



**BOARD OF COMMISSIONERS  
AGENDA**

**AUGUST 5, 2013**

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# Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

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**Date: Monday, August 05, 2013**

**Time: 7:00 PM**

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## **Work Sessions**

6:00 PM - Update on Moyock Sewer and Walnut Island/Waterside Villages Sewer

## **7:00 pm Call to Order**

- A) Invocation – Reverend Daniel Bergey, New Life Church
- B) Pledge of Allegiance
- C) Approval of Agenda
- D) Public Comment

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

## **Public Hearings**

- A) **Consideration and Action:** PB 13-13 Green Acres Land Development Sand Mine: Request for a Use Permit to operate an extractive industry (mining) at 7177 Caratoke Highway in Jarvisburg, Tax Map 109, Parcel 61 and 61A, Poplar Branch Township.

## **Administrative Reports**

- A) **Presentation and Consideration** of Design/Build Contract for New Animal Shelter

## **New Business**

- A) **Consent Agenda:**
  - 1. Approval of July 15, 2013 Minutes
  - 2. Budget Amendments

3. George Raper CO#1 - Southern Outer Banks Water Plant Expansion
  4. 2012-2013 Settlement for Delinquent Taxes
  5. CDBG Monthly Status Report
  6. ITS Surplus Resolution
  7. Approval of Right of Way Agreement with Dominion for Soccer Complex
  8. Approval of Whalehead Subdivision Drainage Improvements Phase I Change Order #4
  9. Approval of Job Descriptions
  10. Resolution to surplus vehicles
- B) Commissioner's Report
- C) County Manager's Report

**Closed Session**

Closed Session pursuant to G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of industry or businesses within the county

Adjourn



# Currituck County Agenda Item Worksheet

Agenda Item Title

Brief Description of Agenda Item

Board Action Requested

Person Submitting Agenda Item

Presenter of Agenda Item

CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: August 5, 2013  
PB 13-13 Green Acres Land Development

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**ITEM:** PB 13-13 Green Acres Land Development request for a Use Permit to operate a extractive industry (sand mine).

**LOCATION:** Jarvisburg: 7177 Caratoke Highway

**TAX ID:** 0109-000-0061-0000  
0109-000-061A-0000

**ZONING DISTRICT:** Agricultural (AG)

**PRESENT USE:** Extractive Industry (sand mine)

**OWNER:** Green Acres Land Development  
PO Box 332  
Powells Point, NC 27966

**APPLICANT:** Jeffrey A. Newbern, Sr.  
PO Box 67  
Harbinger, NC 27941

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

|               | <b>Land Use</b>         | <b>Zoning</b> |
|---------------|-------------------------|---------------|
| <b>NORTH:</b> | Low Density Residential | SFM/AG/GB     |
| <b>SOUTH</b>  | Low Density Residential | GB/AG         |
| <b>EAST:</b>  | Woodland                | SFM/AG        |
| <b>WEST:</b>  | Farmland                | GB/AG         |

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as Limited Services within the Jarvisburg subarea.

**SIZE OF SITE:** 58.77 acres

**COMMUNITY MEETING:** A community meeting was held on April 18, 2013 at the Powells Point Senior Center. The concerns included water quantity and quality, hunting on the property, poor management, and reduction of Meadow Lake water level.

**I. NARRATIVE OF REQUEST:**

1. A special use permit was issued to Green Acres Land Development on August 19, 2002 to excavate a maximum 28.65% of the entire site. The permit was valid for ten years and

with the vesting suspension provided by the North Carolina General Assembly the special use permit expired January 1, 2013.

2. The applicant is requesting a use permit which is required for Mr. Newbern to continue operating an extractive industry for sand mining. The applicant is requesting the use permit be valid for five years.
3. The proposed excavation area is 30% of the total site or 17.39 acres.
4. The proposed maximum average depth of the excavation area is 25' with a maximum dewatering depth of 20'.
5. The application includes a request for a 50% setback reduction along the northern property line where an existing visual screen (see attachment) is between the mining activity and the adjoining use/property line. The 2002 special use permit required a 100 foot setback from property lines. However, the operator excavated materials within this setback. Reclamation of a portion of the excavated area (0.07 acre) is required and a portion of the access/haul road will be moved south to the new reclaimed area to maintain the 50 foot setback.
6. An updated hydrogeologic model was prepared by Edwin Andrews, III, P.G., N.C.L.S.S. on May 21, 2013 indicating that with the installation of the new dewatering/mitigation system the mining operation should have little impact on the adjoining property to the south.
7. As recommended by Edwin Andrews, III, an additional hydration ditch along the southern boundary (Meadow Lake Subdivision) will be provided.
8. The dewatering operations of the excavation area includes pumping water from the main pond to the 0.70 acre sediment pond located 50 feet from the southeastern corner of the existing excavation area. Dewatering will occur as needed, which will not be full time. Once the water is pumped to the sediment pond, water will overflow the controlled outlet located on the east side of the pond, and flow through the ditches leaving the site. Hydration ditches, to recharge the groundwater, will connect directly with the sediment pond outfall.
9. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply of equal quantity and quality. A rebuttal is permitted that contamination or diminution of water has not been caused by the mining activity. Since the mining operation began in 2002, Mr. Newbern has installed or compensated five property owners for new wells. The Board may impose a surety to guarantee the well owner a replacement water supply of equal quantity and quality in the event of contamination or diminution of groundwater.
10. The UDO allows the Planning Director, upon receiving a written request for an extension, grant an extension not to exceed ten years provided the mine has maintained compliance with all applicable state and local regulations. Staff is recommending extensions or expansions be processed in accordance with Chapter 2, Section 2.4.6.

## **II. USE PERMIT REVIEW STANDARDS:**

### **Use Permit Criteria and Staff Findings:**

Use permits (UP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the UP 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 UP, certain criteria must be satisfied. The criteria and staff findings are outlined as follows:

1. The use will not endanger the public health or safety.

**Staff Findings:**

- a. The mine site will be posted with No Trespassing signs 250 feet apart.
- b. A hydrogeologic model prepared by Edwin Andrews, III, P.G., N.C.L.S.S. on May 21, 2013 indicates the "Green Acres Sand Pit can be operated with little impact on adjoining property to the south."
- c. Two groundwater monitoring wells are in place north and south of the excavation area. Groundwater levels are monitored and recorded monthly, and water samples are taken from the wells annually and tested for coliform and other quality specifications by a State certified laboratory.
- d. All trucks hauling mined materials shall be covered with a tarpaulin.
- e. During periods of dewatering the excavation area, water samples are taken quarterly from the sediment pond outfall and tested for pH, turbidity, and suspended solids by a State certified laboratory.

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

**Staff Findings:**

- a. A special use permit was issued for the mining operation on August 19, 2002 and the mine operated for ten years.
- b. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on the site.

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

**Staff Findings:**

The 2006 Land Use Plan classifies this site as Limited Services within the Jarvisburg subarea. With respects to nonresidential uses, it is essential that the existing community character be preserved in the Limited Services area. The proposed use is in keeping with the policies of the plan, which include:

POLICY ID8: MINING ACTIVITIES, or secondary impacts of mining activities not subject to permit approval by the State of North Carolina, may be subject to review and management by Currituck County. Activities to be addressed may include, but not be limited to, the adequacy of roads serving the mine site, visual impacts during operation and after closing of the mine site, noise and dust considerations, etc.

4. The 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).

**Staff Findings:**

- a. The proposed use will not produce additional burdens on schools, fire and rescue, or other public facilities.

### III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following permit conditions:

1. A fifty foot wide vegetative buffer shall be placed along the south property line from Caratoke Highway to lot 11 in Meadow Lake subdivision. (2002 SUP Condition)
2. The N/F Chappell property shall be screened on the north, west, and south property lines. (2002 SUP Condition)
3. All dead vegetation located along Caratoke Highway shall be replaced with an equivalent plant species.
4. All existing vegetation located along the northern property line (N/F Stephens and N/F Landron) shall be retained for setback reduction.
5. The maximum average depth of the excavation area shall be 25' with a maximum dewatering depth of 20'
6. Discharge water samples that test for settleable solids, turbidity, and pH shall be collected and tested quarterly. Two monitoring wells shall be maintained and tested quarterly. The testing reports shall be submitted to the county within thirty days of the reporting date.

Items requiring discussion and action by the Board:

7. The 2002 special use permit established hours of operation from 7:00 am – 5:00 pm Monday – Friday. Maintenance of the site was permitted 8:00 am – 12:00 pm on Saturday. The UDO allows operations activities from dawn to dusk Monday – Saturday. To reduce the traffic concerns, the board may include a condition that would not allow hauling on Saturday from Memorial Day to Labor Day.
8. The use permit shall be valid for five years and reclamation of the mine site shall occur simultaneously with the excavation activities. Any extension or expansion will require approval by the Board of Commissioners and follow the use permit process established in Chapter 2, Section 2.4.6.
9. The person owning or operating a mining site that operates in a manner that adversely affects an in use well through contamination or diminution of groundwater is responsible for a replacement water supply of equal quantity and quality. In accordance with Section 4.2.5 of the UDO, the Board may impose a surety to guarantee the well owner a replacement water supply of equal quantity and quality in the event of contamination or diminution of groundwater.

### IV. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the use permit to operate an extractive industry (mining) as presented and the following conditions:

- Hours of operation are from dawn to dusk Monday – Friday, no hauling on Saturday from Memorial Day to Labor Day.
- The use permit is valid for five years.

Motion carried unanimously.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE:

Board of Commissioners: [www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)

**PLANNING BOARD DISCUSSION** *(July 9, 2013)*

Mr. Elliott provided an update of the mining operation.

The Planning Board discussed salinity levels, hydration ditches, monitoring well results, hours of operation, days of operation, and surety guarantee.

Mr. Newbern stated he has installed or compensated five property owners for new wells.

Ms. Thompson asked how deep and wide will the ditch be.

Ms. Smith stated 8 ft. deep by 30 ft. wide.

**ACTION**

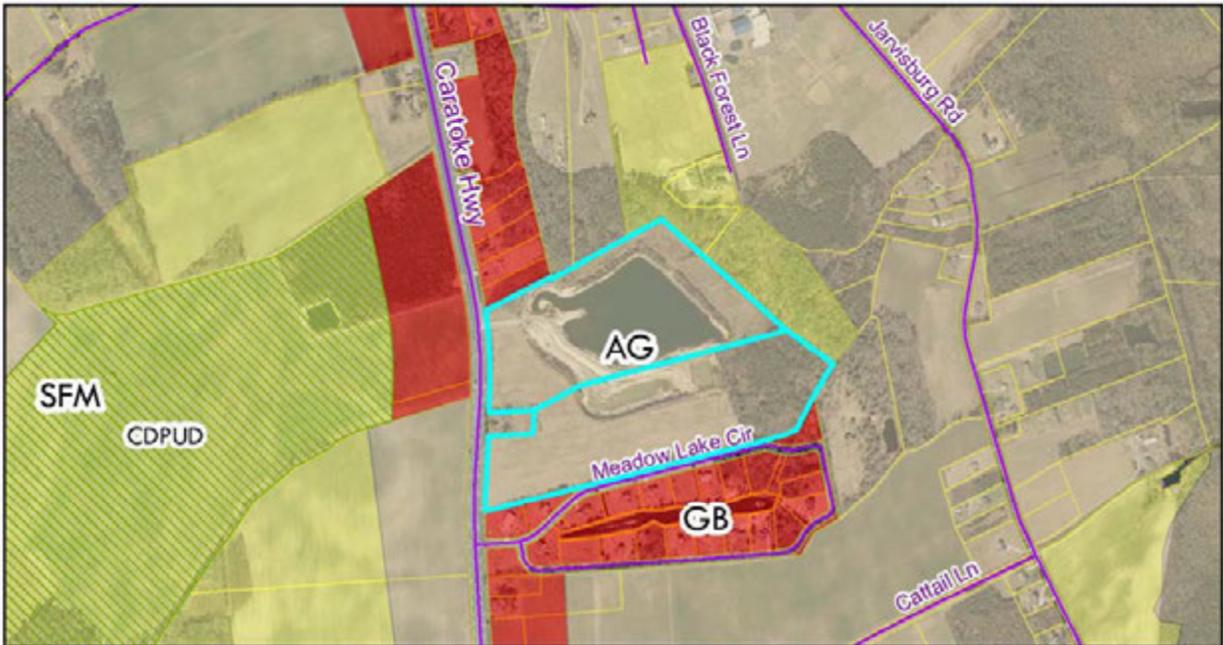
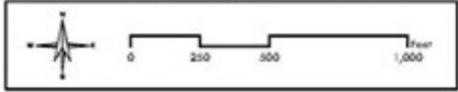
Mr. Cartwright moved to approve PB 13-13 with Technical Committee Review recommendations included in the case analysis and the following conditions:

- Hours of operation are from dawn to dusk Monday – Friday, no hauling on Saturday from Memorial Day to Labor Day.
- The use permit is valid for five years.

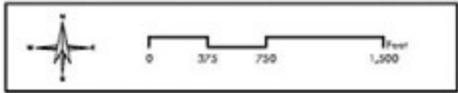
Ms. Newbern seconded the motion. Motion carried unanimously.



**PB 13-13 Green Acres**  
**Use Permit**  
**Aerial**

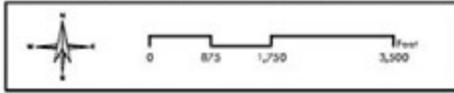


**PB 13-13 Green Acres**  
**Use Permit**  
**Zoning**





PB 13-13 Green Acres  
Use Permit  
LUP



## MEMORANDUM

**To:** Jeffrey A. Newbern, Sr.  
Ken Elliott, Elliott Consulting

**From:** Donna Voliva, Planner

**Date:** June 13, 2013

**Re:** Green Acres Land Development, Use Permit, TRC Comments

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The following comments have been received for the June 19, 2013 TRC meeting. The use permit will be reviewed by the technical review committee (TRC), recommended by the Planning Board, and acted on by the Board of Commissioners. In order for the item to remain on the July Planning Board the following TRC comments must be addressed and revised plans resubmitted by June 24, 2013. TRC comments are valid for six months from the date of the TRC meeting.

### **Planning, Donna Voliva 252-232-6032**

Approved with comments

1. Please identify the following existing and proposed features on the plan:
  - a. Haul roads,
  - b. Ditches,
  - c. Existing and proposed vegetation, where required.
2. Replace all "No Trespassing" in compliance with the ordinance.
3. All dead vegetation along Caratoke Highway shall be replaced.
4. The reclamation plan and narrative shall be provided that details the mining operations over the requested five year permit.
5. Parking for the office (if provided) shall be at a rate of one space for every 10,000sf of building area.
6. The application includes a request to reduce the setback to 50 feet along the northwestern property line (Stevens/Landron). The mining area is identified as existing; however, the expansion occurred years ago and was not approved by the Board under the expired special use permit. The 2012 aerial photography indicates the existing access road is approximately 20' from the property line and the vegetation appears to be on the adjoining property. The applicant shall provide adequate verification that existing vegetation is located on the property. The Stephens property is vacant. The BOC may reduce the setback by 50 percent when the mining activity adjoins a vacant parcel. If approved, reclamation may be necessary to meet the 50 foot setback and verification shall be provided to the county.
7. The technical review committee continues to review the Updated Hydrogeologic Model prepared by Edwin Andrews dated May 21, 2013 and additional recommendations regarding dewatering, monitoring wells, and surety to protect in use wells from loss are being considered.

### **Currituck County Utilities, Pat Irwin**

Reviewed

1. Why does monitor well measuring and water quality data stop at the end of 2004?
2. Why does well measuring only being again in Spring 2012?

**Currituck County Parks and Recreation, Jason Weeks**

No comment

**Currituck Soil and Water, Mike Doxey**

**Currituck County Engineer, Eric Weatherly 252-232-6035**

Approved

**Currituck County GIS, Harry Lee**

Reviewed

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

No comment

**NC State Archaeology, Lawrence Abbot**

No comment

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

Reviewed

1. Note: Any mining ponds proposed must be located a minimum 50 feet from any private wells and a minimum 50 feet from any existing septic systems/septic system repair areas.

No comments were received from the following agencies:

**Currituck County Building Inspections, Spence Castello 252-232-6020**

**Currituck County Fire and Emergency Management, James Mims 252-232-6641**

**The following items are necessary for resubmittal:**

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



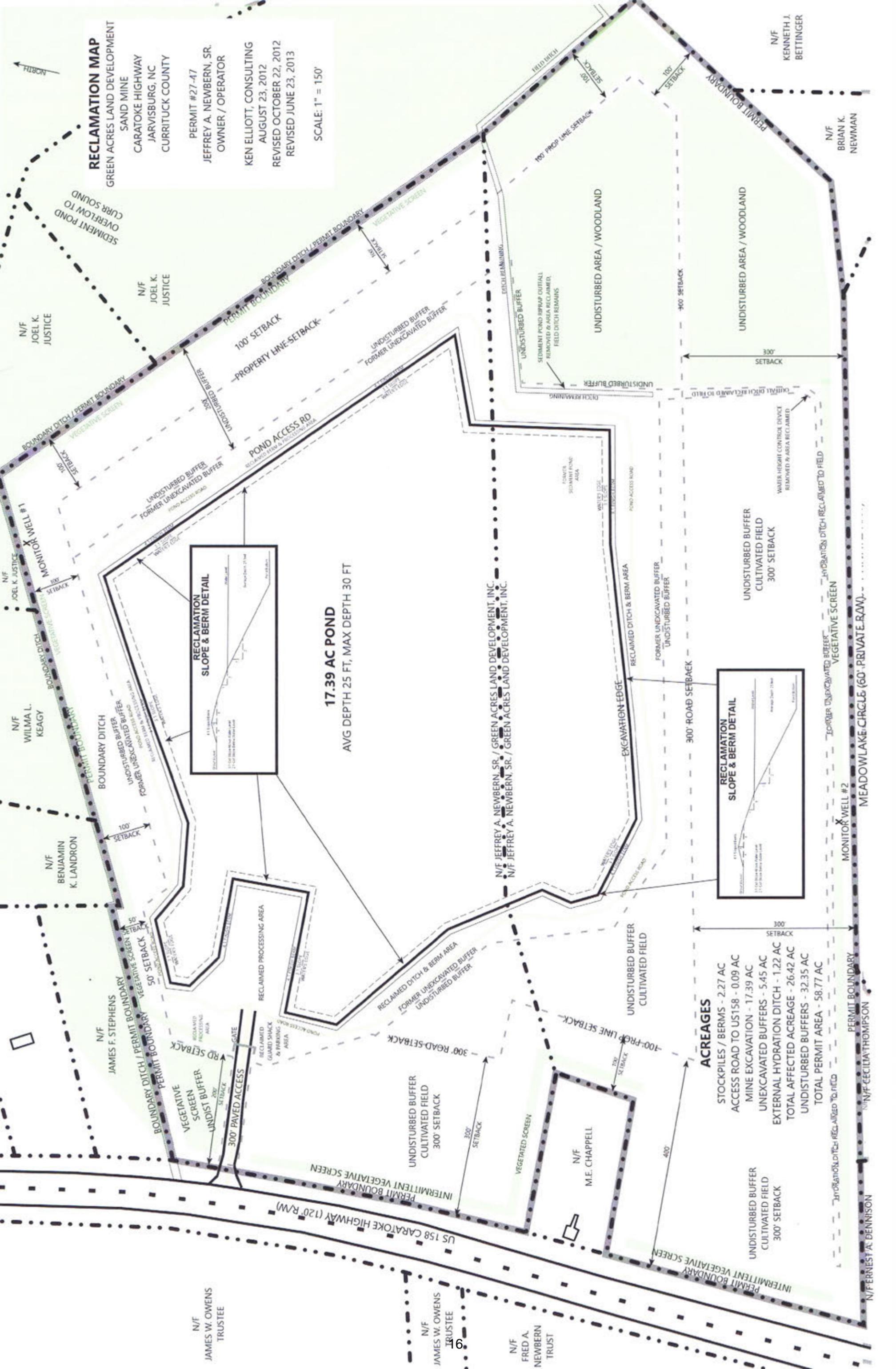
**RECLAMATION MAP**

GREEN ACRES LAND DEVELOPMENT  
SAND MINE  
CARATOKE HIGHWAY  
JARVISBURG, NC  
CURRITUCK COUNTY

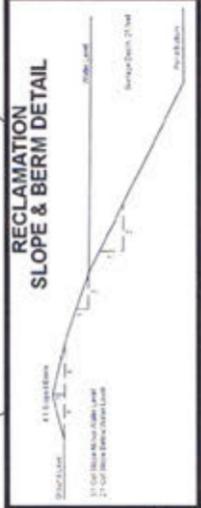
PERMIT #27-47  
JEFFREY A. NEWBERN, SR.  
OWNER / OPERATOR

KEN ELLIOTT, CONSULTING  
AUGUST 23, 2012  
REVISED OCTOBER 22, 2012  
REVISED JUNE 23, 2013

SCALE: 1" = 150'



**17.39 AC POND**  
AVG DEPTH 25 FT, MAX DEPTH 30 FT



- ACREAGES**
- STOCKPILES / BERMS - 2.27 AC
  - ACCESS ROAD TO UST158 - 0.09 AC
  - MINE EXCAVATION - 17.39 AC
  - UNEXCAVATED BUFFERS - 5.45 AC
  - EXTERNAL HYDRATION DITCH - 1.22 AC
  - TOTAL AFFECTED ACREAGE - 26.42 AC
  - UNDISTURBED BUFFERS - 32.35 AC
  - TOTAL PERMIT AREA - 58.77 AC

**GREEN ACRES LAND DEVELOPMENT SAND MINE – JEFFREY A. NEWBERN, SR., OPERATOR  
OPERATION & RECLAMATION PLAN FOR 5 YEAR PERMIT PERIOD**

**FIRST 6 MONTHS OF NEW PERMIT PERIOD**

Operator will maintain provisions of Currituck County Use Permit and NCDENR Mining Permit.

Operator will construct 1600' long x 30' wide x 8' deep hydration ditch along southern boundary of permit area per design established with Currituck County Planning. Existing foliage visual barrier (hedgerow) will be maintained between hydration ditch and Meadow Lake subdivision. Soil removed from ditch will be either spread over field & incorporated into soil, or will be stockpiled along ditch bank. Any stockpiles will have 2:1 slopes or flatter and will have groundcover installed & maintained by operator.

Operator will install water height control device at east end of hydration ditch. Operator will construct 270' long x 20' wide overflow ditch from water height control device to extend back to outfall ditch at sediment pond.

Operator will fill hydration ditch with water from main excavation pond via T-valve from dewatering pump. Correct water height in hydration ditch will be maintained using water height control device. Overflow water from hydration ditch will flow to outfall ditch and then on 1.3 miles to Currituck Sound.

Operator will reclaim 0.07-acre area at northwest corner of excavation to establish correct 50-ft property line setback. Access/haul road will be moved south to new reclaimed area to maintain undisturbed 50-ft property line setback.

Operator will replace dead vegetation in visual screen along Caratoke Highway. This will include replacement of approximately 15-20 dead or missing trees with a like number of fast-growing foliage such as crepe myrtle, Leyland cypress or similar trees.

Operator will replace all missing "No Trespassing" signs around permit area. Signs will be inspected monthly and replaced as necessary.

Operator will construct one 10' x 18' gravel parking space adjacent to 8' x 12' office/guard shack at entrance to mine.

**YEAR 1 THROUGH YEAR 4.5 – EXCAVATION AND RECLAMATION**

Operator will continue dewatering main pond into 0.7-acre sediment pond located at southeast corner of excavation area pond as necessary to achieve full depth excavation and proper grading of cut slopes. Dewatering level in main pond will be maintained at 20 feet below natural ground level measured at mine entrance (12 feet above sea level). Sediment pond overflow spills into outflow ditch leading 1.3 miles to Currituck Sound.

Operator will maintain constant supply of water from pond to hydration ditch along southern perimeter of permit area during all periods of pond dewatering. Operator will maintain level of water in ditch to highest practical level using water height control device per design. Operator will inspect the water height control device regularly, especially following heavy rains and runoff. Operator will remove accumulated debris from the device and inspect regularly for settlement or seepage, repair or replace any damaged items as needed.

Operator will continue excavation of sand in main pond into stockpiles in main pit area, using loader, excavator or dragline. Sand will be removed to average depth of 25 feet & maximum depth of 30 feet below natural ground level. Operator will remove soil from stockpiles as market demands.

Operator will inspect all ponds and hydration ditches in mine permit area daily to identify any abnormal conditions. All berms and erosion control and sedimentation control structures will be inspected following significant (1/2 inch) rainfall events for damages, and all structures will be repaired immediately. Special inspections will be conducted immediately following severe storms, vandalism and other significant events. Dewatering process and hydration ditch supply process will be inspected daily during periods of dewatering the excavation.

Operator will continue to collect water samples from the existing sediment pond overflow quarterly and test samples for pH on premises, sediment and suspended solids at a State-certified laboratory. Operator will collect water samples from the hydration ditch water height control device overflow quarterly and test samples for pH on premises, sediment and suspended solids at a State-certified laboratory. Operator will continue to check water

levels in monitoring wells monthly. Operator will maintain records of samples and measurements for inspection by State and County officials. Operator will continue to send Annual Reclamation Reports to State and County every January.

Operator will remove sand and topsoil stockpiles from berms on north and east sides of mine. Operator will then reclaim land beneath by grading & leveling. Operator will pull back top of excavation slopes to establish 3:1 cut slope above pond water level after cessation of dewatering. Operator will construct and establish low 1ft tall 4:1 berm along edge of finished excavation to minimize erosion of pond banks. Operator will establish groundcover over former stockpile areas and processing areas on north and east sides of reclaimed excavation, and on 4:1 excavation perimeter berm.

#### **YEAR 4.5 TO END OF 5 YEAR PERMIT PERIOD – COMPLETION OF RECLAMATION.**

Operator will remove remaining sand and topsoil stockpiles from south and west sides of mine and reclaim land beneath stockpile areas by grading & leveling. Operator will pull back top of excavation slopes to establish 3:1 cut slope above pond water level after cessation of dewatering.

Upon removal of final stockpiles from bottom of excavation, all mining equipment will be removed from bottom of mine and mine will be inspected for trash, rubbish or any non-natural items.

Dewatering pump will cease operation and will be removed from mining area. All supply and discharge hoses will be removed from area. Supply hose to hydration ditch will be removed. Pond water level will be allowed to rise naturally to normal level.

Sediment pond will dry up naturally after cessation of dewatering. Operator will perform final excavation of sediment pond and slopes.

Isthmus between main excavation and sediment pond will be removed by excavation and sediment pond will be joined to main pond. Riprap overflow on sediment pond east side will be removed, and ditch bank will be restored.

Final stockpiles around pond will be removed, ground beneath leveled, operator will perform final grading of all pond slopes to 3:1 grade above water level in pond. Ground cover will be established on slopes, former stockpiles and processing areas. Low 1ft tall 4:1 berm along edge of finished excavation will be constructed around remaining edges of excavation area and established with groundcover to minimize erosion of pond banks. Ditch around excavation area will be filled in, graded & leveled, and established with groundcover.

Water height control device on hydration ditch will be removed. Hydration ditch will be filled in with soil from stockpiles, graded & levelled, and groundcover established. Hydration ditch area will be returned to natural field state.

Guard shack and parking area will be removed and land beneath reclaimed with installation of groundcover.

Access road / field path will be established around reclaimed pond, rest of permit area will be returned to cultivated field state.

Operator will maintain groundcover on all disturbed areas and pond slopes until permit released by State and County.

Ken Elliott, Elliott Consulting  
For Jeffrey A. Newbern, Sr.  
June 23, 2013

**GREEN ACRES LAND DEVELOPMENT SAND MINE – JEFFREY A. NEWBERN, SR., OPERATOR  
GREEN ACRES RESPONSIBILITIES TO ADJACENT HOMEOWNERS**

On April 19, 2013 at a community meeting regarding the establishment of the County Use Permit for mining at Green Acres Sand Mine, it was learned that some neighbors in the Meadow Lake subdivision adjacent to the sand mine permit area were having specific problems with groundwater supply pumps at their residences. These problems included lowered groundwater levels which caused loss of suction, and reduced quality of water. After the community meeting, Mr. Jeffrey Newbern, operator of the Green Acres Sand Mine, met with each of the concerned neighbors individually to try and address those problems. Mr. Newbern's goal was to try and alleviate their problems if possible. Mr. Newbern met with the neighbors listed below and problems were dealt with as follows:

- **101 Meadow Lake Circle:** Ernest Dennison, problem with bad tasting water, had put in new 50ft well. Mr. Newbern met with Mr. Dennison after the meeting and offered to work with him on a water softener system. Mr. Dennison is checking on references on available systems and has accepted Mr. Newbern's offer to help with the cost. Mr. Dennison is satisfied.
- **104 Meadow Lake Circle:** Todd Grant, no problem brought up at community meeting but started having a problem with water pump not operating at later date, loss of suction, according to information from Mrs. Andrew Stephens. Mr. Newbern found that Mr. Grant has repaired the pump, and pump now appears to be operating normally and is pumping clear water.
- **106 Meadow Lake Circle:** Chester Clark, problem with pump not picking up water. Mr. Newbern met with Mr. Clark and has put in a new well for him. Well is pumping good water now and Mr. Clark is satisfied.
- **108 Meadow Lake Circle:** Andrew Stephens, has had no problems with his groundwater well pump but Mrs. Stephens has concerns with the subdivision pond water levels dropping. Mr. Newbern met with Mr. and Mrs. Stephens and explained the installation of the new hydration ditch and the expectations of the subdivision pond maintaining higher water levels. Mr. Newbern also gave the Stephens' a signed letter stating he would take responsibility to make future repairs to their groundwater pump if they are needed. Mr. & Mrs. Stephens was satisfied with Mr. Newbern's response.
- **112 Meadow Lake Circle:** Rebecca Lewis, problem with no water. Mrs. Lewis replaced her well in 2007 and then added a new water softener system. Mr. Newbern met with Mrs. Lewis after the community meeting and asked what she wanted him to do to help. Mrs. Lewis's response was to ask Mr. Newbern to compensate her for the new well, which Mr. Newbern accepted. The new well is pumping good water now, and Mrs. Lewis is satisfied.
- **126 Meadow Lake Circle:** Wilford Saunders, problem with no water / bad water. Mr. Newbern contacted Mr. Saunders but has not been able to meet with him, as Mr. Saunders resides in Fayetteville, NC. Mr. Newbern plans to get a water sample from him for testing, and has promised Mr. Saunders they would get to the bottom of the problem, which may include the installation of a new well. Mr. Saunders has said he appreciates Mr. Newbern's help and looks forward to working with him. Mr. Saunders is satisfied at this time.
- **128 Meadow Lake Circle:** Patricia Pledger, problem with bad water, installed a water softener herself but the quality of her water is still not right. Mr. Newbern has contacted Mrs. Pledger but has not been able to meet with her to get a water sample due to her time constraints and ability to meet. Mr. Newbern has told her he would test her water and try to help her resolve the issue of bad water. Mrs. Pledger is satisfied at this time with the response from Mr. Newbern.
- **136 Meadow Lake Circle:** John Belvin, problem with no water. Mr. Newbern met with Mr. Belvin and had a new 112' deep water well installed. Well is pumping good water now and Mr. Belvin is satisfied. Mr. Newbern gave the Belvins a signed letter stating he would take responsibility to make future repairs to their groundwater pump if they are needed.

The following neighbors in Meadow Lake subdivision have had no reported problems with their groundwater pumps.

- **103 Meadow Lake Circle:** Cecilia Thompson. Mr. Newbern met with Mrs. Thompson and confirmed she has had no water problems at her residence.
- **122 Meadow Lake Circle:** Keith Gibson. Mr. Newbern met with Mr. Gibson and confirmed he has had no water problems at his residence.
- **130 Meadow Lake Circle:** Kenneth Bettinger, no problems reported.
- **132 Meadow Lake Circle:** Javier Carranza, no problems reported.
- **140 Meadow Lake Circle:** Joshua Huntington, no problems reported.

The following residents in the vicinity of Green Acres Sand Mine experienced water well problems in the past which were addressed by Mr. Newbern in approximately 2005.

- **7197 Caratoke Highway:** John Chappell. Mr. Newbern replaced Mr. Chappell's water well in 2005 with a deeper well. Mr. Chappell was satisfied.
- **150 Black Forest Lane:** Joel Justice. Mr. Newbern replaced Mr. Justice's water well in 2005 with a deeper well. Mr. Justice was satisfied with quantity of water from the new well but a water softener system has been added.

Though it was never proven conclusively that mine dewatering activities at Green Acres Sand Mine caused the groundwater problems in Meadow Lake, Mr. Newbern decided that it was best to try and help the neighbors with their problems in order to maintain good relations with them. If Mr. Newbern had received notification of problems from the neighbors earlier then he would have addressed them earlier.

**JEFFREY A. NEWBERN, SR. / GREEN ACRES LAND DEVELOPMENT, INC.,  
RESPONSIBILITY FOR POSSIBLE FUTURE DAMAGE REPAIR OR REPLACEMENT**

In this regard, during the next permit period, Mr. Newbern does hereby pledge to address all future concerns of neighbors to the Green Acres Sand Mine when they are received, and will take responsibility to make repairs to or replace groundwater pumps if it is found that the repairs or replacements needed are as a result of or influence of the operation of dewatering activities at the Green Acres Sand Mine.

Ken Elliott, Elliott Consulting  
For Jeffrey A. Newbern, Sr.  
June 23, 2013

**OPERATION AND MAINTENANCE PLAN**  
**SAND MINE DEWATERING AND WATER LEVEL CONTROL STRUCTURE**

Operator: Jeffrey A. Newbern, Sr., 128 West Side Lane, Powell's Point, NC 27966

Job Location: Green Acres Land Development Mine, Caratoke Highway, Jarvisburg, NC 27947

NCDLR Permit #27-47

County: Currituck County

Prepared by: Ken Elliott, consultant

Date: September 24, 2012

Revised: May 22, 2013

This plan defines responsibilities for operating, inspecting, and maintaining equipment and structures used for constructing and dewatering the Green Acres Land Development Mine safely, and that dewatering will not degrade or negatively impact any wetlands or waters of the state.

**Description and Operation of the Green Acres Land Development Mine:**

The Green Acres Land Development Mine is an existing permitted 17.39-acre sand mine excavation in a 58.77 acre permit area located 0.5 miles southeast of Jarvisburg, NC on Caratoke Highway / US 158, on high sandy land owned by the mine operator, Jeffrey A. Newbern, Sr. The mine has been in operation since 2002. At this time Mr. Newbern is filing an application with DEMLR to modify and expand the affected area to a total of 26.42 acres, all within the original permit acreage of 58.77 acres.

**Sand Mine Dewatering:**

There is an existing 0.70-acre pond located 50 feet from the southeast corner of the main existing excavation. The 6 foot deep pond was excavated and constructed with 4-ft tall by 18-ft wide sand berms during the previous permit term and the berms have been allowed to grow up in trees and groundcover during that time. Mr. Newbern would like to continue to de-water his main pond and use this 0.70-acre pond to process the mine dewatering wastewater. Dewatering the main pond will allow for full depth excavation and proper reclamation of the edges of the pond. It is the intention of Mr. Newbern to only dewater the excavation as needed, which will not entail full-time dewatering.

The outlet for the dewatering pump from the main pond is located on the west side of the sediment pond, and there is an overflow outlet located on the east side of the sediment pond. The discharge point will release clear water to a woods ditch, leading 1.3 miles to Dew's Island Bay and Currituck Sound (see attached map for outflow route and discharge point locations).

Water will be pumped from the main pond to the sediment pond by a 6in gasoline-powered transfer pump operating at idle speed. Estimated maximum flow from the pump will be 325 gal/min (19,500 gallons/hour). Water will travel 50 feet through a buried 6in pipe to the west side of the sediment pond. It is the intention of Mr. Newbern to drop the water level in the main pond approximately 20 feet when needed from natural ground level.

The overflow from the sediment pond will be controlled by a rock baffle/weir constructed in the east sediment pond berm, 2 feet below the top lip of the berm, and will consist of NC DOT Class B stone lined with NC DOT #5 or #57 stone on upper side (see attached diagram). This control structure will allow water to flow through the baffle into an existing 8ft wide woods ditch located adjacent to the northeast berm of the sediment pond. For erosion control, the overflow water will exit the rock baffle onto a 20ft long riprap-lined apron in the ditch. The overflow water will then travel northeast 1.3 miles by woods ditch into Dew's Island Bay and Currituck Sound.

Time and distance will allow all sedimentation to occur to acceptable levels before the overflow water reaches outfall and then the waters of the State. Water will have to travel a minimum of 200 feet to reach the overflow point which will give enough surface area to allow sufficient sedimentation to occur. There will be a minimum 3ft tall berm around the perimeter of the sediment pond to prevent offsite stormwater from entering the sediment area and damaging sedimentation rates.

#### **Hydration Device (swale):**

Mr. Newbern proposes to make use of an existing 1700-ft long ditch located on the south and west side of the excavation area, adjacent to the perimeter berm and sediment pond, as a hydration device which will remain filled with water during all dewatering activity. This ditch is located between the excavation area and the Meadow Lake subdivision 500 feet to the south and will help maintain groundwater levels in the area during dewatering activities. A riprap stabilized gut will be cut through the berm surrounding the sediment pond which will allow flow of water from the sediment pond into the hydration ditch. **(2013 revision:** hydration ditch will be connected directly with the sediment pond outfall. Water level in the ditch will stabilize at the same level as that of the sediment pond.) The hydration ditch will be closed at the west end with a dirt plug, and a berm with an emergency overflow on the east end to maintain water levels in the ditch at all times. Overflow into the hydration ditch will be in addition to overflow through an existing riprap stabilized spillway from the sediment pond into an outfall ditch leading 1.3 miles to Currituck Sound.

**2013 revision:** A second hydration ditch will be built along the southern permit boundary to help mitigate water level problems in the adjacent Meadow Lake subdivision, and will be located 275 feet from the subdivision pond along its full length. Water will be supplied to the ditch by pumping water from the sediment pond dewatering pump, water height will be maintained in the ditch, and water will overflow through a water height control device and flow back to the sediment pond outfall ditch on Green Acres property. This ditch has been designed by Bissell Professional Group and Edwin Andrews & Associates, P.E., will be constructed by Green Acres Land Development, and will be put in place in June 2013.

#### **Sedimentation and Erosion Control**

Sediment pond overflow point will be on the east side of the sediment pond, flowing into an existing 8ft wide feeder ditch that leads 1.3 miles to Currituck Sound. Overflow into the feeder ditch will be stabilized by riprap installed in the feeder ditch at the overflow (see diagram) to prevent erosion of the ditch.

All erosion and sedimentation will remain inside of the permit area. During mining operations and dewatering, the majority of the water leaving the excavation will remain inside of the permit area and will only overflow occasionally. The sediment area is approximately 6 feet deep, and there is a sand layer below the bottom of the area. The porosity of the soil under the sediment pond will allow most of the water pumped into the pond from dewatering to seep back into the ground naturally. Any excess water overflowing from the sediment pond will flow downstream towards Dew's Island Bay, located 1.3 miles away, and then into Currituck Sound.

#### **Groundwater Monitoring:**

Two existing groundwater level monitoring wells are located on the north and south edges of the permit area, shown on the mine and reclamation maps. Both wells are 1.5" wide x 25' deep. Quarterly water level measurements **(revised 2013 to monthly measurements)** and yearly qualitative samples will continue to be taken from the wells, results recorded and documented with NCDENR. Quarterly samples will also continue to be taken from the riprap outfall of the sediment pond, and will be analyzed for quantities of sediment at a State certified laboratory and documented as required by NCDENR.

#### **Maintaining the Sediment Pond Overflow Control Structure, Settlement Pond and Ditches**

Inspections and maintenance are required to obtain the intended function of safely dewatering the sand mine, and to maintain the life of any adjacent wetlands or waters of the State. Items to inspect and maintain during the 10 year life of the mine dewatering permit are:

- Inspect the water control structures regularly, especially following heavy rains and runoff, or during periods of operation of the structure.
- Remove accumulated debris from the riprap overflow control structure.
- Inspect the structure for excessive settlement or seepage.
- Inspect all components of the structure, including appurtenances, and repair or replace any damaged items as needed.
- Inspect embankments, berms and appurtenant structures, and repair as needed.
- Repair any damage to vegetated areas or berms with compacted earth fill, reshaping, sodding, reseeding and mulching as needed.
- Inspect riprap outlet stabilization structures in ditches regularly, replace dislodged rock as necessary.
- Promptly repair all leaks in delivery facilities by replacing valves, fittings, gaskets, and worn or damaged parts.
- Maintain all screens, filters, valves, timers and other electrical and mechanical equipment in good operating condition, following manufacturer's recommendations

#### **Monitoring the Process and Effects of Dewatering**

Analytical and qualitative monitoring of mine dewatering wastewater will be in accordance with the NCG020000 permit, as follows:

- All ponds in the Green Acres Land Development Mine permit area will be inspected daily by the operator to identify any abnormal conditions.
- All berms and erosion control and sedimentation control structures will be inspected following significant (1/2-inch) rainfall events for damages, and all structures will be repaired immediately.
- Special inspections will be conducted immediately following severe storms, vandalism, and other significant events.
- Dewatering process will be inspected daily during periods of dewatering the excavation.
- Overflow of wastewater process will be inspected daily during periods of dewatering the excavation.
- Outflow of dewatering wastewater will be monitored quarterly at the overflow exit stabilization structure for pH, settleable solids, turbidity, and total flow. Samples will be collected and tested onsite for pH, and the remainder will be tested for the remaining parameters by a North Carolina certified lab.
- Rain gauge data will be collected by monitoring rain gauge data monthly and after each rain event.

## **Records**

Data will be collected as follows:

- Data will be collected from samples taken from the wastewater point source discharge in operation at the time.
- Point source discharge data: data from the site taken quarterly, date & time, general weather conditions, pH of sample, status of process at point source, inlet or outlet, other DWQ required data.
- Visual monitoring of adjacent woodlands for potential dehydration during mining or dewatering activities will take place weekly, photography of the woodland areas will be done as needed and documented. Solutions to any degradation caused by any mining activity will include alteration of dewatering process. DWQ will be consulted as needed; alterations to process will be recorded.
- Elliott Consulting will maintain the following records in a permanent file at the Elliott Consulting office at PO Box 112, 202 Elliott Road, Aydlett, NC 27916: a record of all significant actions taken; as-built drawings; permits; analytical results from sampling; and related material. Copies of all inspections, monitoring reports and lab analyses shall be provided to NCDWQ on a regular basis and as requested.

## **BMP Conditions**

- The permittee will utilize best management practices to ensure that dewatering Site #2 Mine will not degrade or negatively impact any wetlands or waters of the State.
- The permittee shall obtain authorization from the Director of the NCDWQ prior to utilizing any chemical flocculants at Green Acres Land Development Mine.

Signed,

Ken Elliott  
for Jeffrey A. Newbern, Sr.  
September 24, 2012

**FOLIAGE SCREEN ALONG NEWBERN/STEPHENS/LANDRON PROPERTY LINE**  
**WITH INTERIOR PHOTOGRAPHY OF PROPERTY LINE**  
 (POINTS CORRESPOND TO MAP BELOW / 50 FOOT INTERVALS)



**POINT A -  $36^{\circ} 11.751'N, 75^{\circ} 51.782'W$**

EXTERIOR, LOOKING NORTH  
 FROM GREEN ACRES PROPERTY



20' – 24' FOLIAGE,  
 GREEN ACRES SIDE OF PROPERTY LINE

INTERIOR, LOOKING EAST,  
 ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
 GREEN ACRES PROPERTY ON THE RIGHT

INTERIOR, LOOKING WEST,  
 ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
 GREEN ACRES PROPERTY ON THE LEFT

**POINT B - 36° 11.754'N, 75° 51.773'W**

EXTERIOR, LOOKING NORTH  
FROM GREEN ACRES PROPERTY



20' – 24' FOLIAGE,  
GREEN ACRES SIDE OF PROPERTY LINE

INTERIOR, LOOKING EAST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE RIGHT

INTERIOR, LOOKING WEST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE LEFT

**POINT C - 36° 11.758'N, 75° 51.763'W**

EXTERIOR, LOOKING NORTH  
FROM GREEN ACRES PROPERTY



20' – 24' FOLIAGE,  
GREEN ACRES SIDE OF PROPERTY LINE

INTERIOR, LOOKING EAST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE RIGHT

INTERIOR, LOOKING WEST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE LEFT

**POINT D - 36° 11.761'N, 75° 51.754'W**

EXTERIOR, LOOKING NORTH  
FROM GREEN ACRES PROPERTY



20' – 24' FOLIAGE,  
GREEN ACRES SIDE OF PROPERTY LINE

INTERIOR, LOOKING EAST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE RIGHT

INTERIOR, LOOKING WEST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE LEFT

**POINT E - 36° 11.765'N, 75° 51.745'W**

EXTERIOR, LOOKING NORTH  
FROM GREEN ACRES PROPERTY



20' – 24' FOLIAGE,  
GREEN ACRES SIDE OF PROPERTY LINE

INTERIOR, LOOKING EAST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE RIGHT

INTERIOR, LOOKING WEST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE LEFT

**POINT F - 36° 11.768'N, 75° 51.736'W**

EXTERIOR, LOOKING NORTH  
FROM GREEN ACRES PROPERTY



20' – 24' FOLIAGE,  
GREEN ACRES SIDE OF PROPERTY LINE

INTERIOR, LOOKING EAST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE RIGHT

INTERIOR, LOOKING WEST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE LEFT

**POINT G - 36° 11.772'N, 75° 51.727'W**

EXTERIOR, LOOKING NORTH  
FROM GREEN ACRES PROPERTY



20' – 24' FOLIAGE,  
GREEN ACRES SIDE OF PROPERTY LINE

INTERIOR, LOOKING EAST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE RIGHT

INTERIOR, LOOKING WEST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE LEFT

**POINT H - 36° 11.770'N, 75° 51.725'W**

EXTERIOR, LOOKING NORTH  
FROM GREEN ACRES PROPERTY



20' – 24' FOLIAGE,  
GREEN ACRES SIDE OF PROPERTY LINE

INTERIOR, LOOKING EAST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE RIGHT

INTERIOR, LOOKING WEST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE LEFT

**POINT I - 36° 11.773'N, 75° 51.716'W**

EXTERIOR, LOOKING NORTH  
FROM GREEN ACRES PROPERTY



20' – 24' FOLIAGE,  
GREEN ACRES SIDE OF PROPERTY LINE

INTERIOR, LOOKING EAST,  
ALONG DITCH PROPERTY LINE



FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE RIGHT

INTERIOR, LOOKING WEST,  
ALONG DITCH PROPERTY LINE

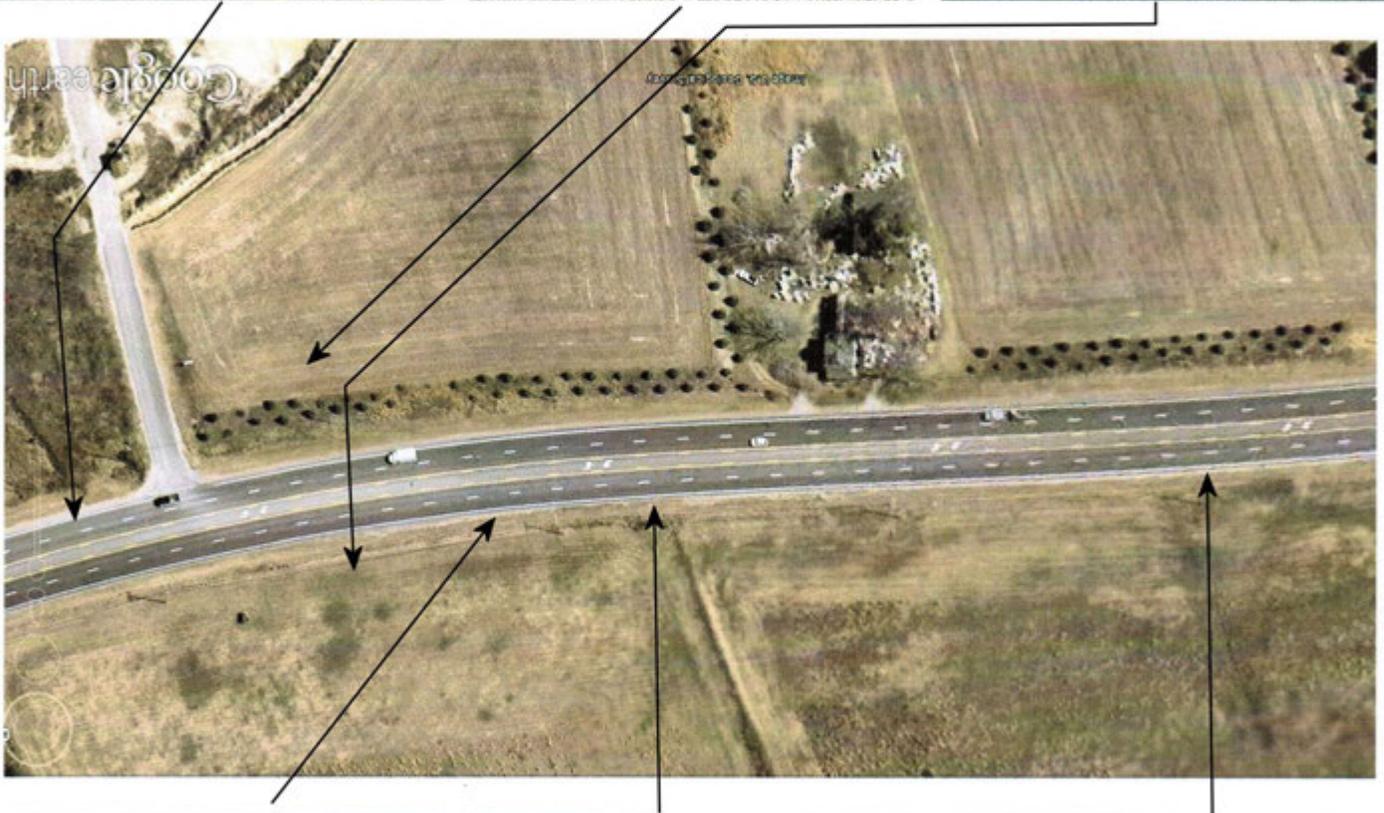


FOLIAGE ON BOTH SIDES  
GREEN ACRES PROPERTY ON THE LEFT

Mr. Jeffrey A. Newbern, Sr. is requesting reduction of the setback in the northwest corner of the Green Acres Sand Mine permit area adjacent to the James Stephens parcel which is unoccupied. The photography above shows the current status of vegetative screening along the Green Acres/Stephens property line, which illustrates that proper screening is in place on Green Acres property along that entire portion of the permit area. Photos were taken every 50 feet along the adjoining parcels.

Ken Elliott, Elliott Consulting  
For Jeffrey A. Newbern, Sr.  
June 23, 2013

**CURRENT CARATOKE HIGHWAY LANDSCAPING**  
**7177 CARATOKE HIGHWAY / GREEN ACRES LAND DEVELOPMENT SAND MINE**  
(PHOTOS TAKEN FROM ARROW POINTS)



Mr. Jeffrey A. Newbern, Sr. will be replacing approximately 15 – 20 dead or missing trees in the vegetative screen along Caratoke Highway as soon as weather permits correct growing temperatures, starting in Fall 2013. Trees will be replaced with crepe myrtle, cypress or other fast-growing foliage. Trees will be sited in same configuration as that of original planting, illustrated in large photo above.

Ken Elliott, Elliott Consulting  
For Jeffrey A. Newbern, Sr.  
June 23, 2013

**FIELD NOTES - JEFF NEWBERN**

MW1 TAPE & CASING FACTOR = MINUS 21" TOTAL (TAPE = PLUS 2", CASING = MINUS 23")

MW2 TAPE & CASING FACTOR = MINUS 8" TOTAL (TAPE = PLUS 2", CASING = MINUS 10")

| DATE               | TASK         | LOCATION | TIME | pH | TEMP | WATER LEVEL BELOW NGL | DIFF FROM LAST READ | NOTES:                           |
|--------------------|--------------|----------|------|----|------|-----------------------|---------------------|----------------------------------|
| <b>2003</b>        |              |          |      |    |      |                       |                     |                                  |
| January 3, 2003    | WATER SAMPLE | MW-1     |      |    |      |                       |                     | COLIFORM, HERBICIDES, PESTICIDES |
| January 3, 2003    | WATER SAMPLE | MW-2     |      |    |      |                       |                     | COLIFORM, HERBICIDES, PESTICIDES |
| January 3, 2003    | WATER SAMPLE | MW-3     |      |    |      |                       |                     | COLIFORM, HERBICIDES, PESTICIDES |
| January 3, 2003    | WELL MEASURE | MW-1     |      |    |      | 1'                    |                     |                                  |
| January 3, 2003    | WELL MEASURE | MW-2     |      |    |      | 1' 4"                 |                     |                                  |
| January 3, 2003    | WELL MEASURE | MW-3     |      |    |      | 1' 6"                 |                     |                                  |
| April 23, 2003     | WATER SAMPLE | MW-1     |      |    |      |                       |                     | COLIFORM & PESTICIDES            |
| April 23, 2003     | WATER SAMPLE | MW-2     |      |    |      |                       |                     | COLIFORM & PESTICIDES            |
| April 23, 2003     | WATER SAMPLE | MW-3     |      |    |      |                       |                     | COLIFORM & PESTICIDES            |
| November 20, 2003  | WATER SAMPLE | MW-1     |      |    |      |                       |                     | COLIFORM & PESTICIDES            |
| November 20, 2003  | WATER SAMPLE | MW-2     |      |    |      |                       |                     | COLIFORM & PESTICIDES            |
| November 20, 2003  | WATER SAMPLE | MW-3     |      |    |      |                       |                     | COLIFORM & PESTICIDES            |
| November 20, 2003  | WELL MEASURE | MW-1     |      |    |      | 7' 3"                 |                     |                                  |
| November 20, 2003  | WELL MEASURE | MW-2     |      |    |      | 3' 6"                 |                     |                                  |
| November 20, 2003  | WELL MEASURE | MW-3     |      |    |      | 3' 1"                 |                     |                                  |
| <b>2004</b>        |              |          |      |    |      |                       |                     |                                  |
| February 25, 2004  | WATER SAMPLE | MW-1     |      |    |      |                       |                     | COLIFORM & HERBICIDES            |
| February 26, 2004  | WATER SAMPLE | MW-2     |      |    |      |                       |                     | COLIFORM & HERBICIDES            |
| February 27, 2004  | WELL MEASURE | MW-1     |      |    |      | 9' 2"                 |                     |                                  |
| February 28, 2004  | WELL MEASURE | MW-2     |      |    |      | 1' 8"                 |                     |                                  |
| April 28, 2004     | WATER SAMPLE | MW-1     |      |    |      |                       |                     | COLIFORM & PESTICIDES            |
| April 28, 2004     | WATER SAMPLE | MW-2     |      |    |      |                       |                     | COLIFORM & PESTICIDES            |
| April 28, 2004     | WATER SAMPLE | MW-3     |      |    |      |                       |                     | COLIFORM & PESTICIDES            |
| April 28, 2004     | WELL MEASURE | MW-1     |      |    |      | 10' 10"               |                     |                                  |
| April 28, 2004     | WELL MEASURE | MW-2     |      |    |      | 4' 2"                 |                     |                                  |
| April 28, 2004     | WELL MEASURE | MW-3     |      |    |      | 4' 6"                 |                     |                                  |
| September 20, 2004 | WATER SAMPLE | MW-1     |      |    |      |                       |                     | COLIFORM & HERBICIDES            |
| September 20, 2004 | WATER SAMPLE | MW-2     |      |    |      |                       |                     | COLIFORM & HERBICIDES            |
| September 20, 2004 | WATER SAMPLE | MW-3     |      |    |      |                       |                     | COLIFORM & HERBICIDES            |
| September 20, 2004 | WELL MEASURE | MW-1     |      |    |      | 7' 11"                |                     |                                  |
| September 20, 2004 | WELL MEASURE | MW-2     |      |    |      | 5' 5"                 |                     |                                  |
| September 20, 2004 | WELL MEASURE | MW-3     |      |    |      | 5' 1"                 |                     |                                  |
| December 15, 2004  | WATER SAMPLE | MW-1     |      |    |      |                       |                     | COLIFORM, PESTICIDES, FERTILIZER |
| December 15, 2004  | WATER SAMPLE | MW-2     |      |    |      |                       |                     | COLIFORM, PESTICIDES, FERTILIZER |
| December 15, 2004  | WATER SAMPLE | MW-3     |      |    |      |                       |                     | COLIFORM, PESTICIDES, FERTILIZER |
| December 15, 2004  | WELL MEASURE | MW-1     |      |    |      | 4' 9"                 |                     |                                  |
| December 15, 2004  | WELL MEASURE | MW-2     |      |    |      | 6' 8"                 |                     |                                  |
| December 15, 2004  | WELL MEASURE | MW-3     |      |    |      | 6' 1"                 |                     |                                  |

**2012**

|                |              |            |         |     |  |        |   |
|----------------|--------------|------------|---------|-----|--|--------|---|
| March 30, 2012 | WATER SAMPLE | OUTFALL 1  |         | 6.5 |  |        | Ph, SS, TSS, TURBIDITY<br>DEWATERING 24/7 |
| April 20, 2012 | WELL MEASURE | MW-1 NORTH | 1045 AM |     |  | 7' 9"  | DEWATERING 24/7                           |
| April 20, 2012 | WELL MEASURE | MW-2 SOUTH | 1100 AM |     |  | 12' 9" |   |
| May 22, 2012   | WELL MEASURE | MW 1 NORTH | 1122 AM |     |  | 8' 9"  |   |
| May 22, 2012   | WELL MEASURE | MW 2 SOUTH | 1142 AM |     |  | 12' 8" |   |
| June 4, 2012   | WATER SAMPLE | OUTFALL 1  |         | 6.1 |  |        | SAMPLE TRANSFERRED TO ENVIROCHEM TODAY    |
| June 5, 2012   | WELL MEASURE | MW 1 NORTH | 1037 AM |     |  | 8' 7"  |   |
| June 5, 2012   | WELL MEASURE | MW 2 SOUTH | 1130 AM |     |  | 12' 3" |   |

**DEWATERING CEASED APPX JUL 1, 2012 - PUMP BREAKDOWN**

|   |              |            |         |  |  |       |         |
|---|--------------|------------|---------|--|--|-------|---------|
| August 17, 2012                           | WELL MEASURE | MW 1 NORTH | 1100 AM |  |  | 8' 2" | NO FLOW |
| August 17, 2012                           | WELL MEASURE | MW 2 SOUTH | 1120 AM |  |  | 9' 5" | NO FLOW |
| <b>2012 4Q</b>                            |              |            |         |  |  |       |         |
| NO FLOW - PUMP NOT OPERATING - NO MEASURE |              |            |         |  |  |       |         |

**2013****2013 1Q**

|                 |              |             |         |  |  |                     |                      |   |
|-----------------|--------------|-------------|---------|--|--|---------------------|----------------------|---|
| January 9, 2013 | WELL MEASURE | MW 1 NORTH  | 1130 AM |  |  | 6' 8"               | 18" HIGHER THAN 8-17 | NO FLOW                                       |
| January 9, 2013 | WELL MEASURE | MW 2 SOUTH  | 1145 AM |  |  | 5' 6"               | 47" HIGHER THAN 8-17 | NO FLOW                                       |
| January 9, 2013 | POND MEASURE | MEADOW LAKE | 1200 PM |  |  | < 6" BELOW BASELINE |                      | BASELINE SET AT HIGH WATER MARK ON POND SLOPE |

**DEWATERING RESUMED JAN 31, 2013**

|                |              |             |         |     |     |                    |                     |   |  |
|----------------|--------------|-------------|---------|-----|-----|--------------------|---------------------|---|--|
| March 26, 2013 | WATER SAMPLE | OUTFALL 1   | 1255 PM | 7.6 | 50F |                    |                     | SAMPLE TRANSFERRED TO ENVIROCHEM 230PM TODAY      |  |
| March 26, 2013 | WELL MEASURE | MW 1 NORTH  | 115PM   |     |     | 9' 11"             | 39" LOWER THAN 1-9  | DEWATERING 24/7                                   |  |
| March 26, 2013 | WELL MEASURE | MW 2 SOUTH  | 130PM   |     |     | 8' 6"              | 36" LOWER THAN 1-9  | DEWATERING 24/7                                   |  |
| March 26, 2013 | POND MEASURE | MEADOW LAKE | 145 PM  |     |     | 12" BELOW BASELINE | 6" LOWER THAN 1-9   | BELOW BASELINE                                    |  |
| <b>2013 2Q</b> |              |             |         |     |     |                    |                     |   |  |
| April 16, 2013 | WELL MEASURE | MW 1 NORTH  | 230PM   |     |     | 10'9"              | 10" LOWER THAN 3-26 | DEWATERING 24/7 - PUMP RUNNING IDLE SPEED 1100RPM |  |
| April 16, 2013 | WELL MEASURE | MW 2 SOUTH  | 300PM   |     |     | 9'6"               | 12" LOWER THAN 3-26 | DEWATERING 24/7 - PUMP RUNNING IDLE SPEED 1100RPM |  |
| April 16, 2013 | POND MEASURE | MEADOW LAKE | 315 PM  |     |     | 11" BELOW BASELINE | 1" HIGHER THAN 3-26 | BELOW BASELINE                                    |  |
| May 9, 2013    | WELL MEASURE | MW 1 NORTH  | 1150AM  |     | 71F | 11'11"             | 4" LOWER THAN 4-16  | DEWATERING 24/7 - PUMP RUNNING IDLE SPEED 1100RPM |  |
| May 9, 2013    | WELL MEASURE | MW 2 SOUTH  | 1205PM  |     | 71F | 10'11"             | 7" LOWER THAN 4-16  | DEWATERING 24/7 - PUMP RUNNING IDLE SPEED 1100RPM |  |
| May 9, 2013    | POND MEASURE | MEADOW LAKE | 1215PM  |     | 71F | 17" BELOW BASELINE | 6" LOWER THAN 4-16  | BELOW BASELINE                                    |  |
| May 21, 2013   | WELL MEASURE | MW1 NORTH   | 1055AM  |     | 82F | 11'4"              | 3" LOWER THAN 5-9   | DEWATERING 24/7 - PUMP RUNNING IDLE SPEED 1100RPM |  |
| May 21, 2013   | WELL MEASURE | MW2 SOUTH   | 1105AM  |     | 82F | 10'3"              | 2" LOWER THAN 5-9   | DEWATERING 24/7 - PUMP RUNNING IDLE SPEED 1100RPM |  |
| May 21, 2013   | POND MEASURE | MEADOW LAKE | 1115AM  |     | 82F | 24" BELOW BASELINE | 7" LOWER THAN 5-9   | BELOW BASELINE                                    |  |
| June 20, 2013  | WATER SAMPLE | OUTFALL 1   | 1000A   | 5.6 | 74F |                    |                     | SAMPLE TRANSFERRED TO ENVIROCHEM 1200PM TODAY     |  |
| June 20, 2013  | WELL MEASURE | MW1 NORTH   | 1020A   |     | 74F | 11'11"             | 7" LOWER THAN 5-21  | DEWATERING 24/7 - PUMP RUNNING IDLE SPEED 1100RPM |  |
| June 20, 2013  | WELL MEASURE | MW2 SOUTH   | 1030A   |     | 74F | 11'11"             | 10" LOWER THAN 5-21 | DEWATERING 24/7 - PUMP RUNNING IDLE SPEED 1100RPM |  |
| June 20, 2013  | POND MEASURE | MEADOW LAKE | 1040A   |     | 74F | 36" BELOW BASELINE | 12" LOWER THAN 5-21 | BELOW BASELINE                                    |  |



Reset Form

## Currituck County Agenda Item Summary Sheet

### Agenda Item Title

Presentation and Consideration of Design/Build Contract for New Animal Shelter

### Brief Description of Agenda Item

Presentation on animal shelter history and process followed for new shelter planning as well as a presentation by design/build contractor.

### Board Action Requested

Action

### Person Submitting Agenda Item

**Dan Scanlon**

### Presenter of Agenda Item

**Dan Scanlon & Virtexco**

CURRITUCK COUNTY  
NORTH CAROLINA  
July 15, 2013

The Board of Commissioners met at 5:30 p.m. in the Historic Courthouse Conference Room for a presentation by Ben Woody, Director of Planning and Community Development, regarding the reorganization of his department, followed by a tour of the renovated Permitting and Inspections Offices.

The Board of Commissioners met at 6:00 p.m. for a work session in the Historic Courthouse Board Meeting Room with Ben Woody regarding planned development such as Elan Vacations, Inc., which was on the regular agenda.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Board Meeting Room with the following members present: Chairman Paul O'Neal, Vice-Chair Paul Martin, Commissioners Aydlett, Gilbert, Griggs, McCord, and Petrey.

- A) Invocation**
- B) Pledge of Allegiance**

Reverend Keith Hamm, Powells Point Christian Church, was present to give the invocation and lead the Pledge of Allegiance.

- C) Approval of Agenda**

Chairman O'Neal added Item 5. Resolution to Surplus Administration/Governing Body Vehicle and Item 6. Budget Amendment to Replace Administration/Governing Body Vehicle, under Consent Agenda. Commissioner Aydlett moved to approve the Agenda as amended. Commissioner Gilbert seconded the motion. Motion carried.

#### **APPROVED AGENDA**

##### **Work Sessions**

5:30 PM Presentation and Tour of Permitting and Inspections

6:00 PM Elan Vacations, Inc.

##### **7:00 pm Call to Order**

- A) Invocation – Reverend Keith Hamm, Powells Point Christian Church
- B) Pledge of Allegiance
- C) Approval of Agenda
- D) Public Comment

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

##### **Public Hearings**

- A) **Public Hearing and Action:** PB 13-08 Elan Vacations, Inc. – Request to amend the Unified Development Ordinance

Chapter 6: Required Infrastructure, Chapter 10: Definitions and Measurement, and Chapter 4: Use Standards to revise existing sewage system requirements for planned developments and multifamily developments.

- B) **Public Hearing and Action:** PB 13-07 Elan Vacations, Inc. – Request to rezone from General Business (GB) to Planned Development - Mixed (PD-M) located at 138 West Mobile Road, Harbinger, Tax Map 131, Parcels 95A and 97, Poplar Branch Township.
- C) **Consideration and Action:** PB 08-03 Backwoods Hideaway: Request for a preliminary plat extension for a 16 lot residential subdivision, Moyock Township.
- D) **Public Hearing and Action:** PB 13-06 Currituck County – Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 6: Subdivision & Infrastructure Standards, Chapter 7: Environmental Protection, and Chapter 10: Definitions and Measurement to revise existing stormwater requirements and establish a Currituck County Stormwater Manual.
- E) **Public Hearing and Action** - Request for No Wake Signs in Canals in Waterview Shores Subdivision

### **New Business**

- A) **Consideration of Offer to Purchase Real Property**
- B) **Board Appointments:**
  - 1. Appointment to Game Commission
  - 2. Appointment to Senior Citizen Advisory Board
- C) **Consent Agenda:**
  - 1. Approval of July 1, 2013 Minutes
  - 2. Request to dispose of records for Finance and DSS
  - 3. Request to dispose of records for Planning & CD
  - 4. Request to dispose of records in County Manager's Office
  - 5. Resolution to Surplus Administration/Governing Body Vehicle
  - 6. Budget Amendment to Replace Administration/Governing Body Vehicle
- D) Commissioner's Report
- E) County Manager's Report Adjourn

### **D) Public Comment**

Chairman O'Neal opened the public comment period.

Mary Etheridge, Shawboro, stated she had been involved in litigation with the County for two years concerning illegal spot zoning. Although the courts had ruled in her favor, the County did not pay her legal fees. She wanted to prevent this same thing from happening to anyone else. She stated this was no game to her family and that the Board had disregarded all recommendations to deny the spot zoning. Ike McRee, County Attorney, explained why payment of legal fees were not mandatory. The Court did not consider the decision arbitrary and capricious.

Jim Crowley, Moyock, expressed appreciation for decision to build a new animal shelter and requested it be built to the size of the original feasibility study.

P. J. Hobert, Currituck, stated she was proud of the County and wanted to be proud of the new animal shelter building.

Ann Pitts, Moyock, requested that the animal shelter please be built adequately to represent the values of community.

Clel Holmes, Coinjock, thanked the Board members for their time. He was excited about a new animal shelter and asked for their support to build it to adequate size.

Delaine Spruill, Moyock, was a volunteer at the animal shelter. She was thankful for the

proposed new shelter and stressed the importance of building for the future.

Caroline Spruill, Moyock, was an animal shelter volunteer and asked for support for a modern and spacious building large enough to accommodate the animals.

Bryan Bass, Moyock, emphasized the growth of the county and asked that the new animal shelter be built per the original feasibility study. He noted that, due to inflation, adding on to the building later would cost more.

Beverly Belcher, Currituck, was an animal shelter volunteer. Volunteers care for the animals until they get new homes. She supported showing that Currituck loves animals.

Ginger Sikes, Currituck, noted that since the County is close to getting a new shelter, it needs to be sure to build 10,000+ square feet for future growth. She invited all to visit the shelter.

Kayce Seamster, Moyock, had adopted two dogs from the animal shelter. She was looking forward to a new building and expressed the need for Animal Control and the animal shelter to communicate better.

Chairman O'Neal announced the County Manager would be making a presentation at the next meeting to give a status report on the Request for Proposals for the new animal shelter.

Commissioner McCord also noted the need for Animal Control and animal shelter to work together.

Commissioner Petrey stated the Board has a tough job but they want to make the best decision for all.

Commissioner Gilbert thanked all for coming and expressed her appreciation for the volunteers.

Commissioner Martin also stated the need to build for the future.

Chairman O'Neal stated he had not seen a design for the new shelter, but would wait until the next meeting.

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

### **Public Hearings**

- A) Public Hearing and Action: PB 13-08 Elan Vacations, Inc. – Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure, Chapter 10: Definitions and Measurement, and Chapter 4: Use Standards to revise existing sewage system requirements for planned developments and multifamily developments.**

Ben Woody, Planning and Community Development Director, reviewed the request and Planning Board action.

The following text amendment submitted by Landmark Engineering & Environmental, P.C. is intended to amend the sewage disposal standards for planned developments. The Unified Development Ordinance currently requires that

planned unit developments or planned developments be connected and serviced by a package tertiary treatment plant. The proposed amendment creates an alternative to this requirement by allowing the County Engineer to approve a decentralized wastewater system.

Planned developments create opportunities for mixed use development and diverse housing types, which is supported in the 2006 Land Use Plan. However, due to the initial cost and long-term maintenance expenses associated with a centralized package tertiary treatment plant, most small acreage planned developments are not feasible without the flexibility provided by this proposed amendment. The proposed amendment establishes standards for decentralized wastewater systems to ensure a similar level of environmental protection. In reviewing the proposed amendment, it may be appropriate for the Board of Commissioners to place more emphasis on centralized management as opposed to centralized treatment.

The proposed amendment includes minor text changes intended to clarify terminology and review procedures, as well as revised definitions that accurately describe types of wastewater systems.

Planning staff recommends **approval** because the proposed text amendment is consistent with the land use plan; addresses a demonstrated community need to promote mixed use development and affordable housing; and would not result significantly adverse impacts on the natural environment.

The Planning Board recommended unanimous approval at their June 11, 2013 meeting.

#### **PLANNING BOARD DISCUSSION (6-11-13)**

Mr. White stated the condition of staff not agreeing with the applicant as far as the efficient use of wastewater; stated the reason they are looking at doing individual phase wastewater is to keep the cost down and to provide high levels of treatment to waste generated by either the commercial or residential phase. Mr. White is asking staff to change the word "consistency" to "compatible" in #3 under Master Plan. Mr. White stated that under the Master Plan, #1 states to show vehicular interconnectivity between Phase IIA and IIB. Mr. White does have a concern with this statement, if Phase IIB is a commercial development then he would like to provide pedestrian access and feel the vehicular access can be served from the street right-a-way. Mr. White's main concern is to keep any further commercial traffic to a minimum in the residential area. Typically the centralized wastewater systems are permitted through the Division of Water Quality, where as septic systems through the Division of Environmental Health Wastewater System.

Mr. Craddock asked Mr. White, when it comes to wastewater management is the applicant believing individual septic systems on this property is better than a centralized wastewater systems.

Mr. White talked about individual septic systems vs. a centralized wastewater system. Mr. White stated the reason is to tailor the individual septic systems for a particular use. Mr. White stated all the stormwater will be going to the Division of Water Quality for a state permit. Does not know if the state will require one permit and a modification to the permit for each phase, or individual permits for each phase.

The Planning Board discussed advantages and disadvantages of having individual septic systems vs. a centralized wastewater system.

Ms. Bell asked what the planned use for the 39 residential units will be and will they be sold or used as rentals for vacationers.

Mr. Bibeau stated he is the owner of Elan Vacation. Mr. Bibeau stated Currituck is in need of affordable housing. The town homes will be 2-3 bedrooms, swimming pool, tennis courts, and basketball court. These units will be used as rentals as an overflow from the beach and as short term housing for school teachers, firefighters, and police officers. Mr. Bibeau's intention is not to sell these units.

Mr. Craddock stated the board has concerns about the amount of traffic on Caratoke Highway. According to NC Department of Transportation (DOT) this particular area has an average, daily car count of approximately 15,000 cars per day. Mr. Craddock talked about the concerns regarding the ingress and egress on West Mobile Road. Mr. Craddock asked if any other options have been given to the applicant about changing how people go in and out.

Mr. White explained access would be towards the north.

Mr. Clark asked if the applicant has considered hiring a private traffic consultant to do a survey.

The Planning Board discussed interconnectivity between Phase IIA and Phase IIB.

Mr. Watkins stated he is concerned with the affect the town houses will have on property values and traffic safety. It is difficult to understand the site plan and what type of materials will be used in the commercial and residential development. Mr. Watkins does not support this request.

Mr. Craddock stated that the Planning Board has concerns with traffic safety, town homes that would be rental property similar to time share, and thanked Mr. Watkins for representing his community.

Mr. Crank stated what repercussion if the centralized wastewater system would fail, and what affect it would have on surrounding property owners. Mr. Crank stated he was not aware of any other meetings pertaining to the request. Mr. Crank asked what is considered small acreage in a planned development.

Ms. Glave stated 10 acres is the minimum acreage for a planned development.

Ms. Watkins stated she is concerned with lighting, parking spaces per unit, traffic, and the development being served adequately by public facilities.

Mr. Lee stated he is concerned with the septic tank issue and what affect this will have on their water, traffic, and access road.

Mr. White stated he received a list of addresses from the planning department and notices were sent informing of the community meeting. Mr. White talked about the wastewater and

septic tank management. Mr. White stated they will be using county water for this development.

Mr. Cooper asked if the architectural standards are part of the Master Plan. Ms. Glave provided an overview.

**PLANNING BOARD ACTION**

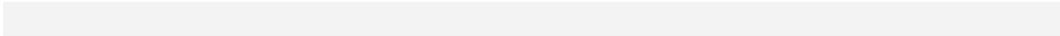
Mr. Craddock moved to approve PB 13-08 as presented with staff recommendations. Mr. Cooper seconded the motion. Motion carried unanimously.

**PB 13-08  
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure, Chapter 10: Definitions and Measurement, and Chapter 4: Use Standards to revise existing sewage system requirements for planned developments and multifamily developments.

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

**Item 1:** That Section 6.2.3 Utility Standards is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:



**(1) Sewage System Required**

(a) Every principal use and every buildable lot in a subdivision shall be served by a ~~sewage disposal~~ wastewater system that complies with all Albemarle Regional Health Services and State standards.

(b) All principal uses and buildable lots within a multi-family development, ~~planned unit development,~~ or ~~planned~~ development shall be connected and serviced by a ~~package tertiary treatment plant~~ centralized wastewater system. The County Engineer may approve a decentralized wastewater system upon finding that the proposed development:

(i) Is not located within the service area of an existing centralized wastewater system;

(ii) Is subject to a wastewater operation and maintenance plan prepared by a registered engineer that establishes siting standards, performance and monitoring requirements, and a routine maintenance program; and

(iii) Provides tertiary treatment of sewage if cumulative wastewater flows exceed 3,000 gallons per day.

~~(c) The applicant shall provide a statement from service providers that sewer will be available to serve the proposed development at the time of preliminary plat.~~

~~(d) All multi-family and townhouse development of fifty or more units shall be served by a central waste water system. The system may include a central shared drainfield, if necessary.~~

**(2) Sewage System Requirements**

(a) ~~No sewage treatment wastewater system shall discharge into surface waters.~~

(b) No centralized wastewater system shall be located within an Area of Environmental Concern (AEC).

(c) ~~When lots in a residential major subdivision are to be served by septic tanks or other ground absorption sewage on-site or clustered wastewater systems, no preliminary plat shall be approved until Albemarle Regional Health Services has certified that each lot on the preliminary plat has been inspected and found provisionally suitable or suitable for an on-site sewage wastewater system capable of serving dispersing at least a three-bedroom house 360 gallons per day per lot.~~

~~(d) Final plat approval for a residential subdivision to be served by septic tanks or other ground absorption sewage systems shall not be granted until Albemarle Regional Health Services certifies each lot is suitable for an on-site sewage system capable of serving the intended use on the lot. The certification provided as part of the preliminary plat is sufficient provided there is no substantial change in the proposed use following of the preliminary plat.~~

(e) Development permits issued for a development using a sewage treatment wastewater system not subject to the regulatory jurisdiction of Albemarle Regional Health Services shall be contingent upon:

(i) The ability to obtain all necessary approvals for the sewage treatment wastewater system from the appropriate regulatory agencies;

(ii) Proper installation of the system;

(iii) Operation of the system to the satisfaction of the County Engineer; and

(iv) Tertiary treatment of sewage.

(f) Except for conservation subdivisions or other developments employing a clustered or centralized sewage treatment wastewater system, all required septic on-site wastewater system improvements and requirements

including, but not limited to the septic tank, drain lines, repair area, and pumps shall be located on the individual lot they are designed to serve.

**(3) Reserve Area Required**

- (a) Subdivisions of 20 or more lots or dwelling units served by ~~septic tanks on-site wastewater systems~~ shall reserve an area, suitable in terms of size, location, soil type, topography, and other relevant factors to accommodate a ~~community sewage treatment facility clustered or centralized wastewater system~~ if one becomes necessary in the future due to septic tank failure or other health or safety reasons.
- (b) This area is referred to as reserve utility open space, and shall be encumbered by a reserve area easement.
- (c) Lots classified by ~~ARHS Albemarle Regional Health Services~~ as suitable for an on-site ~~sewage wastewater~~ system are not required to be included in the reserve area calculation.
- (d) The developer shall provide plans and specifications, prepared by a qualified professional, including a soil analysis and an analysis of loading rate, depending on the disposal method for an adequate reserve utility open space to the satisfaction of the County Engineer and Board of Commissioners.

**(4) Sewage Treatment System**

- (a) Proposed development seeking to utilize an existing ~~sewage treatment plant centralized wastewater system~~ shall furnish a letter from the utility owner and the Division of Water Quality indicating the plant has sufficient capacity to serve the development at the time of preliminary plat or site plan, as appropriate.
- (b) When a development proposes a new ~~package treatment plant or centralized sewer wastewater~~ system, the following information shall be provided:
  - (i) State approval of the proposed wastewater system;
  - (ii) A wastewater operation and maintenance plan prepared by a registered engineer that establishes performance and monitoring requirements, a routine maintenance program, and a detailed explanation of who shall be responsible for the perpetual maintenance and upkeep of the facility; and
  - (iii) The expected life of the ~~facility wastewater system~~ and the establishment of a reserve fund to support the continued maintenance, upkeep and replacement of the ~~facility system~~.

Whenever a private water and/or ~~sewer treatment wastewater~~ system is utilized to service a development, a water and/or sewer district shall be established in accordance with state law encompassing the boundaries of the development. The district shall be established prior to the first final plat or site plan approval and shall be structured in a manner that will ensure the long term viability of the water and /or ~~sewer treatment wastewater~~ system.

~~(1)~~ **Discharges Prohibited**

Except discharges performed by a governmental agency or approved under a state stormwater permit or in emergency situations, no discharge of water, chemicals, treated water, backwash from reverse osmosis systems, or other wastewater discharge shall be deposited directly or indirectly into the waters of Currituck Sound, Albemarle Sound, or their adjoining tributaries, rivers, streams, creeks, canals or other connecting water ways.

**Item 2:** That Section 10.5: Definitions is amended by adding the following underlined language, deleting the strikethrough language, and reordering alphabetically:

CENTRALIZED WASTERWATER SYSTEM

A managed system consisting of collection sewers and a single treatment plant used to collect and treat wastewater from an entire service area.

CLUSTERED WASTERWATER SYSTEM

A wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on a suitable site near the dwellings or buildings.

DECENTRALIZED WASTERWATER SYSTEM

An onsite or clustered system used to collect, treat, and disperse or reclaim wastewater from a small service area.

ON-SITE WASTERWATER SYSTEM

An on-site system relying on natural processes and/or mechanical components to collect, treat, and disperse wastewater from a single dwelling or building.

TERTIARY TREATMENT

Advanced cleaning of wastewater that goes beyond the secondary or biological stage, removing nutrients such as phosphorus, nitrogen, and most biochemical oxygen demand and suspended solids.

~~PACKAGE TREATMENT PLANT~~

~~A privately or publicly owned facility, other than a conventional residential septic tank system, that is constructed for the purpose of treating sewage and discharging treated effluent.~~

~~WASTERWATER TREATMENT, PRIMARY~~

~~Wastewater treatment consisting of raw sewage discharges, screened and/or settled sewage discharges and biological treatment which does not include final clarification except that naturally aerated~~

~~waste stabilization lagoons will be considered secondary treatment.~~

~~WASTEWATER TREATMENT, SECONDARY~~

~~Wastewater treatment consisting of biological treatment followed by clarification, but includes waste stabilization lagoons.~~

~~WASTEWATER TREATMENT, TERTIARY~~

~~Wastewater treatment consisting of treatment for the removal of fine suspended solids from secondary facility effluents.~~

**Item 3:** That Section 4.1.1 Explanation of Use Table Structure is amended by deleting the strikethrough language and renumbering accordingly:

- (1) A blank cell in the use table indicates that the corresponding use category or use type is prohibited in the corresponding zoning district. Use types with a blank cell are not allowable in a corresponding planned development district, and shall not be included in the planned development master plan.
- (2) The following activities or use types are not identified in Table 4.1.1, but are prohibited in all zoning districts in the county.
  - (a) Use of a parked motor vehicle to buy, sell, or store goods or services, except as allowed in Section 4.3 Accessory Use Standards or Section 4.4, Temporary Use Standards;
  - ~~(b) Package treatment plant waste water disposal systems that discharge to surface waters;~~
  - (c) Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily docked while in transit on navigable waters);
  - (d) Use of a travel trailer as a permanent residence or use of a travel trailer as a temporary residence;
  - (e) Operation of a principal (non-accessory) commercial use located solely on the beach strand (uses simply transporting customers to the beach from an approved off-beach location are exempted); and
  - (f) Manufactured home parks or private campgrounds as a principal use.

**Item 4:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Commissioners questioned acreage, number of houses, disposal and maintenance to which Mr. Woody responded.

Chairman O'Neal opened the Public Hearing.

Victor White, Landmark Engineering and Environmental, PC, had made the application on behalf of his client and was present to answer questions.

Commissioner Aydlett asked if the system failed, who would be responsible. Mr. White responded compliance would be required by the Health Department as well as State Utilities.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Petrey moved to approve PB 13-08 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest. Commissioner Gilbert seconded the motion. Motion carried unanimously.

**B) Public Hearing and Action: PB 13-07 Elan Vacations, Inc. – Request to rezone from General Business (GB) to Planned Development - Mixed (PD-M) located at 138 West Mobile Road, Harbinger, Tax Map 131, Parcels 95A and 97, Poplar Branch Township.**

Ben Woody, Director of Planning and Community Development, presented the request, Technical Review Committee recommendations and Planning Board action.

**CASE ANALYSIS FOR THE  
Board of  
Commissioners  
DATE: July 15, 2013  
PB 13-07 Elan Vacations**

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|                              |  |
|------------------------------|--|
| <b>ITEM:</b>                 | PB 13-07 Elan Vacations, Rezoning from General Business (GB) to Planned Development - Mixed (PD-M) |
| <b>LOCATION:</b>             | 138 West Mobile Road, Harbinger, Poplar Branch Township.   |
| <b>TAX ID:</b>               | 0131-000-095A-<br>0000 0131-000-<br>0097-0000  |
| <b>OWNER/<br/>APPLICANT:</b> | Elan Vacations<br>8624 Caratoke Hwy<br>Powells Point NC<br>27966                                   |

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

|               | <b>Land Use</b>           | <b>Zoning</b> |
|---------------|---------------------------|---------------|
| <b>NORTH:</b> | Residential/Commercial    | AG/GB         |
| <b>SOUTH</b>  | Residential/Commercial    | AG/GB         |
| <b>EAST:</b>  | Warehouse/Active Farmland | GB            |
| <b>WEST:</b>  | Residential/Horse Farm    | AG            |

**LAND USE PLAN**

**CLASSIFICATION/  
CONSISTENCY**

The 2006 Land Use Plan classifies the site as Limited Service within the Point Harbor subarea. The policy emphasis for the Point Harbor area is to allow the area to continue to evolve as full service community, but with better attention to the planning needed to protect residential areas and the natural features that make the area so attractive. The proposed plan is in keeping with the policies of the plan, some of which are:  
Policy HN1: Currituck County shall encourage development to occur at densities appropriate for the location.  
Policy HN5: Currituck County recognizes that there are many types of housing, in addition to manufactured housing that are often overlooked in meeting the affordable housing needs of young families, workers of modest income, senior citizens, and others.  
Policy CD 8: Mixed-use developments, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. 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.

**CURRENT ZONING:** General Business (GB)

**PROPOSED ZONING:** Planned Development – Mixed (PD-M)

**CURRENT USE:** Telecommunications Tower

**SIZE OF SITE:** 26.051 acres

**ZONING HISTORY:** The property was zoned GB on the 1989 zoning map.

**UTILITIES:** County water will service the site and the applicant is proposing on-site advanced wastewater treatment systems (Reference Text Amendment PB 13-08).

**TRANSPORTATION:** Access to the development will be provided by two streets on Caratoke Highway (US 158) and one street on West Mobile Road (SR 1109).

**FLOOD ZONE:** X, Shaded X, AE 6.3, and AE 7.1

**WETLANDS:** There are no wetlands identified by NC Coastal Management.

**SOILS:** Suitable and marginally suitable

**COMMUNITY MEETING:**

A community meeting was held on February 25, 2013 at the Powells Point Senior Center.

**MASTER PLAN**

The applicant proposes to develop the Planned Development according to the attached master plan.

**TERMS AND CONDITIONS**

The applicant proposes to develop the Planned Development according to the attached Terms and Conditions document.

**DIMENSIONAL AND DEVELOPMENT STANDARDS**

The applicant proposes to develop the Planned Development according to the attached dimensional and development standards.

**ENVIRONMENTAL STANDARDS**

The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development.

**ZONING MAP AMENDMENT REVIEW STANDARDS**

Staff suggests that this PD-M map amendment is consistent with the following review standards:

1. It is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
2. Is not in conflict with any provisions of the UDO or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
6. Does not adversely impact nearby lands;
7. Would result in a logical and orderly development pattern;
8. Would not result in significant adverse impacts on the natural environment – including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
9. Would result in the development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
10. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
11. Would not conflict with the public interest, and is in harmony with the purpose and intent of the UDO.

**COMPLIANCE WITH DISTRICT PURPOSE**

Staff agrees that the application meets the following district purposes:

1. It reduces or diminishes the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;

2. It allows greater freedom in selecting the means of providing access, open space, and design amenities;
3. It allows greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. It promotes quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees.

**TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

TRC recommends approval of the planned development subject to additional or revised conditions related to the PD-M master plan or PD-M terms and conditions as follows:

**MASTER PLAN**

1. Provide building elevations for each building type to show compatibility between each phase of the development. (Planning)
2. That commercial areas provide pedestrian oriented amenities such as plazas, outdoor seating, etc. to promote internal pedestrian connectivity. (Planning)
3. That the multi-family amenities package is completed by the time 50% of the townhome units (19 units) receive Certificates of Compliance from the building inspector. (Planning)

**TERMS AND CONDITIONS**

Staff does not agree that the applicant meets the following district purpose:

1. It provides for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing cost. *Staff recommends that all utilities and infrastructure, including sewer and stormwater, be designed and integrated to serve the development as a whole and avoid managing utilities and infrastructure individually for each separate phase.*

**SITE PLAN FOR EACH PHASE**

1. At the time of site plan submittal for each phase, stormwater will be reviewed to the standards in effect at that time. (Engineer)
2. Structures greater than 30' in height will require additional requirements for ladder truck access. (Fire Marshal)
3. Please indicate location of Fire Department Connections (FDC). It appears that as indicated the residential units including the club house will require a fire sprinkler system designed to NFPA 13R. (Fire Marshal)
4. Fire apparatus must be able to be within 150' of all exterior portions of all structures. (Fire Marshal)
5. Fire apparatus must not be required to back greater than 150'. Please indicate access track including turning radius in commercial structure area. (Fire Marshal)
6. Fire hydrants must be within 400' of all exteriors of structures other than one and two single family dwellings. (Fire Marshal)
7. Any gates must be at least 20' wide clear opening. Methods of emergency access must be approved by local fire chief. The gate must be ANSI rated.
8. Please propose Street Names for all interior streets.
9. Proposed community pool will need to be reviewed and permitted. (Environmental)

Health)

10. This project has more than one acre of planned disturbance. Therefore, an erosion and sedimentation control plan must be submitted to and approved by the WaRO of NCDENR prior to initiating and land disturbance. (Land Quality)
11. Project will require State Stormwater permitting, NPDES permitting, may potentially require 401 permitting if 404 permits are issued by Army Corps. (Water Quality)

**PLANNING BOARD RECOMMENDATION:**

The Planning Board *recommended denial* of the request to rezone from General Business (GB) to Planned Development – Mixed (PD-M).

**PLANNING BOARD DISCUSSION (6-11-13)**

Mr. White stated the condition of staff not agreeing with the applicant as far as the efficient use of wastewater; stated the reason they are looking at doing individual phase wastewater is to keep the cost down and to provide high levels of treatment to waste

generated by either the commercial or residential phase. Mr. White is asking staff to change the word “consistency” to “compatible” in #3 under Master Plan. Mr. White stated that under the Master Plan, #1 states to show vehicular interconnectivity between Phase IIA and IIB. Mr. White does have a concern with this statement, if Phase IIB is a commercial development then he would like to provide pedestrian access and feel the vehicular access can be served from the street right-a-way. Mr. White’s main concern is to keep any further commercial traffic to a minimum in the residential area. Typically the centralized wastewater systems are permitted through the Division of Water Quality, whereas septic systems through the Division of Environmental Health Wastewater System.

Mr. Craddock asked Mr. White, when it comes to wastewater management is the applicant believing individual septic systems on this property is better than a centralized wastewater systems.

Mr. White talked about individual septic systems vs. a centralized wastewater system. Mr. White stated the reason is to tailor the individual septic systems for a particular use. Mr. White stated all the stormwater will be going to the Division of Water Quality for a state permit. Does not know if the state will require one permit and a modification to the permit for each phase, or individual permits for each phase.

The Planning Board discussed advantages and disadvantages of having individual septic systems vs. a centralized wastewater system.

Ms. Bell asked what the planned use for the 39 residential units will be and will they be sold or used as rentals for vacationers.

Mr. Bibeau stated he is the owner of Elan Vacation. Mr. Bibeau stated Currituck is in need of affordable housing. The town homes will be 2-3 bedrooms, swimming pool, tennis courts, and basketball court. These units will be used as rentals as an overflow from the beach and as short term housing for school teachers, firefighters, and police officers. Mr. Bibeau’s intention is not to sell these units.

Mr. Craddock stated the board has concerns about the amount of traffic on Caratoke

Highway. According to NC Department of Transportation (DOT) this particular area has an average, daily car count of approximately 15,000 cars per day. Mr. Craddock talked about the concerns regarding the ingress and egress on West Mobile Road. Mr. Craddock asked if any other options have been given to the applicant about changing how people go in and out.

Mr. White explained access would be towards the north.

Planning Board discussed interconnectivity between Phase IIA and Phase IIB.

Mr. Mr. Clark asked if the applicant has considered hiring a private traffic consultant to do a survey. The Watkins stated he is concerned with the affect the town houses will have on property values and traffic safety. It is difficult to understand the site plan and what type of materials will be used in the commercial and residential development. Mr. Watkins does not support this request.

Mr. Craddock stated that the Planning Board has concerns with traffic safety, town homes that would be rental property similar to time share, and thanked Mr. Watkins for representing his community.

Mr. Crank stated what repercussion if the centralized wastewater system would fail, and what affect it would have on surrounding property owners. Mr. Crank stated he was not aware of any other meetings pertaining to the request. Mr. Crank asked what is considered small acreage in a planned development.

Ms. Glave stated 10 acres is the minimum acreage for a planned development.

Ms. Watkins stated she is concerned with lighting, parking spaces per unit, traffic, and the development being served adequately by public facilities.

Mr. Lee stated he is concerned with the septic tank issue and what affect this will have on their water, traffic, and access road.

Mr. White stated he received a list of addresses from the planning department and notices were sent informing of the community meeting. Mr. White talked about the wastewater and septic tank management. Mr. White stated they will be using county water for this development.

Mr. Cooper asked if the architectural standards are part of the Master Plan.

Ms. Glave provided an overview.

#### **PLANNING BOARD ACTION**

Mr. Clark moved to deny PB 13-07 due to traffic and community concerns, and construction standards. Mr. Craddock seconded the motion. Ayes: Mr. Craddock, Mr. Bell, Mr. Wright, Ms. Bell, Ms. Newbern, and Mr. Clark. Nays: Mr. Cooper.

Commissioners discussed several concerns regarding access to Mobile Road, phases of construction, whether plans presented would be the end result, providing a tree buffer, building amenities before completion of residential, and density, to which Mr. Woody responded.

Chairman O'Neal opened the Public Hearing.

Emmett McMillen, Grandy, had purchased 10 acres adjoining the property to be rezoned. He planned to keep livestock on his property once his house was built and was concerned about having 39 homes so near. He was also concerned about traffic and drainage.

Thom Watkins, Grandy, was concerned for his property values due to construction of apartments. He also had concerns about landscaping, provisions and conditions for architectural standards, use of the apartments, and safety concerns at W. Mobile Road. He was opposed to a connector road to his subdivision.

Brett A. Lee, Grandy, had drainage concerns, whether the units would be temporary rentals, and traffic enforcement.

Carolyn Hickok, Dare County, supported the request.

Victor White, Landmark Engineering and Environmental, PC, noted that affordable housing is not low income, addressed the traffic issues and stated amenities would be completed before the mid-point of residential construction.

Norman Bibeau, owner of Elan Vacations, was agreeable to a wider buffer and construction of one building, five units, to start. He noted there was a possibility of some short-term rentals.

There being no further comments, Chairman O'Neal closed the Public Hearing.

Commissioner Griggs moved to approve PB 13-07 with staff recommendations, due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest with the following conditions:

- The district is limited to a total of 39 multi-family units. Additional multi-family units must be approved by the Board of Commissioners.
- A 25' undisturbed buffer shall be provided along the western property line.
- There shall be no ingress or egress from West Mobile Road.

**C) Consideration and Action: PB 08-03 Backwoods Hideaway: Request for a preliminary plat extension for a 16 lot residential subdivision, Moyock Township.**

Ben Woody, Planning and Community Development Director, reviewed the request.

Backwoods Hideaway is a 16 lot residential subdivision located off Northwest Backwoods Road, Moyock Township. On July 18, 2011, the Board of Commissioners voted to approve the preliminary plat/special use permit. The preliminary plat is due to expire on July 18, 2013.

On June 26, 2013, Edward T. Hyman, Jr., surveyor, submitted a request for a two year preliminary plat extension of the subdivision citing economic reasons.

In accordance with the UDO Chapter 2, Section 2.4.8. E. (4) (d), the Board of Commissioners may grant an extension of the preliminary plat one time for a period of two years, for good cause.

Commissioner Gilbert moved to approve PB 08-03, Commissioner Petrey seconded the motion. Motion carried unanimously.

**D) Public Hearing and Action: PB 13-06 Currituck County – Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 6: Subdivision & Infrastructure Standards, Chapter 7: Environmental Protection, and Chapter 10: Definitions and Measurement to revise existing stormwater requirements and establish a Currituck County Stormwater Manual.**

Eric Weatherly, County Engineer, presented the request, outlined the Stormwater Manual as well as minor and major stormwater plan requirements, and requested approval effective September 1.

The following 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 stormwater management. The amendment is accompanied by the draft stormwater manual, which is intended to provide design guidance and be used in conjunction with the stormwater ordinance.

The purpose of the proposed stormwater ordinance is to prevent nuisance flooding and to:

1. Distinguish between hydrologic, soil, and topographic conditions by establishing stormwater management zones.
2. Establish county-wide performance standards for controlling stormwater runoff from development sites and promoting water quality.
3. Manage how fill material may be placed on a lot to avoid negative flooding impacts on adjacent lots.
4. Establish maintenance standards for landowners, homeowners or property owners associations related to stormwater management devices.

The purpose of the stormwater manual is to provide stormwater management guidance to developers, design professionals, and citizens, and to:

1. Demonstrate proper application of the adopted stormwater ordinance.
2. Provide guidance in appropriate best management practice (BMP) selection.
3. Promote and facilitate the use of low impact development (LID) techniques.
4. Provide information and tools to assist applicants during the development review process.
5. Establish standard procedures for the design, construction, and maintenance of stormwater management devices.

Planning staff recommends **approval** because the proposed text amendment is consistent with the land use plan; addresses a demonstrated community need to better manage stormwater; and, results in a logical and orderly development pattern.

The Planning Board **recommended unanimous approval** at their June 11, 2013 meeting.

**PLANNING BOARD DISCUSSION (6-11-13)**

Mr. Craddock stated that at the last meeting Mr. Weatherly and Mr. Doxey did an excellent job in explaining the material.

**PLANNING BOARD ACTION**

Ms. Newbern moved to approve PB 13-06 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Mr. Craddock seconded the motion. Motion carried unanimously.

**PB 13-06  
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 2: Administration, Chapter 6: Subdivision & Infrastructure Standards, Chapter 7: Environmental Protection, and Chapter 10: Definitions and Measurement to revise existing stormwater requirements.

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

**Item 1:** That Section 7.3 Stormwater Management is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

**7.3 Stormwater Management**

7.3.1 Purpose and Intent

- A. The purpose of this section is to establish the standards for stormwater management in the county that are required in conjunction with development to prevent nuisance flooding and promote water quality protection of Currituck Sound, Albemarle Sound, the North River, and their tributaries.
- B. More specifically, it is the intent of this section to:
  - (1) Distinguish between hydrologic, soil, and topographic conditions by establishing stormwater management zones; and
  - (2) Establish county-wide performance standards for controlling stormwater runoff from development sites and promoting water quality; and
  - (3) Better control how fill material may be placed on a lot to avoid negative flooding impacts on adjacent lots; and
  - (4) Establish maintenance standards for landowners, homeowners or property owners associations related to stormwater management devices.

7.3.2 Applicability

**A. General**

Unless exempted in accordance with Section 7.3.2.E, Exemptions, all development in the county shall comply with the stormwater management standards in this section.

**B. Time of Review**

Review for compliance with these standards shall occur as part of review of a site plan (see Section 2.4.7), subdivision (see Section 2.4.8), or zoning compliance permit (see Section 2.4.9), as appropriate.

**C. Existing Development or Redevelopment**

Development or redevelopment of an existing site subject to the standards of this section shall manage stormwater from all previously developed portions of the lot, to the maximum extent practicable.

**D. Stormwater Management Zones**

In order to distinguish between hydrologic, soil, and topographic conditions the county is divided into the following stormwater management zones depicted in the Currituck County Stormwater Manual:

**(1) Mainland Stormwater Management Zone**

Areas of the county not directly connected to the Outer Banks characterized by expansive areas of wetlands and land areas under cultivation, with narrow ridges exhibiting topographic relief and soils more conducive to drainage.

**(2) Outer Banks Management Zone**

The barrier island portion of the county characterized by predominantly sandy, porous soils with high connectivity between surface waters and groundwater table.

**E. Exemptions****(1) The standards in Section 7.3.3.B shall not apply to the following: Mainland Stormwater Management Zone**

**(a)** Minor site plans;

**(b)** Minor subdivisions;

**(c)** The division of five or fewer additional lots with an average lot size greater than three acres located within a single-family residential subdivision platted prior to January 1, 2013; or

**(d)** Development or expansion on a nonresidential, multi-family, or mixed-use lot by less than 5,000 square feet of impervious surface or resulting in less than 10 percent total lot coverage. This exemption does not include multiple, incremental expansions that result in a reduction of stormwater management standards.

**(2) Outer Banks Stormwater Management Zone**

- (a) Minor site plans, excluding single-family detached dwellings on lots resulting in more than 10,000 square feet of total impervious surface; or
- (b) Development or expansion on a nonresidential, multi-family, or mixed-use lot by less than 5,000 square feet of impervious surface or resulting in less than 10 percent total lot coverage. This exemption does not include multiple, incremental expansions that result in a reduction of stormwater management standards.

### **7.3.3 Stormwater Plan**

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To ensure compliance with the standards of this section, a stormwater plan demonstrating how stormwater will be managed on a development site shall be included with any application for site plan, subdivision, or zoning compliance permit, as appropriate. The Currituck County Stormwater Manual includes additional information and plan requirements for persons submitting applications for development review under the standards of this section.

### **7.3.4 Stormwater Management Standards**

#### **A. Drainage Requirements**

- (1) To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- (2) To the maximum extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.
- (3) No surface water may be channeled or directed into a sanitary sewer.
- (4) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- (5) All developments shall be constructed and maintained so that adjacent lands are not unreasonably burdened with surface waters as a result of such developments. More specifically:
  - (a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and,
  - (b) No development may be constructed or maintained so that surface waters from such development are unreasonably

collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

- (6) Existing ditches located totally or partially within a development and utilized for drainage or stormwater management shall be cleaned to remove drainage impediments.
- (7) All subdivisions shall **provide side lot line swales with a minimum average depth of 12 inches and side slopes not to exceed 3:1 (three feet horizontal run for every one foot vertical rise)**, unless the County Engineer approves an equivalent drainage alternative.
- (8) **Major subdivisions and major site plans shall provide minimum building pad elevations required to prevent flooding from the 24-hour storm event with a 10-year recurrence interval. The finished floor elevation for all principal structures shall be 18 inches above the minimum building pad elevation or above the 100-year regulatory flood protection elevation, whichever is greater, and shall be depicted on construction drawings and final plats.**
- (9) **Finished floor elevations shall be at least six inches above septic system fill.**
- (10) Development subject to these standards shall provide maintenance access drainage easements in accordance with Section 6.2.3.B, Utility Easements and the following standards:
  - (a) Twenty-five-foot-wide easements measured from top of embankment shall be provided along both sides of waterway conveyance systems that drain more than five acres.
  - (b) Fifty-foot-wide easements measured from top of embankment shall be provided along both sides of the following waterway conveyance systems:
    - (i) Hog Bridge Ditch;
    - (ii) Guinea Mill;
    - (iii) Upper Guinea Mill;
    - (iv) Lateral "A";
    - (v) Lateral "B";
    - (vi) Lateral "C";
    - (vii) Haywood Ditch;
    - (viii) Rowland Creek Canal;
    - (ix) Eagle Creek Canal (also known as Western Canal); and
    - (x) Shingle Landing Creek Canal.

## **B. Stormwater Detention Requirements**

- (1) In the Outer Banks Stormwater Management Zone, minor subdivisions or single-family detached dwellings on lots resulting in more than 10,000 square feet of total impervious surface shall implement adequate stormwater practices to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.
- (2) Major subdivisions subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 10-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site with Type A hydrologic soils.
- (3) All other development subject to these standards shall implement adequate stormwater practices to reduce the post-development peak discharge from the 24-hour storm event with a 5-year recurrence interval down to the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site with Type A hydrologic soils.

## **C. Fill and Other Land Disturbance Requirements**

- (1) Unless stated otherwise in this Ordinance, the provisions of this section shall apply to any land disturbance activity regardless of the size of the disturbed area, or when filling or grading above any adjacent grade is proposed.
- (2) Fill and land disturbing activities, excluding clearing, grubbing and landscaping, shall not be permitted within ten feet from any lot line with the exception of drainage and stormwater improvements as approved by the County Engineer, underground utilities, and exemptions or encroachments as allowed in Section 10.3.4, Required Setbacks. Improvements permitted within this area are allowed as long as they do not impede the flow of stormwater.
- (3) A lot shall not be filled or graded higher than the average adjacent grade of the first 30 feet of adjoining property. Through approval of an alternative stormwater plan in accordance with Section 7.3.5.B.3, Additional Fill or Land Disturbance Activities, the following exceptions are permitted: :
  - (a) When Albemarle Regional Health Services (ARHS) determines that fill is necessary for a septic system to function properly. The maximum fill area shall be limited to the septic system and drainfield areas and shall not exceed 24 inches. An additional 12 inches of fill above the septic system and drainfield may be

allowed for the house pad to ensure adequate flow from the building to the septic system.

- (b) In the Mainland Stormwater Management Zone when fill is required to raise the lot elevation to the regulatory flood protection elevation.
  - (c) In the Outer Banks Stormwater Management Zone when fill is required to raise the lot elevation to the regulatory flood protection elevation, not to exceed a maximum of three feet.
  - (d) When fill is essential to meet the required building pad elevation as shown on approved construction drawings or stormwater plans.
  - (e) When fill is located at least 100 feet from all lot lines (an alternative stormwater plan shall not be required).
- (4) All fill shall be established at a slope not to exceed 3:1 (three feet horizontal run for every one foot vertical rise). The toe of the slope shall meet the ten-foot setback requirement from all lot lines. A permanent ground cover, sufficient to prevent erosion, must be established on all fill slopes as follows:
- (a) Prior to issuance of the certificate of occupancy for construction projects; or
  - (b) For projects where land disturbance activity has ceased for more than six months, whichever occurs first.
- (5) Bulkheads or retaining walls shall not be allowed as a method to stabilize or contain fill, except for the purposes of shoreline protection, septic repair, and as otherwise permitted by the County Engineer. This shall not include retaining walls used to stabilize or contain existing natural grade when a driveway or walkway is cut into a lot at an elevation lower than existing natural grade.
- (6) Any lot subject to filling shall install erosion and sediment control measures to prevent sediment from leaving the site. The erosion and sediment control measures shall be implemented on the site prior to the commencement of land disturbing activities and shall be continuously maintained during the land disturbance phase of development.
- (7) A fill permit issued by the North Carolina Division of Water Quality shall be required to fill any 401 wetlands.
- (8) A fill permit issued by the U.S. Army Corp of Engineers shall be required to fill any 404 wetlands.

#### **D. Maintenance Requirements**

- (1) The subdivider or developer shall be responsible for the maintenance of stormwater management devices until maintenance responsibility is transferred to a landowner, homeowners or property owners association.

- (2) Stormwater management devices shall be maintained in accordance with the standards of this section, the Currituck County Stormwater Manual, and approved stormwater plans.
- (3) The landowner, homeowners or property owners association shall perform routine maintenance inspections of stormwater management devices using the Inspection Checklist included in the Currituck County Stormwater Manual.
  - (a) Stormwater management devices that receive runoff from less than five acres shall be inspected at least once every three years.
  - (b) Stormwater management devices that receive runoff from more than five acres shall be inspected annually by a registered engineer, licensed surveyor or landscape architect.
- (4) The Planning Director may request copies of inspection checklists or conduct inspections of stormwater management devices in accordance with Section 9.5.3, Inspections. Failure to maintain stormwater management devices is a violation of this Ordinance subject to the remedies and penalties in Chapter 9: Enforcement.

### 7.3.5 Alternative Stormwater Plans

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#### A. General

The County Engineer is authorized to approve an alternative stormwater plan for development that proposes to deviate from the standards of this section. The alternative plan shall be prepared by a registered engineer and certify that the proposed development provides equal or better performance as required by these standards and will not create flooding or nuisance conditions on adjacent lots. The Currituck County Stormwater Manual includes additional information and plan requirements for persons submitting alternative stormwater plans for review under the standards of this section

#### B. Allowable Deviations

- (1) Increased Lot Coverage
 

A maximum 15 percent increase in lot coverage may be allowed for single-family detached and duplex dwellings on lots in subdivisions that have a state permitted and functional stormwater management system that specifies allowable lot coverage, or for a single-family detached or duplex dwelling on an individual lot that implements adequate stormwater practices to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event.
- (2) Reduced Stormwater Detention Requirements
 

Development subject to the standards in Section 7.3.3.B may reduce the design capacity of required stormwater management devices provided:

- (a) An Alternative Stormwater Runoff Storage Analysis demonstrates the on-site soils have adequate storage capacity to capture and infiltrate stormwater runoff from all impervious surfaces; or
  - (b) An Alternative Downstream Drainage Capacity Analysis demonstrates the downstream drainage capacity exceeds the pre-development discharge rate from the 24-hour storm event with a 2-year recurrence interval based on pre-development conditions from a wooded site with Type A hydrologic soils.
- (3) Additional Fill or Land Disturbance Activities
- (4) A lot may be filled or graded higher than the average adjacent grade of the first 30 feet of adjoining property or to improve drainage for performance of stormwater management devices, provided adequate stormwater practices are implemented to capture and infiltrate stormwater runoff from all impervious surfaces from the first four inches of rain from any rainfall event. Low Impact Development
- The use of low impact development techniques, including but not limited to pervious pavements, cisterns, green roofs, and bio-retention islands may be used to reduce stormwater detention requirements or lower impervious surface percentages.

**Item 2:** That Section 2.4.7 Site Plan is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

#### **C. Site Plans Distinguished**

There are two different types of site plans under this section: minor site plans and major site plans.

##### **(1) Minor Site Plans**

The following development shall be reviewed as a minor site plan:

- (a) New single-family detached dwellings, including individual manufactured homes and duplexes;
- (b) Additions or expansions of a single-family detached dwelling;
- (c) Accessory uses or structures serving an existing principal use; or
- (d) Development or expansion of a nonresidential, multi-family, or mixed-use building's gross floor area, impervious surface, disturbed land area, and other use area, by less than 5,000 square feet.

##### **(2) Major Site Plans**

All other development shall be reviewed as a major site plan.

**Item 3:** That Section 6.1.4.D Documentation Requirements is amended by adding the following underlined language:

#### **D. Documentation Requirements**

The association documents submitted to the county for review and approval shall include, but not be limited to, the following:

- (1) A declaration of all restrictive covenants;
- (2) A declaration of all deed restrictions;
- (3) A declaration that the association is responsible for liability insurance and all applicable taxes;
- (4) A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or state agency, including but not limited to streets, drainage systems, wastewater systems, open space areas, recreational facilities, and private infrastructure;

**Item 4:** That Section 6.2.3.B Utility Easements is amended by adding the following underlined language and deleting the strikethrough language:

#### **B. Utility Easements**

- (1) Each subdivision shall provide utility easements in accordance with the following standards:
  - (a) Ten-foot-wide easements shall be provided along all rear and side lot lines.
  - (b) Fifteen-foot-wide easements shall be provided along all front lot lines.
  - (c) Alternative easement locations may be considered by the Planning Director as part of a planned development, conservation subdivision, or zero lot line development.

**Item 5:** That Section 10.3.3 Lots is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

#### **A. Definitions/Measurement**

- (1) Building Pad

The building pad is the lowest established grade adjoining the building. For pile or crawl space construction the building pad shall include the area beneath the building.

**Item 6:** That Section 10.3.4 Required Setbacks is amended by adding the following underlined language and deleting the strikethrough language:

## B. General Setback Requirements

- (1) Setback Exemptions
  - (a) Fill and land disturbance setbacks shall not apply to fill necessary for installation of driveways, subject to approval by the County Engineer.
  - (b) Lots served by a shared driveway are exempted from the side setbacks in the proximity of the driveway. In no instance shall this provision exempt structures from compliance with applicable Fire Code requirements.
  - (c) Handicap ramps, fences, walls, water-dependent features, landscaping features (arbors, trellises, ornamental pools, etc.), public utility lines, pump or well covers, residential HVAC equipment, flagpoles, mailboxes, or other non-habitable structures of 25 square feet in size or less may encroach into a required setback, but shall not impede the flow of stormwater.
- (2) Setbacks Following Government Acquisition of Land
 

Where land acquisition for a public purpose reduces the distance between an existing legally-established structure and an adjacent lot line to an amount less than the minimum required, the resulting distance shall be deemed the minimum setback for the lot.
- (3) Sight Triangles
 

Regardless of the setbacks applied in a district, no structures shall be permitted within a required sight triangle.

## C. Allowable Setback Encroachments

- (1) Building and Site Features
  - (a) Eaves, gutters, canopies, chimneys, bay windows, and similar building features that do not impede the flow of stormwater may encroach into a required setback up to three feet.
  - (b) Uncovered porches, decks, patios, steps, sidewalks, and similar at-grade site features that do not impede the flow of stormwater may encroach into a required setback by up to:
    - (i) **Three feet for impervious site features; or**
    - (ii) **Five feet for pervious site features.**

**Item 7:** That Section 10.5: Definitions is amended by adding the following underlined language and deleting the strikethrough language:

### BUILDING PAD

The area of a lot, outside of required setbacks, on which principal use improvements are located.

### WATERWAY CONVEYANCE SYSTEM

A natural or man-made drainage channel, structure, or feature designed, intended, or used to collect and

convey stormwater runoff.

**Item 8:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Commissioner Martin asked about impact on developers. Mr. Weatherly and Mike Doxey, Soil and Water Conservation, responded larger ponds may be required but could be in open space.

Commissioner Griggs questioned compliance. Mr. Weatherly responded state inspections would be required.

Chairman O'Neal opened the Public Hearing.

There being no comments, Chairman O'Neal closed the Public Hearing.

Commissioner Martin moved to approve PB 13-06 as presented due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest. Commissioner Gilbert seconded the motion. Motion carried 5-2 with Chairman O'Neal and Commissioner Aydlett voting no.

**E) Public Hearing and Action – Request for No Wake Signs in Canals in Waterview Shores Subdivision**

County Manager Dan Scanlon explained that Waterview Shores Property Owners Association had requested no wake signs for the canals within their subdivision.

Chairman O'Neal opened the Public Hearing.

There being no comments, Chairman O'Neal closed the Public Hearing.

Commissioner Martin moved for approval of the request and to submit application and documentation to the Wildlife Resources Commission for investigation and action. Commissioner Gilbert seconded the motion. Motion carried unanimously.

**RESOLUTION FOR "NO WAKE" SIGNS  
WATERVIEW SHORES SUBDIVISION**

**WHEREAS**, under authority of North Carolina General Statutes Section 15A NCAC 10-F.0340 of the North Carolina Administrative Code, any subdivision of the State of North Carolina may at any time, after public notice, make formal application to the NC Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels of any water within its territorial limits; and

**WHEREAS**, Currituck County has given public notice of its intention to make a formal application to the Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels at Waterview Shores Subdivision in Grandy, North Carolina, located in

Currituck County, the pertinent substance of which proposed regulations is as follows:

To designate as "No Wake" Zones all canals in Waterview Shores Subdivision to include the following:

- Canals running the length of Waterview Drive (Waterview South) and Dowdys Bay Road (East to West) on the South side of subdivision
- Canals running on North side at the back of N. Mallard Court and N. Widgeon Court (East to West)
- Canal at Park at the end of Woodhouse Drive
- Canals between:
  - Scoter and Seahawk
  - Seahawk and Teal Court
  - Teal and S. Goosewing Court
  - S. Goosewing Court and S. Widgeon Court
  - S. Widgeon Court and S. Mallard Court
  - N. Mallard Court and N. Widgeon Court
  - N. Widgeon Court and N. Goosewing Court

### **New Business**

#### **A) Consideration of Offer to Purchase Real Property**

Dan Scanlon, County Manager, stated the North Carolina Department of Transportation had made an offer to purchase for \$8,900 approximately 0.070 acres as a right of way for proposed Currituck Visitor and Welcome Center at the Knotts Island Ferry.

Mike Doxey noted this was an integral ditch to drainage.

Mr. Scanlon explained there had been no conversation on closing the ditch. He recommended approval of the sale.

Commissioner Petrey moved for approval. Commissioner Martin seconded the motion. Motion failed 3-4 with Chairman O'Neal, Commissioners McCord, Aydlett and Griggs voting no.

Mr. Scanlon was directed to request NCDOT attendance at a future meeting.

#### **B) Board Appointments:**

1. Appointment to Game Commission

Commissioner Gilbert moved to reappoint Willie Austin. Motion carried.

2. Appointment to Senior Citizen Advisory Board

Commissioner Griggs moved to reappoint Edith Meekins. Motion carried.

#### **C) Consent Agenda:**

1. Approval of July 1, 2013 Minutes

2. Request to dispose of records for Finance and DSS
3. Request to dispose of records for Planning & CD
4. Request to dispose of records in County Manager's Office
5. Resolution to Surplus Administration/Governing Body Vehicle
6. Budget Amendment to Replace Administration/Governing Body Vehicle

Commissioner Gilbert moved to approve the Consent Agenda. Commissioner McCord seconded the motion. Motion carried unanimously.

**R E S O L U T I O N**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on July 15, 2013 authorized the following, pursuant to GS 160A and 270(b) that the property listed below be disposed of as follows:

| Asset#                  | Description        | Serial#           |
|-------------------------|--------------------|-------------------|
| TO BE SOLD ON GOV DEALS |                    |                   |
| 5506                    | 2001 Ford Windstar | 2FMZA52461BB17546 |

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

| <u>Account Number</u> | <u>Account Description</u> | <u>Debit</u>                               | <u>Credit</u>                                 |
|-----------------------|----------------------------|--|---|
|                       |                            | Decrease Revenue<br>or<br>Increase Expense | Increase Revenue<br>or<br>Decrease<br>Expense |
| 10410 590000          | Capital Outlay             | \$ 28,127                                  |   |
| 10350 464000          | Rents                      |  | \$ 28,127                                     |
|                       |                            | \$ 28,127                                  | \$ 28,127                                     |

**Explanation:** *Administration (10410)* - Increase appropriations to replace the Administration/Governing Body 2001 van.

**Net Budget Effect:** Operating Fund (10) - Increased by \$28,127.

**D) Commissioner's Report**

Commissioner McCord expressed condolences for the families of Johnny Wheeler and Anthony Forbes.

Commissioner Griggs noted the Moyock ABC Store renovation was complete and impressive.

Commissioner Martin had no report.

Commissioner Aydlett had no report.

Commissioner Petrey had no report.

Commissioner Gilbert had no report.

Chairman O'Neal announced the Foreign Trade Zone bill had passed the House but faced problems in the Senate committee. It would be attached to another bill for concurrence.

**E) County Manager's Report**

Dan Scanlon, County Manager, congratulated Corolla Fire and Rescue on 30 years of service.

**Adjourn**

There being no further business, Commissioner Martin moved to adjourn. Commissioner Gilbert seconded the motion. The meeting was adjourned.

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of August, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2014.

| <u>Account Number</u> | <u>Account Description</u> | Debit   | Credit  |
|-----------------------|----------------------------|---|---|
|                       |                            | <u>Decrease Revenue or<br/>Increase Expense</u> | <u>Increase Revenue or<br/>Decrease Expense</u> |
| 10750 590000          | Capital Outlay             | \$ 30,000                                       |   |
| 10320 410000          | Deed Stamp Excise Tax      |   | \$ 30,000                                       |
|                       |                            | <u>\$ 30,000</u>                                | <u>\$ 30,000</u>                                |

**Explanation:** *Social Services Administration (10750)* - Increase appropriations to replace 2009 DSS Uplander Van that needs extensive repair. This was scheduled for replacement in the FY 2015 budget.

**Net Budget Effect:** Operating Fund (10) - Increased by \$30,000.

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

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

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Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 5th day of August, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2014.

| <u>Account Number</u> | <u>Account Description</u> | Debit   | Credit  |
|-----------------------|----------------------------|---|---|
|                       |                            | <u>Decrease Revenue or<br/>Increase Expense</u> | <u>Increase Revenue or<br/>Decrease Expense</u> |
| 56868 590001          | .75 MGD RO Treatment Plant | \$ 2,952  |   |
| 56868 590003          | 1.5 MGD Water Storage      |   | \$ 2,952  |
|                       |                            | <u>\$ 2,952</u>                                 | <u>\$ 2,952</u>                                 |

**Explanation:** *Southern Outer Banks Water Construction (56868)* - Move funds to close out the 1.5 MG Water Storage project and to increase funding for change order #1 - George Raper & Son for the treatment plant.

**Net Budget Effect:** SOBWS Construction (56) - No change.

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

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

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Clerk to the Board

**CHANGE ORDER**  
No. 1

PROJECT Southern Outer Banks WTP Phase 1 Expansion

DATE OF ISSUANCE July 15, 2013 EFFECTIVE DATE 2013

OWNER Currituck County, NC  
CONTRACTOR George Raper and Son, Inc. ENGINEER Hazen and Sawyer, PC

You are directed to make the following changes in the Contract Documents.

**Description:**

The Contractor is requested to provide the following items to provide additional isolation for the existing 16" DRW line:

1. Install a 16" butterfly valve downstream of the existing ninety degree bend.
2. The Contractor shall utilize the valve intended for the DIP FW line in order to expedite installation.
3. One (1) new 16" butterfly valve is to be purchased for installation at the DIP FW line.
4. One (1) new valve box shall be installed above the valve actuator.

Attachments: Proposal by George Raper and Son, Inc., Signed RFP #1, Revised plan sketch of work

**COST: ADD \$11,070.00** **TIME EXTENSION – 0 CALENDAR DAYS**

| CHANGE IN CONTRACT PRICE  | CHANGE IN CONTRACT TIMES  |
|---|---|
| Original Contract Price<br>\$ <u>3,648,963.00</u>                                     | Original Contract Times<br>Start Date: <u>February 11, 2013</u><br>Final Completion: <u>February 11, 2014</u><br><small>Days or dates</small>                   |
| Net changes from previous Change Orders No. <u>0</u> to No. <u>1</u><br><u>\$0.00</u> | Net Change from previous Change Orders No. <u>0</u> to No. <u>1</u><br><u>0</u><br><small>Days</small>  |
| Contract Price prior to this Change Order<br>\$ <u>784,972.00</u>                     | Contract Times prior to this Change Order<br>Start Date: <u>February 11, 2013</u><br>Final Completion: <u>February 11, 2014</u><br><small>Days or dates</small> |
| Net Increase (decrease) of this Change Order<br>\$ <u>11,070.00</u>                   | Net Increase (decrease) of this Change Order<br><u>0 Calendar Days</u><br><small>Days</small>   |
| Contract Price with all approved Change Orders<br>\$ <u>3,660,033.00</u>              | Contract times with all approved Change Orders<br>Final Completion: <u>February 11, 2014</u><br><small>days or dates</small>                                    |

RECOMMENDED:

APPROVED:

ACCEPTED:

By:   
Engineer (Authorized Signature)

By:   
Owner (Authorized Signature)

By: \_\_\_\_\_  
Contractor (Authorized Signature)

Date: 7/15/13

Date: 7/17/13

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

EJCDC No. 1910-8-B (1990 Edition)

Prepared by the Engineers Joint Contract Committee and endorsed by The Association General Contractors of America.

# Request for Proposal

No. 1

Date of Issuance: April 4, 2013

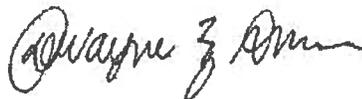
|   |   |
|---|---|
| Owner:<br><u>Currituck County</u>   | Owner's Contract No.:                       |
| Engineer:<br><u>Hazen and Sawyer, P.C.</u>  | Engineer's Project No.:<br><u>30138-004</u> |
| Contract:<br><u>Southern Outer Banks WTP, Ohase 1 Water Treatment Plant Expansion</u> |   |
| Contractor:<br><u>George Raper and Son, Inc.</u>                                      | Date of Contract<br><u>January 25, 2013</u> |

The proposed changes are being considered in the work on the above project as described below. Please advise us promptly of your proposed change in contract price and time to accomplish this work. Note that this is not an order to proceed with the proposed change. Notice to Proceed with the proposed change will be issued later in the form of a Change Order or Work Change Directive if it is decided to proceed with this change.

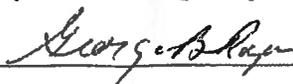
#### Proposed Changes:

The Contractor is requested to provide a proposal for the following items to provide additional isolation for the existing 16" DRW line:

1. Install a 16" butterfly valve downstream of the existing ninety degree bend.
2. The Contractor shall utilize the valve intended for the DIP FW line in order to expedite installation.
3. One (1) new 16" butterfly valve is to be purchased for installation at the DIP FW line.
4. One (1) new valve box shall be installed above the valve actuator.



Engineer: Dwayne Amos, P.E.

|  |                        |
|--|------------------------|
| Receipt Acknowledged by Contractor:<br> | Date:<br><u>4/4/13</u> |
|--|------------------------|

Copy to: Eric Weatherly (Currituck County), David Briley (H&S)



Geo. Raper & Son, Inc.

April 18, 2013

Dwayne Amos, PE  
Hazen & Sawyer, PC  
5700 Cleveland Street  
Virginia Beach, VA 23462

Southern Outer Banks Water Treatment Plant RFP #1

Dear Dwayne,

It is going to require (2) 16 inch MJ sleeves to install the tee and valves as per our discussion. Also we discovered the 16 inch Finish Water line is at the same grade as the Raw Water line which will require (2) 16 inch PVC (45) degree fittings with restraints to go under the FWL.

The following is our breakdown for this work:

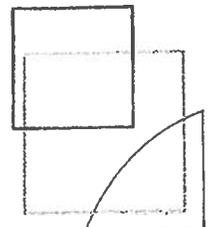
|   |             |
|---|-------------|
| 1) 16 inch BFV (1) each at \$1450.00 each     | \$1450.00   |
| 2) Valve box and collar \$63.00               | 63.00       |
| 3) 16 inch sleeves (2) each at 510.00         | 1020.00     |
| 4) 16 inch Roma Grip (4) each at 383.00       | 1532.00     |
| 5) 16 inch 45 degree fitting (2) each 1114.00 | 2228.00     |
| 6) 16 inch restraints (4)each 443.00          | 1772.00     |
| 7) Sales Tax                                  | 545.00      |
| 8) Labor on valve and fittings                | 960.00      |
| 9) 5% overhead                                | 479.00      |
| 10) 8% Profit                                 | 804.00      |
| 11) Bond                                      | 217.00      |
| 12) Total Cost                                | \$11,070.00 |

Please advise if you have any questions.

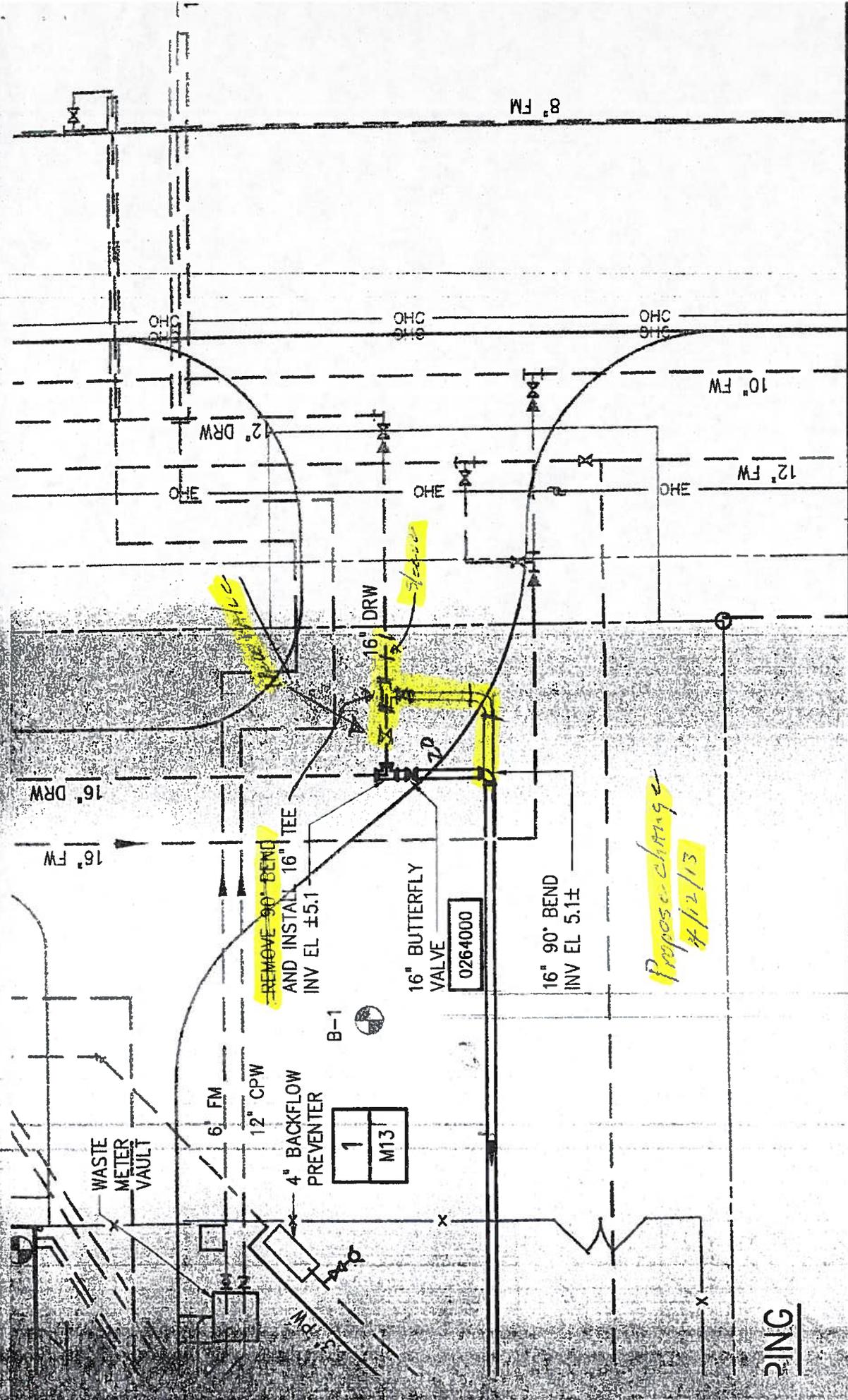
George B. Raper

President

Geo. Raper & Son, Inc



GC/UTILITY LICENSE 7375



SOUTHERN OUTER BANKS  
 WATER TREATMENT PLANT  
 CURRITUCK COUNTY, NORTH CAROLINA

PHASE 1 WATER TREATMENT PLANT  
 EXPANSION

SITE WORK  
 MECHANICAL  
 YARD PIPING



**CURRITUCK COUNTY BOARD OF COMMISSIONERS**

**ITEM TO BE CONSIDERED**

Meeting Date:  Agenda #

**SUBJECT:**

**REQUESTED ACTION:**

Submitted by:  Department:

Date submitted:  Attachments: Yes  No

**REVIEW PROCESS:**

|                      | Approved                     |                             |
|----------------------|------------------------------|-----------------------------|
| County Manager       | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| County Attorney      | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Finance Director     | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <input type="text"/> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

**REVIEW COMMENTS:**

**FY 12-13 SETTLEMENT FOR DELINQUENT TAXES FOR TAX YEARS 2003-2012 (G.S. 105-373)**

**COLLECTION TOTALS FOR THE YEARS 2012 -2003\***

| YEARS         | Levy<br>All Charge Codes | Adjustments<br>Releases/Writeoffs | Net Levy              | Interest<br>Collected | Tax Payments*         | Unpaid Balance*   | % COLL        |
|---------------|--------------------------|-----------------------------------|-----------------------|-----------------------|-----------------------|-------------------|---------------|
| 2012          | 30,142,110.25            | 68,590.09                         | 30,073,520.16         | 57,204.93             | 29,591,411.36         | 482,108.80        | 98.40%        |
| 2011          | 29,922,133.62            | 38,627.57                         | 29,883,506.05         | 97,293.37             | 29,706,813.73         | 176,692.32        | 99.41%        |
| 2010          | 28,908,445.72            | 65,443.41                         | 28,843,002.31         | 121,081.94            | 28,756,813.01         | 86,189.30         | 99.70%        |
| 2009          | 28,839,892.85            | 86,916.30                         | 28,752,976.55         | 155,410.78            | 28,707,734.70         | 45,241.85         | 99.84%        |
| 2008          | 28,688,150.38            | 75,346.79                         | 28,612,803.59         | 185,531.07            | 28,584,410.58         | 28,393.01         | 99.90%        |
| 2007          | 28,105,560.32            | 222,455.26                        | 27,883,105.06         | 128,261.67            | 27,866,837.43         | 16,267.63         | 99.94%        |
| 2006          | 27,465,655.65            | 128,238.74                        | 27,337,416.91         | 108,544.53            | 27,325,358.95         | 12,057.96         | 99.96%        |
| 2005          | 27,270,500.57            | 190,306.74                        | 27,080,193.83         | 127,631.17            | 27,067,801.61         | 12,392.22         | 99.95%        |
| 2004          | 21,680,290.44            | 208,262.61                        | 21,472,027.83         | 107,509.85            | 21,452,041.32         | 19,986.51         | 99.91%        |
| 2003          | 20,573,513.63            | 141,147.99                        | 20,432,365.64         | 116,185.68            | 20,415,175.50         | 17,190.14         | 99.92%        |
| <b>TOTALS</b> | <b>271,599,253.43</b>    | <b>1,225,335.50</b>               | <b>270,373,917.93</b> | <b>1,204,654.99</b>   | <b>269,474,398.19</b> | <b>896,519.74</b> | <b>99.67%</b> |

\*Collections through June 30, 2013

Respectfully Submitted

and Sworn to this the 11th day of July 2013



Tracy Sample, Tax Collector



## **COUNTY OF CURRITUCK**

Planning and Community Development Department  
*Planning and Zoning Division*  
153 Courthouse Road, Suite 110  
Currituck, North Carolina 27929  
Telephone (252) 232-3055 / Fax (252) 232-3026

### **Memorandum**

**TO:** Board of Commissioners

**FROM:** Ben Woody, AICP  
Planning Director

**DATE:** July 24, 2013

**SUBJECT:** June 2013 CDBG #11-C-2308 Scattered Site Housing Project Update

The 2011 Community Development Block Grant remains on schedule for the month of June. A summary of June's progress follows:

- The contract for Lead Based Paint Hazard Reduction and Asbestos Inspection Services was finalized.
- That contractor, Matrix Health and Safety Consultants, Inc. will begin the investigations regarding lead based paint and asbestos in the selected homes upon receipt of the Notice to Proceed. Upon receipt the contractor will be given 15 days to complete inspections.
- The Wooten Company continued to work with the three (3) replacement and one (1) rehab recipients to determine housing needs. Houseplans for the reconstruction recipients have been selected and a work write-up for the rehab recipient will be scheduled in the near future.

Attached is the June's Monthly Status Report for your review. Thank you.



**RESOLUTION**

WHEREAS, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on August 5, 2013 authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be sold at auction or given to another governmental entity:

| <u>Description</u>                              | <u>Service Tag/Serial No.</u> | <u>Asset Tag</u> | <u>Item No.</u> |
|---|-------------------------------|------------------|-----------------|
| Dell Optiplex GX620                             | 4MST391                       | 6077             | J001            |
| Dell Optiplex 745                               | CG5X4D1                       | 6679             | J002            |
| Dell Optiplex 745                               | FG5X4D1                       | 6677             | J003            |
| Dell Optiplex GX620                             | 3MST391                       | 6076             | J004            |
| Dell Optiplex GX620                             | FTRLK91                       | 6152             | J005            |
| Dell Optiplex GX620                             | DTRLK91                       | 6153             | J006            |
| Dell Optiplex 745                               | HH5X4D1                       | 6672             | J007            |
| Dell Optiplex GX620                             | 899FPB1                       | 6279             | J008            |
| Dell Optiplex GX280                             | G2R8V71                       | 6036             | J009            |
| Dell Latitude D810                              | 2DD9L81                       | 6050             | J010            |
| HP Compaq nx9010                                | CNF3431Z8C                    | 5806             | J011            |
| HP Compaq nx9010                                | CNF3431Z98                    | 5807             | J012            |
| Dell Latitude D810                              | H32NW71                       | 6065             | J013            |
| Dell Dimension 2400                             | C9CS941                       | 5811A            | J014            |
| Dell Optiplex 745                               | 6G5X4D1                       | 6673             | J015            |
| Dell Optiplex 745                               | 4J5X4D1                       | 6680             | J016            |
| Dell Optiplex 745                               | 252NW71                       | 6068             | J017            |
| Nortel ICS 0x32 Key Phone System (at Tourism)   |                               | NONE             | J018            |
| Nortel Call Pilot Voicemail System (at Tourism) |                               | NONE             | J019            |
| Samsung 52" LCD TV (at Moyock WC)               | ALXS3CFQ207550                | 6890             | J020            |
| Touch Screen Kiosk (at Moyock WC)               | NA                            | 6791             | J021            |
| QuickBooks 2006 software                        |                               | 6268             | J022            |
| Dell Optiplex GX620                             | H3Q02B1                       | 6166             | J023            |
| Dell Optiplex 745                               | FH5X4D1                       | 6682             | J024            |
| HP Laserjet 4350                                | USBXN20270                    | 6062             | J025            |
| Dell Latitude D820                              | 1Y18ZB1                       | 6315             | J026            |
| Dell Optiplex 745                               | F7GPHC1                       | 6402             | J027            |

ADOPTED, this 5th day of August 2013.

---

S. Paul O'Neal, Chairman  
Currituck County Board of Commissioners

ATTEST:

---

Mary Gilbert  
Clerk to the Board



## Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between

COUNTY OF CURRITUCK  
SOCCER COMPLEX

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in North Carolina as Dominion North Carolina Power, with its principal office in Richmond, Virginia ("GRANTEE").

### WITNESSETH:

1. That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

Initials: \_\_\_\_\_

**This Document Prepared by Virginia Electric and Power Company and should be returned to:**  
Dominion North Carolina Power, PO Box 99 Roanoke Rapids NC 27870.

(Page 1 of 5 Pages)  
DNCPIDNo(s). 71-13-0025

Form No. 721043-1 (Mar 2012)  
© 2013 Dominion Resources Services, Inc.

## Right of Way Agreement

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said easement shall extend TWENTY (20') feet in width across the lands of **GRANTOR**; and

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in CURRITUCK COUNTY, North Carolina, as more fully described on Plat(s) Numbered 71-13-0025 , attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.

4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.

5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.

Initials: \_\_\_\_\_

(Page 2 of 5 Pages)  
DNCPIDNo(s). 71-13-0025

Form No. 721043-2 (Mar 2012)  
© 2013 Dominion Resources Services, Inc.

## Right of Way Agreement

6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE's** rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE's** option, for other damage done to **GRANTOR's** property inside the boundaries of the easement (subject, however, to **GRANTEE's** rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE's** facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE's** exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE's** rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE's** exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE's** exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such of its facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE** shall have the right to assign or transfer, without limitation, to any public service company all or any part of the perpetual right, privilege and easement granted herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: \_\_\_\_\_

(Page 3 of 5 Pages)  
DNCPIDNo(s). 71-13-0025

Form No. 721043-3 (Mar 2012)  
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# Right of Way Agreement

11. **GRANTOR** covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that **GRANTEE** shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that **GRANTOR** shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of **GRANTOR** warrants that they have been duly authorized to execute this easement on behalf of said County.

**IN WITNESS WHEREOF, GRANTOR** has caused its name to be hereto by authorized officer or agent, described below, on the date first above written.

APPROVED AS TO FORM:

COUNTY OF CURRITUCK

\_\_\_\_\_  
(Name)

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

Title: \_\_\_\_\_

\_\_\_\_\_  
(Title)

State of \_\_\_\_\_

County of \_\_\_\_\_, to-wit:

I, \_\_\_\_\_, a Notary Public in and for the State of \_\_\_\_\_ at Large, do hereby certify that this day personally appeared before me in my jurisdiction aforesaid

\_\_\_\_\_  
(Name of officer or agent)

\_\_\_\_\_  
(Title of officer or agent)

on behalf of CURRITUCK County, North Carolina, whose name is signed to the foregoing writing dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and acknowledged the same before me.

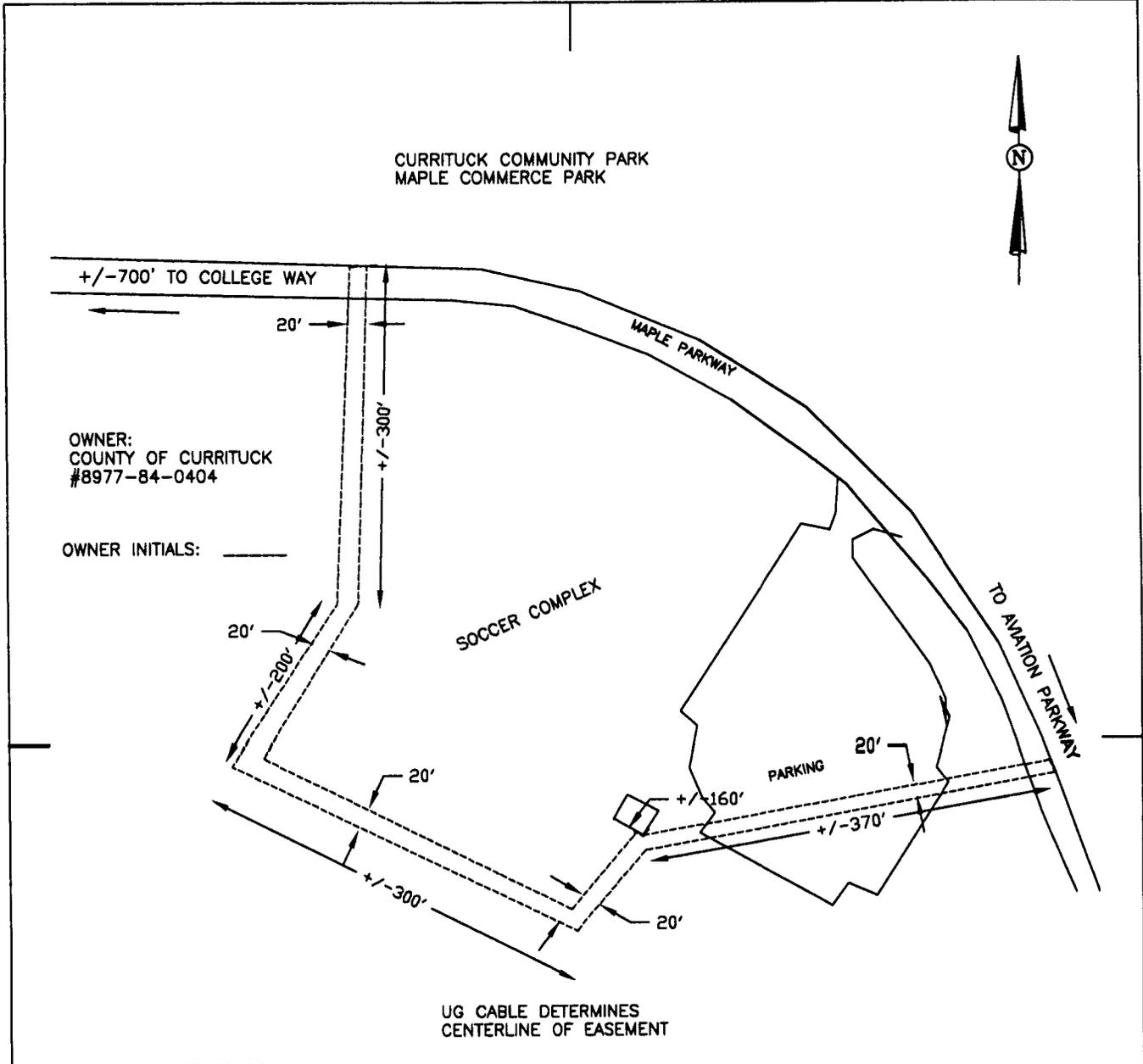
Given under my hand \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public (Print Name)

\_\_\_\_\_  
Notary Public (Signature)

My Commission Expires: \_\_\_\_\_

(Page 4 of 5 Pages)



OWNER:  
 COUNTY OF CURRITUCK  
 #8977-84-0404

OWNER INITIALS: \_\_\_\_\_

UG CABLE DETERMINES  
 CENTERLINE OF EASEMENT

NOT TO SCALE

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

- Legend**
- — — Location of Boundary Lines of Right-of-Way 20' in Width
  - == e == Indicates Property Line is Right-of-Way Boundary in Width

|   |                   |           |  |
|---|-------------------|-----------|--|
| <b>Plat to Accompany<br/>Right-of-Way Agreement</b>   |                   |           |  |
| VIRGINIA ELECTRIC AND POWER COMPANY<br>doing business as<br><b>Dominion North Carolina Power UG</b> |                   |           |  |
| District<br><b>ELIZABETH CITY</b>   |                   |           |  |
| District-Township-Borough   | County-City       | State     |  |
| <b>CRAWFORD</b>   | <b>CURRITUCK</b>  | <b>NC</b> |  |
| Office  | Plat Number       |           |  |
| <b>ELIZABETH CITY</b>   | <b>71-13-0025</b> |           |  |
| Estimate Number   | Grid Number       |           |  |
| <b>7530571</b>  | <b>Q1142</b>      |           |  |
| Date: 7/19/13   | By: A HURST       |           |  |

# CHANGE ORDER

RPC Contracting, Inc  
PO Box 333  
Kitty Hawk, NC 27949

Date: 7-22-13  
Number: 4

To: County of Currituck  
C/O Moffatt & Nichol  
1616 East Millbrook Road, Suite 160  
Raleigh, NC 27609

Job Name: Whalehead Subdivision Drainage  
Improvements Phase 1  
Job Number: 2009029

We hereby agree to make the changes specified below:

**1. Installation of Air Release Valves**

Air Release Valve 3 EA @ \$ 6,000.00 = \$ 18,000.00  
(Exhibit A)

**2. Additional Power & Pump Replacement Costs Due to Construction Issues (Deduct)**

Moffatt & Nichol Calculated Amount 1 LS @ \$18,000.00 = (\$ 18,000.00)  
(Exhibit B)

Change Order Amount = \$ 0.00

Note: This Change Order becomes part of and in conformance with the existing contract.

WE HEREBY agree to make the changes specified above at this price

  
AUTHORIZED SIGNATURE (CONTRACTOR)  
EDUARDO S. VALDIVIESO, PE

ACCEPTED: The above prices and specifications of this Change Order are satisfactory and are hereby accepted.  
All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

Date of Acceptance \_\_\_\_\_

Signature \_\_\_\_\_  
County of Currituck

Attest: \_\_\_\_\_  
Clerk to the Board of Commissioners

6 PAGES TOTAL  
E.S.V

**1. Check Effect on One Hump Caused By Utility Conflict - Removed Hump and Lessened Losses for One Pipe Section**

|                    | Coral | Marlin | Dolphin | Barracuda | Mackerel | Herring | Total |
|--------------------|-------|--------|---------|-----------|----------|---------|-------|
| Phase I, II, & III | 422   | 528    | 205     | 201       | 606      | 606     | 2,568 |
| Phase I, II, & III | 423   | 529    | 206     | 201       | 607      | 606     | 2,572 |
|                    |       |        |         |           |          |         | 0.16% |

Elevated TW and Iron Oxide  
% Change

Previous Analyses Showed 10-15% Reduction Average = 12.5% - 0.16 = 12.34% **Now Say 12% Total**

**2. Determine Additional Power Costs Due to Construction Issues**

| Date      | Pump Hours (Running Cumulative Total) |        |           |         |        |
|-----------|---------------------------------------|--------|-----------|---------|--------|
|           | Coral                                 | Marlin | Barracuda | Dolphin | Total  |
| 4/29/2011 | 803.5                                 | 837.5  |           |         | 1641.0 |
| 10/5/2011 | 1409.8                                | 1459.7 |           |         | 2869.5 |
| 4/3/2012  | 1522.0                                | 1898.4 |           |         | 3420.4 |
| 9/28/2012 | 1695.1                                | 2435.6 | 216.4     | 570.8   | 4917.9 |
| 3/29/2013 | 2113.0                                | 3059.0 | 653.0     | 1563.0  | 7388.0 |

| Total Electrical Cost (\$)<br>from County | \$/<br>Pump Hr. |
|---|-----------------|
| \$ 1,944.97                               | \$ 1.19         |
| \$ 2,872.00                               | \$ 1.00         |
| \$ 3,588.56                               | \$ 1.05         |
| \$ 5,882.72                               | \$ 1.20         |
| \$ 9,537.55                               | \$ 1.29         |
| Avg.                                      | \$ 1.14         |

| Date          | Pump Hours (Individual Years) |        |           |         |         |
|---------------|-------------------------------|--------|-----------|---------|---------|
|               | Coral                         | Marlin | Barracuda | Dolphin | Average |
| 4/2011-4/2012 | 718.5                         | 1060.9 |           |         | 889.7   |
| 4/2012-4/2013 | 591.0                         | 1160.6 | 653.0     | 1563.0  | 991.9   |
|               |                               |        |           | Avg.    | 940.8   |

Ultimately, seven (7) pumps will be online. For an equal flood volume, the pumps will have to run 10-15% longer due to flow reductions caused by the construction humps. With the average of a 12% reduction based on previous work and Item 1 above, we can estimate that the pumps are running about 12% longer than would be needed if the humps and air were not present.

Total hours run for seven (7) pumps = 7 \* 940.8 = 6585.6 hr  
 6585.6 hr \* 12% = 790.3 hr      3.5% Escalation  
 790.3 hr \* \$1.14/hr = \$ 904.45

2014 \$ 904.45  
 2015 \$ 936.11  
 2016 \$ 968.87  
 2017 \$ 1,002.78  
 2018 \$ 1,037.88  
 2019 \$ 1,074.20  
 2020 \$ 1,111.80  
 2021 \$ 1,150.71  
 2022 \$ 1,190.99  
 2023 \$ 1,232.67

Sum Over 10 Years = \$ 10,610.48 Additional Electrical Cost

**3. Determine Additional Pump Replacement Cost Over 10 Years**

If all seven (7) pumps are together running an additional 790.3 hr/yr, then over 10 years the total is 7903 hr. Assuming that the average pump life in hours is 15,000 hours and cost of pump is \$11,660 (from RPC estimate)

7903/15000 = 52.7% Additional Pump Life Being Used

52.7% \* (\$11,660 \* (1.035)^5) = \$ 7,296.27 Replacement Cost of Pump Life Portion Lost at 5 years (mid-point)

Total of 2 & 3 = \$ 17,906.75

Therefore, the additional costs to the County in maintenance and operation of the system due to the humps and elevated tailwater is **approximately \$18,000.**

\* WORKSHEET PREPARED BY:  
 MOFFATT & NICHOL  
 1616 EAST MILLBROOK ROAD, SUITE 160  
 RALEIGH, NC 27609  
 7-8-13

WHALEHEAD DRAINAGE PHASE I  
 CHANGE ORDER # 4  
 EXHIBIT B

## **CURRITUCK COUNTY JOB DESCRIPTION**

### **JOB TITLE: CLERK TO THE BOARD/ ADMINISTRATIVE ASSISTANT**

#### GENERAL STATEMENT OF DUTIES

Performs highly responsible administrative and coordination responsibilities for the Board of Commissioners and the County Manager.

#### DISTINGUISHING FEATURES OF THE POSITION

An employee in this position is responsible for serving as the official legally accountable Clerk to the Board and performs a wide variety of responsible administrative functions in assisting the Board and County Manager. Work involves creating and maintaining a permanent record of Board actions and maintaining historical and current official records. Work also involves researching various reports and activities and assuring that board operational processes and procedures are followed according to North Carolina General Statutes. In addition, the employee serves as Administrative Assistant to the County Manager responsible for a variety of administrative support work. Work includes the application of considerable judgment and the coordination of work with others. The employee develops office management and calendaring systems and establishes administrative functions and routines. Work requires a high level of discretion and application of administrative and office management skills; often work requires the use and handling of confidential information. Work is supervised by the County Manager and the Board of Commissioners and is reviewed through conferences, observations, review of completed work, and overall flow of information and work projects completed. The employee is appointed to the Clerk role by the Board of County Commissioners.

#### DUTIES AND RESPONSIBILITIES

##### ESSENTIAL DUTIES AND TASKS

Prepares agendas for Board meetings in consultation with the County Manager; gathers information for agenda packets, notifies Commissioners, County staff, news media and other interested parties of dates and times of Board meetings.

Attends all Board meetings and work sessions; records, writes, and publishes the official minutes and records of the Board of Commissioners; prepares follow-up correspondence to notify departments and/or individuals of actions of the Board.

Serves as official custodian of the County seal; maintains records of County appointed boards and commissions and tracks needed appointments and tenure; prepares letters of appointment and re-appointment.

Performs a variety of administrative duties for the Chairperson, Board members, and the County Manager, including independent composition, notes, correspondence, follow-up to Board actions, processing and maintaining contracts, maintaining general and special events calendars, answering surveys, tracking committee appointments and terms, coordinating various special meetings, and conducting independent research and compilation of information required; makes travel arrangements; may administer oaths of office.

Prepares and places notices and legal advertisements.

Participates in hiring and conducts training and performance coaching with assigned staff member; insures that staff member is informed on relevant information and issues and has assignments that provide productivity and efficiency for the County.

## CLERK TO THE BOARD/ADMINISTRATIVE ASSISTANT

Schedules meetings and prepares necessary support information for such meetings; calendars a variety of due dates and deadlines; insures that these are met.

Assists the general public, County officials, and other departments by providing and interpreting a wide variety of information on the general operations and procedures in County government.

Prepares and sometimes composes a variety of detailed resolutions, proclamations, legal notices, official correspondence to legislators, reports, etc.

Maintains confidential information and files, as necessary and required.

Works with the County Attorney on a variety of legal requests and issues..

Administers special projects for Board and County Manager.

Provides or supervises administrative support for other County departments as needed.

### ADDITIONAL JOB DUTIES

Fills in for other administrative support staff.

Performs related duties as required.

### MINIMUM TRAINING AND EXPERIENCE

Graduation from a community college with an associate degree in business or public administration, finance, paralegal technology, or related degree and considerable advanced journey level administrative experience; or an equivalent combination of education and experience.

### MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be able to physically perform the basic life operational functions of reaching, fingering, talking, hearing, and repetitive motions. Must be able to perform light work exerting up to 20 pounds of force occasionally, and/or up to 10 pounds of force frequently, and/or a negligible amount of force constantly to move objects. Must possess the visual acuity to prepare data and statistics, to work with accounting processes, to operate a computer terminal, and to perform extensive research and reading.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural, or composite characteristics (whether similar to or divergent from obvious standards) of data, people or things.

Interpersonal Communications: Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving assignments and/or directions.

Language Ability: Requires the ability to read a variety of reports, correspondence, invoices, checks, forms, procedural manuals, etc. Requires the ability to prepare a variety of correspondence, reports, forms, charts, etc. Must be able to speak to people with poise, voice control and confidence.

## CLERK TO THE BOARD/ADMINISTRATIVE ASSISTANT

Intelligence: Requires the ability to apply rational systems to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists; to interpret a variety of instructions furnished in written, oral, diagrammatic, or schedule form.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using automated office equipment.

Manual Dexterity: Requires the ability to handle a variety of items, such as keyboards, control knobs, toggle switches, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Personal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

Physical Communication: Requires the ability to talk and/or hear: (talking - expressing or exchanging ideas by means of spoken words; hearing - perceiving nature of sounds by ear). Requires the ability to communicate via telephone.

### KNOWLEDGE, SKILLS AND ABILITIES

Thorough knowledge of North Carolina General Statutes and of local ordinances governing the responsibilities of County Clerks.

Thorough knowledge of the organization and functions of the Board and County government. Thorough knowledge of County functions, policies, and procedures.

Considerable knowledge of the application of office technology.

Considerable knowledge of standard modern office administrative practices, procedures; and of the principles of grammar, spelling, and composition.

Working knowledge of the organization's budgeting, purchasing, and personnel practices. Working knowledge of modern and effective supervisory principles and practices.

Ability to take notes of official meeting proceedings and to prepare accurate minutes reflecting the actions taken.

Ability to organize and plan work to meet deadlines and a variety of needs of top County officials and the County Manager.

Ability to develop and maintain a variety of productive and cooperative work relationships external and internal to the County.

## **CLERK TO THE BOARD/ADMINISTRATIVE ASSISTANT**

Ability to research, interpret, and compile records, reports, and a variety of data into required formats or established forms.

Ability to communicate effectively in oral and written forms.

### SPECIAL REQUIREMENTS

Willingness to attend and successfully complete courses from the Institute of Government towards certification as Clerk to the Board; and to become certified by the International Institute of Municipal Clerks (IIMC).

## **CURRITUCK COUNTY JOB DESCRIPTION**

### **JOB TITLE: PROJECT / ADMINISTRATIVE COORDINATOR**

#### **GENERAL STATEMENT OF JOB:**

The Project/Administrative Coordinator to the County Manager under general guidance and direction performs highly responsible professional, administrative, technical and managerial work in assisting the County Manager in implementing action plans and routine daily duties. Employee may be assigned specific program responsibilities to handle a variety of assignments. Work is performed under the regular supervision of the County Manager.

#### **SPECIFIC DUTIES AND RESPONSIBILITIES:**

Provides assistance to the County Manager in conducting the functions of that office.

Performs assigned and independent staff work with increasing latitude for the exercise of independent judgment.

Conducts a variety of research activities that include investigations, data gathering, legal research, preparing reports with sound analysis as needed for grant applications, public presentations, special projects and recommendations for use by the County Manager.

Coordinates and manages a wide variety of special projects as assigned by the County Manager or County Attorney.

Attends staff, committee, Commission meetings, work sessions and supervisory training sessions.

Serves as a liaison with County departments and may exercise general supervision over temporary or other staff as needed and assigned.

Prepares reports, letters and memorandums.

Utilizes computerized data entry equipment and various word processing, spreadsheet, power point and or file maintenance programs to enter, store and retrieve information as requested or otherwise necessary.

Interacts with citizens and responds to citizen's request, inquiries and complaints.

Answers telephones, receiving inquiries and providing information or referring callers to appropriate personnel; records and relays messages, as appropriate.

Prepares presentations for the County Commissioners.

Serves as a liaison to boards, commissions, educational institutions, government agencies, the media and community based groups.

Counsels with the County Manager on methods of responding to situations and trends that are of public concern and assist the County Manager in maintaining favorable relations with the community.

Performs related duties assigned by the County Manager.

Performs other related tasks as required.

**ADDITIONAL JOB FUNCTIONS:**

Serves as Deputy Clerk to the Board and performs all duties of the Clerk to the Board in the Clerk's absence.

Administrative duties as required in order to provide assistance to the County Manager in conducting the functions of that office.

Assist County Attorney with legal research, special projects and administrative duties required in conducting the functions of the Legal Department.

Establishes and maintains a variety of tangible files, filing and retrieving materials as requested or as otherwise necessary.

Utilizes computer program for electronic mail, scheduling and maintaining calendars, and maintaining contact list.

Performs duties as assigned by the County Manager or his designees during a State of Emergency or other disaster.

**MINIMUM TRAINING AND EXPERIENCE**

Graduation from a community college with an associate degree in business or public administration, finance, paralegal technology, or related degree and considerable advanced journey level administrative experience; or an equivalent combination of education and experience.

## **MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED**

### **TO PERFORM ESSENTIAL JOB FUNCTIONS**

**Physical Requirements:** Must be physically able to operate a variety of machinery and equipment, including computers, printers, dictaphones, calculators, fax machines, copiers, etc. Must be physically able to operate a motor vehicle. Must be physically able to use a negligible amount of force frequently or constantly to lift, carry, push, pull, or otherwise move objects. Sedentary work involves sitting most of the time, but may involve walking or standing for brief periods of time.

**Data Conception:** Requires the ability to compare and/or judge the readily observable, functional, structural or composite characteristics (whether similar or divergent from obvious standards) of data, people or things.

**Interpersonal Communication:** Requires the ability to speak and/or signal people to convey or exchange information. Includes giving instructions, assignments or directions to subordinates and assistants.

**Language Ability:** Requires the ability to read literature, various types of reports, governmental records and studies, and legal documents. Requires the ability to prepare governmental reports and technical studies with the proper format, punctuation, spelling and grammar, using all parts of speech. Requires the ability to be conversant in the theory, principles, and methods of effective and persuasive speaking, vice and diction, phonetics and discussion and debate.

**Intelligence:** Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts, and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatic form; and to deal with several abstract and concrete variables.

**Verbal Aptitude:** Requires the ability to record and deliver information and to follow and give verbal and written instructions. Must be able to communicate effectively in a variety of technical or professional languages including accounting and governmental terminology.

**Numerical Aptitude:** Requires the ability to utilize mathematical formulas; adding and subtracting totals; multiplying and dividing; determining percentages and decimals; and utilizing basic systems of algebra and geometry. Has the ability to use the practical application of fractions, percentages, ratio and proportion, practical algebra, descriptive statistics, and statistical inference.

**Form/Spatial Aptitude:** Requires the ability to inspect items for proper length, width and shape, visually with office equipment and recording devices.

**Motor Coordination:** Requires the ability to coordinate hands and eyes in using automated office equipment; to operate motor vehicles.

**Manual Dexterity:** Requires the ability to handle a variety of items, office equipment, control knobs, switches, etc. Must have minimal levels of eye/hand/foot coordination.

**Color Discrimination:** Requires the ability to differentiate colors and shades of color.

**Interpersonal Temperament:** Requires the ability to deal with people at high level of management. Must be able to relate to people in situations involving problems throughout the County. Must be adaptable to performing under high levels of stress when confronted with an emergency.

**Physical Communication:** Requires the ability to talk and hear: (talking: expressing or exchanging ideas by means of spoken words) (hearing-perceiving nature of sounds by ear).

**Language and Communication Skills** Ability to read, analyze, and interpret complex documents and government laws, statutes and regulations. Ability to respond effectively to the most sensitive inquiries or complaints. Ability to understand and communicate public and citizen concerns to appropriate employees, elected officials and appointed committee members. Ability to prepare effective written communications such as reports, press releases, official documents, and presentations. Ability to deliver effective oral presentations and speeches to the public and employee groups.

**Analytical Skills** Ability to understand and interpret financial statements and reports. Ability to work with mathematical and financial concepts applied to budgets, proposals, and other planning documents.

### **KNOWLEDGE, SKILLS AND ABILITIES**

Must have a broad, comprehensive knowledge of all the County programs.

Must have knowledge of the principles, methods, and techniques of efficient administration, budgeting, accounting, office management, and personnel administration.

Must have knowledge of the organization and structure of government, both local and state, and county, as well as volunteer agencies.

Must have knowledge of the legal basis for programs, public records and open meeting laws, and have the ability to deal with other agencies and the general public.

Considerable knowledge of the available funding and programming resources.

Considerable knowledge of general management and business organization principles and practices.

Considerable knowledge of ethical guidelines applicable to the position as outlined by professional standards and/or federal, state and local laws, rules and regulations.

Ability to exercise considerable independent judgment and discretion in establishing, applying and interpreting policies and procedures.

Ability to effectively express ideas orally and in writing.

Ability to work in a consulting capacity and exercise leadership in contact with a variety of public, public service and business officials at various levels of authority and influence.

Ability to exercise tact, courtesy and firmness when in contact the general public.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

Considerable knowledge of modern office practices, procedures and operation of office machines and computer software programs.

Ability to record, compile, summarize and analyze data from a variety of sources and prepare clear reports from such information. Ability to plan, prioritize, organize and review administrative and/or office work flow and procedures.

Ability to develop and modify work procedures, methods and processes to improve efficiency.

Ability to draft routine legal documents and maintain complex legal records.

Ability to perform record research and real property title research in the Office of the Register of Deeds, Tax Department and Clerk of Court office for land issues, sale and purchase of property, litigation and other matters.

Ability to make routine administrative decisions independently in accordance with laws, regulations, and County policies and procedures, and to solve problems and answer questions.

**R E S O L U T I O N**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on August 5, 2013 authorized the following, pursuant to GS 160A and 270(b) that the property listed below be disposed of as follows:

| Asset#                  | Description         | Serial#           |
|-------------------------|---------------------|-------------------|
| TO BE SOLD ON GOV DEALS |                     |                   |
| 5506                    | 2001 Ford Windstar  | 2FMZA52461BB17546 |
| 5847                    | 2004 Jeep Cherokee  | 1J4GW48S64C232353 |
| 6741                    | 2008 Chevy Uplander | 1GNDV23W88D182847 |

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

**ADOPTED**, this 5th day of August, 2013.

---

S Paul O'Neal  
Currituck County Board of  
Commissioners

ATTEST:

---

Mary S. Gilbert  
Clerk to the Board