13 Variance**

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**A. Variances from Flood Damage Prevention Standards**

**(3) Grounds for Denial of a Flood Damage Prevention Variance Request**

All of the following factors shall be taken into account when denying a request for a flood damage prevention variance:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location as a functionally-dependent facility;
- (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) The compatibility of the proposed use with existing and anticipated development;

- (h) The relationship of the proposed use to the Land Use Plan and the county's floodplain management program;
- (i) The safety of access to the use property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**Item 37:** That Section 7.4 Flood Damage Prevention is amended by adding the following underlined language and deleting the following strikethrough language:

## **7.4 FLOOD DAMAGE PREVENTION**

### **7.4.1 Purpose and Intent**

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The purpose and intent of the flood damage prevention standards is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by standards designed to:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights, or velocities;
- B. Require that uses vulnerable to floods be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

### **7.4.2 Applicability**

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The standards in this section shall apply to all lands within the special flood hazard area, as depicted in the Flood Insurance Rate Maps (FIRM) for Currituck County, ~~which are included as part of the Official Zoning Map,~~ and incorporated by reference into this Ordinance.

### **7.4.3 Floodplain Development Permit Required**

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- A. Development subject to the standards in this section shall obtain a floodplain development permit (see Section 2.4.12) prior to the commencement of construction or any land-disturbing activities.
- B. Development subject to these standards shall not be established, extended, converted, altered, or occupied in any way without full compliance with the requirements of this section.

### **7.4.4 Special Flood Hazard Area Zones**

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All lands within the Currituck County special flood hazard area are located within one of four different special flood hazard area zones, as depicted on the county's FIRM maps. Each flood zone is a geographic area in the county subject to a unique type and severity of flood. Each flood zone has unique standards, elevation certificate requirements, or both. Applicants for development within the special flood hazard area should consult the FIRM to determine the applicable flood zone where their land is located. The different flood zones are described below.

#### **A. VE Zone**

Lands within a VE zone are areas generally adjacent to a body of water that may experience flooding as well as wave action. Lands in a VE zone are subject to the coastal high hazard zone standards in addition to the general flood damage prevention standards in Section 7.4.6, Standards.

#### **B. AE Zone**

Lands within AE zone are areas that may experience flooding, but no wave action. The FIRM maps indicate a base flood elevation in this zone below which habitable residential space is prohibited.

#### **C. A Zone (No Base Flood Elevation)**

Lands within A zones are areas that may be subject to flooding, but not subject to wave action during a storm event. Lands in an A Zone are subject to the standards for floodplains without established base flood elevations in addition to general flood damage prevention standards in Section 7.4.6, Standards.

#### **D. AEFW Zone (Floodway)**

Lands within the AEFW zone are areas adjacent to a river or stream that are located within a floodway or other non-encroachment area. Areas within the AEFW may or may not have an established base flood elevation depicted on the FIRM map, and are subject to the standards in Section 7.4.6.C, or 7.4.6.D, (as appropriate) as well as the general flood damage prevention standards in Section 7.4.6.A, General Standards.

**7.4.5 Flood Certificates / Certifications**

All development within a special flood hazard area shall obtain all required flood certificates or certifications in accordance with this section and Table 7.4.5, Flood Certificates.

<b>TABLE 7.4.5: FLOOD CERTIFICATES</b>			
<b>CERTIFICATE TYPE</b>	<b>TYPE OF DEVELOPMENT SUBJECT TO REQUIREMENT</b>	<b>FLOOD ZONE WHERE REQUIRED</b>	<b>TIMING</b>
Elevation Certificate	All residential and nonresidential development [1]	A, AE, VE, AEFW [3]	Under construction- <del>within seven days of establishing reference level</del> <u>required prior to scheduling rough in inspection;</u> As-built – required prior to occupancy
Floodproofing Certificate	All nonresidential development with floor area below base flood elevation [1] [2]		Prior to start of construction
Foundation Certification	Manufactured home with chassis 36 inches or more above grade [4]	A, AE	Prior to <del>placement of home on foundation</del> <u>issuance of building permit.</u>
Watercourse Alteration Certification	Development seeking to alter or relocate a watercourse	A, AE, AEFW, VE	Prior to floodplain development permit
V-Zone Certificate	All residential and nonresidential development	VE	Required as part of Building Permit

NOTES:

- [1] Recreation vehicles, temporary structures, and accessory structures less than 150 square feet in area in the A and AE flood zones must comply with the standards of this section, but are exempted from elevation and flood-proofing certificate requirements
- [2] Development subject to a floodproofing certificate is not required to obtain an elevation certificate
- [3] Floodproofing is not permitted within the VE zone
- [4] Manufactured homes are not permitted in the VE zone

**A. Elevation Certificate (FEMA Form 81-31)**

**(1) Building Under Construction**

- (a)** ~~Prior to scheduling rough in inspection, Within seven calendar days of establishment of the reference level elevation,~~ the applicant shall submit a certification of the elevation of the reference level, in relation to mean sea level to the Planning Director.

- (b) The Planning Director shall review the certificate and note any errors. Errors shall be corrected prior to further work proceeding. Any work done within the seven day period or prior to submission of the reference level certification shall be at the applicant's risk.
- (c) Failure to submit the certification or make required corrections shall result in issuance of a stop-work order for the development.

**(2) Finished Construction**

- (a) Prior to scheduling final inspection, the applicant shall submit a final as-built certification of the elevation of the reference level and all associated utilities to the Planning Director. The Planning Director shall review the certificate and note any errors.
- (b) Errors shall be corrected by the permit holder prior to occupancy of the building. In some instances, an additional certification may be required to certify the corrected as-built construction.
- (c) Failure to submit the certification or make required corrections shall delay occupancy of the building.

**B. Flood-Proofing Certificate (FEMA Form 81-65)**

- (1) Applicants for new nonresidential development employing floodproofing to meet regulatory flood protection elevation requirements within a special flood hazard area shall submit a certification of the floodproofed design elevation, in relation to mean sea level, with supporting data, an operational plan, and an inspection and maintenance plan, to the Planning Director prior to issuance of a floodplain development permit.
- (2) The certification of the floodproofed design elevation of the reference level and all attendant utilities in relation to mean sea level shall be prepared by a professional engineer or architect.
- (3) The Planning Director shall review the certificate, operational plan, and inspection and maintenance plan and note any errors.
- (4) Errors shall be corrected by the applicant prior to issuance of a floodplain development permit.
- (5) Failure to submit the certification or make required corrections shall result in denial of a floodplain development permit application.
- (6) Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of occupancy.

**C. Foundation Certification**

If a manufactured home is placed within A or AE flood zones, and the elevation of the chassis is more than 36 inches in height above grade, an

engineered foundation certification shall be required prior to ~~occupancy of the home~~ issuance of a building permit in accordance with the standards of Section 7.4.6.4, Manufactured Homes.

**D. Watercourse Alteration Certification (No-Rise)**

Relocation or alteration of a watercourse shall require submittal of a map showing the location of the proposed watercourse alteration or relocation, description of the extent, and a certified report from a professional engineer on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream.

**E. V-Zone Certificate**

- (1) Applicants for ~~new~~ development within coastal high hazard area (VE zone) shall submit a V-Zone certificate, prepared by a professional engineer or architect, with accompanying design plans and specifications, demonstrating the standards of this subsection are met prior to issuance of a floodplain development permit.
- (2) Development within coastal high hazard areas shall also be required to provide an elevation certificate in accordance with subsection (A) above, where applicable.

**7.4.6 Standards**

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**A. General Standards**

**(1) Standards Applied to All Development**

- (a) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the current Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.
- (c) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the ~~base flood elevation~~ regulatory flood

protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

- (e)** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (f)** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (g)** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (h)** Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on January 1, 2013 and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the ~~base flood elevation~~ regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.
- (i)** All developments shall be consistent with the need to minimize flood damage.
- (j)** All developments shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (k)** All developments shall have adequate drainage provided to reduce exposure to flood hazards.
- (l)** All developments shall have received all necessary permits required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (m)** When a new structure is partially located in the special flood hazard area, the entire structure shall meet the requirements in this section.
- (n)** When a structure is located in multiple flood zones or in a flood zone with multiple base flood elevations, the standards for the more restrictive flood zone and the highest base flood elevation shall apply.
- (o)** Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the standards of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (p)** New solid waste facilities and sites, hazardous waste management facilities, salvage yards, and chemical

storage facilities shall not be permitted, except by variance as specified in Section 2.4.14.F, Variance from Flood Protection Standards. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the standards of this ordinance.

**(2) Residential Development**

In addition to the general standards applied to all development in (1) above, new construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the ~~base flood elevation~~ regulatory flood protection elevation.

**(3) Nonresidential Development**

**(a)** In addition to the general standards applied to all development in (1) above, new construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the ~~base flood elevation~~ regulatory flood protection elevation depicted on the applicable FIRM map.

**(b)** Structures located in A or AE flood zones may be floodproofed to the ~~base flood elevation~~ regulatory flood protection elevation in lieu of elevation, provided that all areas of the structure, together with attendant utility and sanitary facilities, below the base flood elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

**(c)** A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied in accordance with Section 7.5.4.B, Flood-Proofing Certificate.

**(4) Manufactured Homes**

In addition to the general standards applied to all development in (1) above, new and replacement manufactured homes in a special flood hazard area shall:

- (a)** Be elevated so that the reference level of the manufactured home is no lower than the ~~base flood elevation~~ regulatory flood protection elevation.
- (b)** Be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15.
- (c)** Be supported by reinforced piers or an engineered foundation when the chassis is elevated 36 inches or less above grade.
- (d)** Be subject to a foundation certification (see Section 7.4.5) when the chassis is elevated more than 36 inches above grade.
- (e)** Ensure all enclosures or skirting below the lowest floor meet the requirements of Section 7.4.6.A.8, ~~Enclosures Below the Base Flood~~ Elevated Buildings.
- (f)** Be subject to an evacuation plan approved by the Planning Director and the county's Emergency Management Coordinator if located within a new, substantially improved, or substantially damaged manufactured home park or subdivision.

**(5) Accessory Structures**

In addition to the general standards applied to all development in (1) above, accessory structures (sheds, detached garages, etc.) in the special flood hazard area shall comply with the following standards:

- (a)** Portions of an accessory structure below the base flood elevation shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b)** Portions of an accessory structure below the base flood elevation shall not be temperature-controlled;
- (c)** Accessory structures shall be designed to have low flood damage potential;
- (d)** Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e)** Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement;

- (f) All service facilities, such as electrical service, shall be installed to prevent water from entering or accumulating within the components; and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below the ~~base flood elevation~~ regulatory flood protection elevation (see Section 7.4.6.A.8, ~~Enclosures Below the Base Flood Elevation Elevated Buildings~~).

**(6) Temporary Nonresidential Structures**

Prior to the issuance of a floodplain development permit for a temporary nonresidential structure in the special flood hazard area, the applicant shall submit a plan for the removal of the structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification that includes the following:

- (a) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (b) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (c) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (d) The location outside the special flood hazard area where the temporary structure will be moved.
- (e) A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year.

**(7) Recreational Vehicles**

Recreational vehicles shall:

- (a) Be on site for fewer than 90 consecutive days, be fully licensed, and ready for highway use (i.e., be on its wheels or jacking system, be attached to the site only by quick disconnect type utilities, and have no permanently attached additions); or
- (b) Meet the requirements in this section for new residential construction.

**~~(8)~~ Enclosures Below the Base Flood Elevation Elevated Buildings**

Any fully enclosed area of new construction or substantially improved structure, ~~any portion of which is below the base flood elevation~~ lowest floor shall:

- (a) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited

storage of maintenance equipment used in connection with the premises;

- (b)** Be served by access that is the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
- (c)** Not be finished or partitioned into separate rooms, except to enclose storage areas;
- (d)** Be constructed entirely of flood resistant materials, in accordance with Technical Bulletin 2: Flood Damage Resistant Materials Requirements, at least to the ~~base-flood elevation~~ regulatory flood protection elevation;
- (e)** Include flood openings, when located in the A and AE flood zones, that automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this standard, the openings must either be certified by a professional engineer or architect to meet or exceed the following minimum design criteria:
  - (i)** A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - (ii)** The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
  - (iii)** If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - (iv)** The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
  - (v)** Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
  - (vi)** Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above; and
- (f)** Be either free of obstruction or constructed with breakaway walls, open wood latticework, or insect screening, when located in a VE zone. To meet this standard, breakaway walls shall not be part of the structural support of the building and be designed so as to breakaway, under abnormally high

tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building, in accordance with the following:

- (i) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
- (ii) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

**(9) Additions or Improvements to Existing Buildings**

Repairs, additions, or alterations to an existing building in the special flood hazard area shall be subject to the following standards:

**(a) Substantial Additions or Improvements**

When a portion of a building within the special flood hazard area is subject to substantial additions or improvements, the entire building shall be made to conform with all applicable standards in Section 7.4.6, Standards, including but not limited to compliance with the base flood elevation standards.

**(b) Non-Substantial Additions or Improvements**

**(i) Pre-FIRM Buildings**

Additions or improvements to a portion of a pre-FIRM building that are not substantial are not required to comply with the standards in Section 7.4.6, Standards, but must be designed to minimize flood damage and shall not worsen any existing nonconformities with respect to the building's compliance with the flood damage prevention standards.

**(ii) Post-FIRM Building Additions**

- (A) All additions to post-FIRM buildings shall comply with the standards for new construction.
- (B) Additions to post-FIRM buildings with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

**(iii) Post-FIRM Building Improvements**

Improvements qualifying as substantial improvements or alterations that worsen an existing nonconformity must comply with the standards for new construction.

**(c) Timing of Post-FIRM Structures**

Development having a start of construction date of November 1, 1984 shall be considered as a post-FIRM structure for the purposes of these standards.

**B. Standards for Coastal High Hazard Areas (VE Zones)**

VE flood zones have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial ~~repairs~~ improvements or alterations shall comply with the standards in Section 7.4.6.A, General Standards, and the following requirements:

**(1) CAMA Setbacks**

Development shall comply with all applicable CAMA setback requirements, including a location landward of the mean high tideline and the first line of stable natural vegetation;

**(2) Base Flood Elevation**

Development shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the ~~base flood~~ regulatory flood protection elevation (floodproofing shall not be utilized on any structures in the VE zone);

**(3) Free of Obstruction**

Development shall ensure the space below the lowest floor remains free of obstruction so as not to impede the flow of flood waters, with the following exceptions:

- (a) Open wood latticework or insect screening below the lowest floor for aesthetic purposes only provided it is designed to wash away in the event of abnormal wave action;

- (b) Breakaway walls, provided they comply with the standards in Section 7.4.6.A.8, ~~Enclosures Below the Base Flood Elevation~~ regulatory flood protection elevation; or
- (c) Development constructed at grade when the grade elevation exceeds the applicable ~~base flood elevation~~ regulatory flood protection elevation, provided it utilizes grade-beam or pile-supported slab construction.

**(4) Foundations**

- (a) Development shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- (b) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the standards in this section.
- (c) In determining the load calculations:
  - (i) Water loading values used shall be those associated with the base flood.
  - (ii) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.

**(5) Use of Fill**

Fill shall not be used for structural support. Limited non-compacted and non-stabilized fill may be used outside the perimeter of a building, provided it is demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the base flood elevation and not cause any adverse impacts by wave ramping or deflection to the subject structure or adjacent properties.

**(6) Alteration of Dunes**

There shall be no alteration of sand dunes which would increase potential flood damage.

**(7) Allowed Uses**

- (a) No manufactured homes shall be permitted in the coastal high hazard flood zone.
- (b) Recreational vehicles are permitted in the coastal high hazard flood zone, subject to the standards in Section 7.4.6.A.7, Recreational Vehicles.

**C. Standards for Floodplains without Established Base Flood Elevations**

The following standards shall apply to all development within A Flood zones where no base flood elevation data has been provided by FEMA:

- (1)** The standards in Section 7.4.6.A.1, Standards Applied to All Development.
- (2)** No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within an area located 20 feet from top of a stream bank or five times the width of the stream, whichever is greater, unless a professional engineer certifies the encroachment shall not increase flood levels during the occurrence of the base flood discharge.
- (3)** The base flood elevation used in determining the minimum regulatory flood protection elevation shall be determined based on the following:
  - (a)** When base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable standards of this Ordinance and shall be elevated or floodproofed in accordance with standards in Section 7.4.6.A, General Standards.
  - (b)** When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements in Sections 7.4.6.A.2-9, and 7.4.6.D, Standards for Floodways and Non-encroachment Areas.
  - (c)** All development of more than five acres, 50 lots, or 50 dwelling units shall provide base flood elevation data that will be used in implementing these standards.

**D. Standards for Floodways and Non-Encroachment Areas**

Areas designated as floodways or non-encroachment can be extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. Development within these areas shall comply with the following standards:

- (1)** The standards in Section 7.4.6.A, General Standards: Flood Damage Prevention, all other applicable standards in this ordinance, and the Currituck County Administrative Manual;

- (2)** No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
  - (a)** It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented prior to issuance of floodplain development permit; or
  - (b)** A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

**E. Standards for Riverine Floodplains without Established Floodways or Non-encroachment Areas**

All development along rivers and streams where base flood elevation data is available but floodway and non-encroachment areas are not identified on the FIRM or in the FIS report, shall comply with the following standards:

- (1)** The standards in Section 7.4.6.A, General Standards;
- (2)** No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted until:
  - (a)** A regulatory floodway or non-encroachment area is designated; or
  - (b)** Certification is provided by a registered professional engineer that the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**Item 38:** That Chapter 9: Enforcement is amended by adding the following underlined language and deleting the following strikethrough language:

**9.5.4 Enforcement Procedure**

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**A. Investigation of Complaint**

On receiving a written complaint, the Planning Director shall investigate the complaint and determine whether a violation of this Ordinance exists.

**B. Notice of Violations**

- (1)** On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the

Planning Director shall provide written notification of the violation, by personal service or first class mail, to the owner of the property on which the violation exists and the person causing or maintaining the violation. Such notification shall:

- (a) Describe the location and nature of the violation;
- (b) State the actions necessary to abate the violation; and
- (c) Order that the violation be corrected within a specified reasonable time period stated in the notice of violation.
- (d) For the purposes of floodplain management, order that the violation be corrected within a specified reasonable time period stated in the notice of violation but in no case shall that exceed 180 days.

### 9.6.1 Remedies

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#### **F. Revocation of Permit or Approval**

No person may continue to make use of land or buildings in the manner authorized by a zoning permit, special use permit, conditional use permit, floodplain development permit, or sign permit approved prior to January 1, 2013, after such permit has been revoked in accordance with this section, or a use permit, zoning compliance permit, floodplain development permit, or sign permit approved after January 1, 2013. The Planning Director may revoke any such permit or approval in accordance with the following.

#### **(4) Floodplain Development Permit**

- (a) The Planning Director may revoke a floodplain development permit by notifying the permit holder in writing for any of the following reasons:
  - (i) Substantial departure from the approved application, plans, and specifications;
  - (ii) Refusal or failure to comply with the requirements of State or local laws;
  - (iii) False statements or misrepresentations made in securing the permit; or
  - (iv) Floodplain development permit mistakenly issued in violation of an applicable State or local law.

**Item 39:** That Section 10.5: Definitions is amended by adding the following underlined language and deleting the following strikethrough language:

## 10.5 DEFINITIONS

### AREA OF SPECIAL FLOOD HAZARD

See “special flood hazard area (SFHA)”

### BASE FLOOD ELEVATION (BFE)

A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the base flood elevation has not been provided in a “special flood hazard area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with freeboard, establishes the regulatory flood protection elevation.

### CHEMICAL STORAGE FACILITY

For the purposes of Flood Damage Prevention, a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

### DESIGN FLOOD ELEVATION

See regulatory flood protection elevation (RFPE)

### FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map issued by FEMA where the boundaries of the special flood hazard areas have been defined as Zone A. ~~showing the boundaries of the special flood hazard area.~~

### FLOODPLAIN DEVELOPMENT PERMIT

A type of development permit for development within a special flood hazard area reviewed and approved or denied by the Planning Director in accordance with Section 2.4.12, floodplain development permit prior to the commencement of development activity.

### FLOOD-RESISTANT MATERIAL

Any building product (material, component, or system) capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

### FREEBOARD

The height added to base flood elevation to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the

hydrological effect of urbanization of the watershed. The base flood elevation plus the freeboard establishes the regulatory flood protection elevation (RFPE).

HAZARDOUS WASTE MANAGEMENT FACILITY

For the purposes of Flood Damage Prevention, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste, as defined in NCGS 130A, Article 9.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement) ~~of a habitable structure.~~ An unfinished or flood resistant enclosure, usable solely for parking of , building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME PARK OR SUBDIVISION

For the purposes of Flood Damage Prevention, means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

The National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which base flood elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used. Refer to each FIRM panel to determine datum used.

PRINCIPALLY ABOVE GROUND

~~A portion of a building that a~~ At least 51 percent of the actual cash value of the structure is above ground.

### REGULATORY FLOOD PROTECTION ELEVATION

The base flood elevation plus the freeboard. In special flood hazard areas where base flood elevations have been determined, this elevation shall be the base flood elevation plus one foot of freeboard. In special flood hazard areas where no base flood elevation has been established, this elevation shall be at least two feet above the highest adjacent grade.

### SOLID WASTE DISPOSAL FACILITY

For the purposes of Flood Damage Prevention, any facility involved in the disposal of solid waste, as defined in NCGS 130A-290 (a)(35).

### SOLID WASTE DISPOSAL SITE

For the purposes of Flood Damage Prevention, any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

### VARIANCE

A development application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with Section 2.4.14, Variance.

For the purposes of Flood Damage Prevention, a grant of relief from the requirements of this ordinance.

**Item 40:** The standards of this Ordinance are severable and if any of its standards 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 standards which can be given effect without the invalid provision or application.

Chairman O'Neal opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Martin moved to approve due to its consistency with the 2006 LUP and that the request is reasonable and in the public interest and promotes orderly growth and development. Commissioner Gilbert seconded the motion. Motion carried

### Administrative Reports

#### **A) Award bids for Reverse Osmosis Water Treatment Plant Southern Outer Banks Water System**

Eric Weatherly, County Engineer, reviewed the construction of the plant.

Commissioner Petrey moved to award the bid to George Raper in the amount of \$3,648,932. Commissioner Gilbert seconded the motion. Motion carried.

**New Business**

**A) Board Appointments:**

**1. Appointment of Commissioner to Albemarle Commission**

Commissioner Gilbert moved to table. Commissioner Petrey seconded the motion. Motion carried.

**2. Appointments to Planning Board**

Chairman O'Neal appointed John Wright. Commissioner Gilbert seconded the motion. Motion carried.

Commissioner Gilbert moved to table her appointment. Commissioner Martin seconded the motion. Motion carried.

**3. Appointment to Board of Adjustment**

Commissioner Aydlett appointed Christian Conner. Commissioner Gilbert seconded the motion. Motion carried.

Chairman O'Neal moved Cameron Tabor up as a member. Commissioner Gilbert seconded the motion. Motion carried.

**4. Appointment to Tourism Board**

Commissioner Martin moved to appoint Michael Martine. Commissioner Gilbert seconded the motion. Motion carried.

**B) Consent Agenda:**

1. Budget Amendments
2. Resolution to declare computers issued to Commissioner Rorer and Etheridge as surplus-**deleted**
3. Approval of Financial Institution to finance the Whalehead Drainage Project, Phase III.



<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
10640-532004	FCS Supplies	\$ 4,411	
10640-514000	Travel	\$ 250	
10330-449900	Miscellaneous Grants		\$ 4,661
		<u>\$ 4,661</u>	<u>\$ 4,661</u>

**Explanation:** Cooperative Extension (10640) - To increase appropriations for the Medicare Counseling (SHIP) grant funding.

**Net Budget Effect:** Operating Fund (10) - Increased by \$4,661.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
10640-532004	FCS Supplies	\$ 284	
10640-516100	Building Supplies	\$ 180	
10380-484001	Insurance Recovery		\$ 180
10380-485002	Miscellaneous Supplies		\$ 284
		<u>\$ 464</u>	<u>\$ 464</u>

**Explanation:** Cooperative Extension (10640) - To increase appropriations for a donation to the Food and Consumer Science program and to replace damaged mailbox.

**Net Budget Effect:** Operating Fund (10) - Increased by \$4,661.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
10531-532000	Supplies	\$ 1,992	
10330-445000	Emergency Management Grant		\$ 1,992
		<u>\$ 1,992</u>	<u>\$ 1,992</u>

**Explanation:** Emergency Management (10531) - Increase appropriations to record grant for supplies for the Community Emergency Response Team (CERT).

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,992.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10790-545000	Contract Services	\$	624		
10790-516000	Repairs & Maintenance			\$	624
		<u>\$ 624</u>		<u>\$ 624</u>	

**Explanation:** Library (10790) - Transfer funds for a copier lease at the Corolla library.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,992.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
50460-596100	Professional Services	\$	37,185		
50390-495051	T F - School Construction Fund			\$	37,185
51848-587050	T T - County Govt Facilities Fund	\$	37,185		
51848-597000	Primary School South			\$	37,185
		<u>\$ 74,370</u>		<u>\$ 74,370</u>	

**Explanation:** County Governmental Facilities - Bus Garage (50460); School Facilities - Jarvisburg Elementary School (51848) - Transfer residual funds from Jarvisburg Elementary School Construction for design, permitting and bidding to relocate the school bus garage to the Maple Commerce Park property.

**Net Budget Effect:** County Governmental Construction Fund (50) - Increased by \$37,185.

**Debit** **Credit**

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
50460-596100	Professional Services	\$ 37,185	
50390-495051	T F - School Construction Fund		\$ 37,185
51848-587050	T T - County Govt Facilities Fund	\$ 37,185	
51848-597000	Primary School South		\$ 37,185
		<u>\$ 74,370</u>	<u>\$ 74,370</u>

**Explanation:** County Governmental Facilities - Bus Garage (50460); School Facilities - Jarvisburg Elementary School (51848) - Transfer residual funds from Jarvisburg Elementary School Construction for design, permitting and bidding to relocate the school bus garage to the Maple Commerce Park property.

**Net Budget Effect:** County Governmental Construction Fund (50) - Increased by \$37,185.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
51848-598001	Central Elem Parking	\$ 76,755	
51848-597000	Primary School South		\$ 76,755
		<u>\$ 76,755</u>	<u>\$ 76,755</u>

**Explanation:** School Facilities - Central Elementary Parking (51848) -Transfer residual funds from the Jarvisburg Elementary School construction for design, administration, permitting and bidding to rework the parking, driveway and bus loop at Central Elementary school.

**Net Budget Effect:** School Facilities Fund (51) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
60808-545001	Contract Services	\$ 13,000	
60808-590001	Capital Outlay		\$ 13,000

\$	13,000	\$	13,000
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**Explanation:** Ocean Sands Water and Sewer (60808) - Transfer funds for material and installation of a fence for the Ocean Sands sewer facilities.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550-503500	Temporary Services	\$ 3,006	
10550-502000	Salaries - Regular		\$ 3,006
		<u>\$ 3,006</u>	<u>\$ 3,006</u>

**Explanation:** Airport (10550) - Transfer residual funds from salaries, due to unpaid leave, to temporary services and authorize hiring temporary employees to supplement the part-time staff due to employees on FMLA and other vacancies. This will authorize up to 220 hours of temporary services for the remainder of this fiscal year.

**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 Expense	Increase Revenue or Decrease Expense
10420-589000	Board OSD Projects	\$ 3,000	
10350-468000	Sale of Fixed Assets		\$ 3,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

**Explanation:** Governing Body (10420) - Increase appropriations to provide funding for the County Christmas luncheon. Funding will be from revenues received from selling capital assets on Gov Deals.

**Net Budget Effect:** Operating Fund (10) - Increased by \$3,000.

**Debit** **Credit**

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
10796-503000	Salaries - Part-time	\$ 1,085	
10796-502000	Salaries - Regular		\$ 933
10796-507000	Retirement		\$ 152
		<u>\$ 1,085</u>	<u>\$ 1,085</u>

**Explanation:** Rural Center (10796) - Transfer funds for position reclassification from part-time to full-time budgeted for an effective date of 9/1/2012. Transfer did not actually become effective until 10/1/2012.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
10480-590000	Capital Outlay	\$ 22,500	
10480-532000	Supplies	\$ 1,969	
10480-502000	Salary		\$ 14,000
10480-505000	FICA		\$ 1,071
10480-507000	Retirement		\$ 1,648
10480-557303	Archives & Records Management Fee		\$ 7,750
		<u>\$ 24,469</u>	<u>\$ 24,469</u>

**Explanation:** Register of Deeds (10480) - Transfer funds to Capital Outlay to replace the Register of Deeds server and workstations and to supplies for items needed for new Register of Deeds. This will be funded through the salary difference of the Register of Deeds and the Archives & Records Management Fee that was budgeted but has been suspended for this fiscal year by the State.

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

Debit Credit

<u>Account Number</u>	<u>Account Description</u>	Decrease Revenue or	Increase Revenue or
		<u>Increase Expense</u>	<u>Decrease Expense</u>
56868-590001	RO & Conventional WTP Expansion	\$ 1,848,932	
56868-587066	T T - Southern Outer Banks Operating		\$ 584,689
56868-590002	.25 MGD Conventional Treatment		\$ 500,000
56868-590003	1.5 MG Water Storage		\$ 117,674
56868-590006	Carolina Water Purchase		\$ 155,157
56868-590007	Pine Island Water Purchase		\$ 31,377
56868-590008	Paint Existing Tank		\$ 860
56868-596100	Professional Services		\$ 360,000
56868-588000	Contingency		\$ 99,175
		<u>\$ 1,848,932</u>	<u>\$ 1,848,932</u>

**Explanation:** Southern Outer Banks Water Construction Fund (56868) - Transfer residual funds from completed projects and contingency to award contract to George Raper & Son Inc of Elizabeth City in the amount of \$3,648,932 for the expansion of the Reverse Osmosis and Conventional Water Treatment Plants at the Southern Outer Banks Water System.

**Net Budget Effect:** Southern Outer Banks Water Construction Fund (56) - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10510-539000	Unemployment Compensation	\$ 13,156	
10511-539000	Unemployment Compensation	\$ 13,583	
10530-539000	Unemployment Compensation	\$ 7,408	
10640-539000	Unemployment Compensation	\$ 1,101	
10960-539000	Compensation		\$ 30,000
10380-482000	Miscellaneous Revenue		\$ 5,248
		<u>\$ 35,248</u>	<u>\$ 35,248</u>

**Explanation:** Sheriff (10510); Jail (10511); EMS (10530); Cooperative Extension (10640); Central Services (10960)- Transfer and increase appropriations for unemployment charges for the year ending July 31, 2012.

**Net Budget Effect:** Operating Fund (10) - Increased by \$5,248.

<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>
10430-514801	Fees Paid to Precinct Officials	\$ 7,000	
10430-521000	Rent	\$ 640	
10390-499900	Appropriated Fund Balance		\$ 7,640
		<u>\$ 7,640</u>	<u>\$ 7,640</u>

**Explanation:** Elections (10430) - Increased appropriations for costs associated with the November 2012 election.

**Net Budget Effect:** Operating Fund (10) - Increased by \$7,640.

**RESOLUTION APPROVING TERMS OF RE-FINANCING INSTALLMENT PURCHASE AGREEMENT FOR THE WHALEHEAD DRAINAGE PROJECT—PHASE I**

**WHEREAS**, The County of Currituck, North Carolina (the "County") has determined to change the terms of the Payment Schedules to the Financing Agreements and Deed of Trusts (the "Original Agreement") granted to F. Louis Loyd III (The "Deed of Trust Trustee) for the benefit of Branch Banking and Trust Company("BB&T") for contract #9933001005-00002; and

**WHEREAS**, the changes to the terms of the Payment Schedule include revising the interest rates from 4.13% to 1.61% for loan 00002 maturing on 9/18/2019; and

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the County of Currituck, North Carolina that the proposed changes to the Payment Schedule of the Original Agreement are hereby approved and that Daniel F Scanlon, II, County Manager and Sandra L Hill, Finance Director are designated to sign financing documents are hereby authorized and directed to take such action as may be necessary to effectuate such changes. All other terms and conditions of the Original Agreement and the Payment Schedule thereof remain in full force and effect.

**Resolution Approving Financing Terms**

**WHEREAS:** Currituck County, North Carolina (the "County") has previously determined to undertake a project for the Whalehead Subdivision Drainage Improvements – Phase III (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated November 29, 2012. The amount financed shall not exceed \$3,800,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.95%, and the financing term shall not exceed ten(10)years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

**C) Commissioner's Report**

No comment

**D) County Manager's Report**

No comment

**Adjourn**

There being no further business, the meeting adjourned.

**Special Meeting**

Tourism Development Authority

Budget Amendments

Commissioner Gilbert moved to approve. Commissioner Petrey 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>
15447-545002	Historic Preservation	\$ 55,583	
15320-415000	Occupancy Tax		\$ 55,583
		<u>\$ 55,583</u>	<u>\$ 55,583</u>

**Explanation:** Occupancy Tax - Tourism Related Expenditures (15447) - Increase appropriations for interior work on the Jarvisburg Colored School renovations.

**Net Budget Effect:** Occupancy Tax Fund (15) -Increased by \$55,583.

<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>
15447-516001	Signs	\$ 13,880	
15320-415000	Occupancy Tax		\$ 13,880
		<u>\$ 13,880</u>	<u>\$ 13,880</u>

**Explanation:** Occupancy Tax - Tourism Related Expenditures (15447) - Increase appropriations

for 16 "NO WAKE" signs.

**Net Budget Effect:** Occupancy Tax Fund (15) -Increased by \$13,880.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15442-539000	Unemployment Compensation	\$	3,971		
15320-415000	Occupancy Tax			\$	3,971
		<u>\$</u>	<u>3,971</u>	<u>\$</u>	<u>3,971</u>

**Explanation:** Occupancy Tax - Tourism Promotion (15442) - Increase appropriations for unemployment charges for the year ending July 31, 2012.

**Net Budget Effect:** Occupancy Tax Fund (15) -Increased by \$3,971.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15442-526200	Promotional Efforts	\$	9,997		
15442-545000	Contract Services	\$	8,250		
15320-415000	Occupancy Tax			\$	18,247
		<u>\$</u>	<u>18,247</u>	<u>\$</u>	<u>18,247</u>

**Explanation:** Occupancy Tax - Tourism Promotion (15442) - Increase appropriations costs associated with the NCDOT meeting and video.

**Net Budget Effect:** Occupancy Tax Fund (15) -Increased by \$18,247.

**Adjourn**

There being no further business, the meeting adjourned.