



**BOARD OF COMMISSIONERS
AGENDA**

DECEMBER 2, 2013

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REVISED
Currituck County
Board of Commissioners Agenda
Historic Currituck County Courthouse

Date: Monday, December 02, 2013 Time: 7:00 PM

Work Session

6:00 PM Moyock Small Area Plan

7:00 pm Call to Order

- A) Invocation – Reverend Tom Meyer, Poplar Branch Baptist Church
- B) Pledge of Allegiance – Boy Scout Troop 169
- C) Election of Chairman
- D) Election of Vice-Chairman
- E) Approval of Agenda
- F) Public Comment

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

Administrative Reports

- A) **Resolution in Recognition of Eagle Scout Nicholas McKenzie**
- B) **Certificates of Recognition for Robert Trevilian and Ethan Owens**

Public Hearings

- A) **Public Hearing and Action:** PB 84-11 Corolla Light, Phase 12 (Beacon Village): Request for a preliminary plat and use permit to create 32 lots along NC12 south of Shad Street, Tax Map 115B, Parcels P51 and OPEN007D, Poplar Branch Township.
- B) **Public Hearing and Action:** PB 99-20 Thrasher Mine: Request for a (special) use permit modification to expand an existing mining operation located in Moyock at 144 Lazy Corner Road, Tax Map 9, Parcel 53A, Moyock Township.

- C) **Public Hearing and Action:** PB 13-23 Charles Perry: Request for a use permit to operate automobile sales in Grandy at 6331, 6333, and 6335 Caratoke Highway, Tax Map 94, Parcel 135B, Poplar Branch Township.
- D) **Public Hearing and Action:** PB 13-28 Coinjock Ruritan Club: Request for an amendment to the Unified Development Ordinance, Chapter 4, Section 4.4.6.I. Special Events and Chapter 5, Section 5.12.3.J. Development Standards to exempt the Coinjock Ruritan Club from special event and signage requirements.

New Business

- A) **Amendment to Personnel Policy**
- B) **Board Appointments:**
 - 1. Appointments to Economic Development Advisory Board - **DELETED**
 - 2. Appointments to Board of Adjustment - **DELETED**
 - 3. Appointment to Tourism Advisory Board
 - 4. Appointment to Planning Board
- C) **Consent Agenda:**
 - 1. Approval of November 18, 2013 Minutes
 - 2. Budget Amendments
 - 3. Recommendation of Award - Southern Outer Banks Water - Shallow Raw Water Pipeline
 - 4. Recommendation for George Raper Change Order #2 - Southern Outer Banks Water System Reverse Osmosis Water Plant
 - 5. Resolution-Sheriff's Surplus Radios and Other Items
 - 6. CDBG Monthly Status Report
 - 7. Building Permit Refund Policy
 - 8. First Amendment to Construction Funding Agreement by and between the County of Currituck and Crawford Township V.F.D., Inc.
- D) Commissioner's Report
- E) County Manager's Report

Adjourn



Currituck County Agenda Item Summary Sheet

Agenda Item Title

PB 84-11 Corolla Light Phase 12 Beacon Village Preliminary Plat/Use Permit

Brief Description of Agenda Item

Request to create 32 lots along NC12 south of Shad Street, Tax Map 115B, Parcel P51, Poplar Branch Township.

Planning Board Recommendation:

Mr. Cooper moved to approve PB 84-11 without the separation requirement from the sidewalk and road because there is already a two foot separation with the gutter and there are different paving materials for the sidewalk and road. Mr. Cartwright seconded the motion and the motion passed unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody

Presenter of Agenda Item

Ben Woody

CASE ANALYSIS FOR THE
 BOARD OF COMMISSIONERS
 DATE: December 2, 2013
 PB 84-11 COROLLA LIGHT PUD, PHASE 12, BEACON VILLAGE

ITEM: PB 84-11 Corolla Light PUD, Phase 12, Beacon Village
 Preliminary Plat, Use Permit

LOCATION: Unassigned Address on Ocean Trail, Corolla Light, Poplar Branch Township

TAX ID: 115B0000P5I0000 & 115B0000OPEN007D

ZONING DISTRICT: Single Family Outer Banks (SFO) with Planned Unit Development (PUD)
 Overlay

PRESENT USE: Utility Open Space

OWNER: Outer Banks Ventures Inc.

APPLICANT: David Maso
 100 Sportsman Drive
 Kill Devil Hills, NC 27948

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Utility	SFO/PUD
SOUTH	Residential	SFO/PUD
EAST:	Residential	SFO
WEST:	Residential	SFO/PUD

LAND USE PLAN

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

SIZE OF SITE: 3.16 Acres

NUMBER OF UNITS: 32

PROJECT DENSITY: **Site Specific Density** (10 units/acre) **PUD Density** (2.45 units/acre)

UTILITIES: Water will be provided by Currituck County Southern Outer Banks Water System. Wastewater will be provided by Carolina Water.

PUD ALLOCATION: Total Land Area = 267.05 acres, Open Space = 128.51 acres, and Commercial Allocation = 26.53 acres

I. NARRATIVE OF REQUEST:

The applicant is proposing 32 lots on phase 12 of Corolla Light PUD to create a multi-family development, to be known as Beacon Village, consisting of 16 duplex buildings and serviced by an internal access drive. The Board of Commissioners recently approved an amended sketch plan to remove the property from utility open space to allow for residential development.

The applicant has submitted additional documents in support of their request and in contest to certain staff recommendations, interpretations, and conditions. The staff and applicant met on November 21, 2013 to further discuss these issues as follows:

1. **Clarification Request:** In September 2013 the Board of Commissioners approved an Amended Sketch Plan for Corolla Light with the following condition: *“Development shall not occur on phases 10, 12, 13, or 14 of Corolla Light until such time the required wastewater capacity is made available.”* The applicant is requesting this condition be modified to specify that a final plat or major site plan shall not be approved on phases 10, 12, 13, or 14 of Corolla Light until such time as required wastewater capacity is constructed and available to accept flows. This condition allows construction of subdivision infrastructure and a model home to occur concurrently with expansion of the Monterey Shores wastewater treatment plant. Staff supports this request.
2. **Appeal of TRC recommendation (Payment in Lieu):** The UDO requires that residential development dedicate a portion of land, or pay a fee-in-lieu, for use in the development of recreation and park areas to serve the recreational needs of residents of the subdivision and development within the immediate area. The Corolla Light Phase 12 development includes 32 dwelling units on 3.16 acres of land. The UDO calculates the recreation and park area dedication requirements using the following formula: 0.0255 acres per proposed dwelling. Applying the formula to the development, the required dedication is .816 acres ($0.0255 \times 32 = .816$). The per acre assessed value of the tract is \$199,740.17. Applying the per acre assessed value to a payment-in-lieu of a .816 dedication totals **\$162,987.97** ($199,740.17 \times .816$). This averages to \$5,093.37 per dwelling unit. The applicant has requested an appeal of the Technical Review Committee’s decision to assess the required payment-in-lieu. The applicant has indicated they are required to pay a buy-in fee to the Corolla Light Owners Association of \$128,000 for access to subdivision amenities and open space. They are requesting the required payment-in-lieu be reduced to **\$34,987.97**, which is the difference between the Corolla Light Owners Association buy-in and calculated payment-in-lieu amount.
3. **Appeal of TRC recommendation (Sidewalk Installation):** The ordinance requires installation of sidewalks on both sides of all streets. Since the subdivision is serviced by a private access drive, the street, in this case, is Ocean Trail (NC12). As an alternative the applicant has proposed to provide a sidewalk from the trolley stop along the internal private drive to the Shad Street/NC 12 intersection.

II. QUESTION(S) BEFORE THE BOARD:
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 suggested findings of fact are outlined as follows:

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

Suggested Findings:

- a. The proposed development will not endanger the public health or safety provided separation is achieved between the proposed internal access drive and the proposed interior sidewalk as recommended by the Planning Board.

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.

Suggested Findings:

- a. The use is proposed within an existing PUD which currently has multifamily use and is surrounded by residential use. The use will not injure the value of adjoining or abutting lands and will be in harmony with the lands in which it is located.

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

Suggested Findings:

The 2006 Land Use Plan classifies this site as full service within the Corolla subarea. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY PR6: All new residential development shall provide for ADEQUATE OPEN SPACE AND RECREATION IMPROVEMENTS including, as may be appropriate, funding in proportion to the demand created by the development. The amount of open space and improvements may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development. Fees in lieu of land dedication shall be based on the inflation adjusted assessed value of the development or subdivision for property tax purposes.

POLICY PA1: Public access to the sound and ocean waters of Currituck County is essential to the quality of life of residents and visitors, as well as the economy of the area. The County supports the establishment of ADDITIONAL PUBLIC AND PRIVATE ACCESS opportunities to the waters of Currituck County. (Also see Outer Banks Policy Section.)

POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists. Care shall be taken to encourage local street “connectivity” without creating opportunities for cut-through traffic from outside the connected areas.

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).

Suggested Findings:

- a. The use will not exceed the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

1. A final plat or major site plan shall not be approved on phases 10, 12, 13, or 14 of Corolla Light until such time as required wastewater capacity is constructed and available to accept flows.
2. A payment-in-lieu amount as determined by the Board of Commissioners shall be collected prior to recording the first final plat.
3. Any county well field sites in Corolla Light shall not be used as sewer green space.
4. All cost for the Monterey Shores Treatment Plant expansion shall be paid by Outer Banks Ventures or the developers of Corolla Light Phases 10, 12, 13 and 14.
5. All required landscaping shall be installed in accordance with the notes on the submitted plans.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval of the preliminary plat/use permit without the separation requirement from the sidewalk and road because there is already a two foot separation with the gutter and there are different paving materials for the sidewalk and road. Motion passed unanimously.

PLANNING BOARD DISCUSSION (11-12-13)

Mr. Cooper asked if the sidewalk would be in addition to the internal sidewalk.

Mr. Litteral said it is in addition to the internal sidewalk and would run along NC 12.

Mr. Litteral asked that the finding of fact “providing separation between the proposed internal access drive and the proposed interior sidewalk” be made a requirement of approval.

Mr. Cooper asked what kind of separation would be required.

Mr. Litteral said a berm or vegetation could be used as separation.

Ms. White said that separation standard would be 2-3’ and could be a vegetative buffer.

Mr. Craddock asked if the rest of the development had a separation between sidewalks and roads.

Mr. Woody said there is generally separation between sidewalks and roads.

Mr. Gomez said he could raise the sidewalks, but the number of driveways prevents it. He also said the sidewalk was not required and that the speed limit is only 15mph. It is a one way, wide street. He said the best solution is not to require the separation since the sidewalk is not required.

Mr. Cooper asked the width of the sidewalk.

Mr. Gomez said the sidewalk is 4’ wide and the road is 18’ wide. There is no parking along the road.

Mr. Holloran said there is also a two foot wide valley gutter separating the sidewalk from the road. The sidewalk is concrete and the road is asphalt.

Mr. Craddock asked why the road was one-way.

Mr. Maso said it was a safer alternative and had to be done to meet fire code.

Mr. Maso said the fee-in-lieu was unfair and there are existing amenities and recreation facilities within the PUD. It is his opinion that the old UDO should still apply. He thinks the fee should be eliminated completely.

Mr. Gomez said bringing 32 units will bring a higher tax base. Corolla Light has 50% open space and has amenities offered to the community at large that is sufficient.

Mr. Craddock said that the fee-in-lieu is for the benefit of public recreation. He agreed that the fee did appear to be excessive.

Mr. Cooper agreed that the formula needs to be studied to balance mainland and Corolla fees.

Mr. Maso said they are appealing the requirement to the Board of Commissioners.

Mr. Woody said the Planning Board does not have the authority to act on the appeal, but can offer recommendations.

Mr. Craddock said the values are different on the mainland and Corolla.

Mr. Maso said that profit is directly related to development cost.

Mr. Clark suggested the board make a recommendation to the Board of Commissioners to study the fee.

Mr. Cartwright asked if different phases would be subject to the same rules.

Ms. Voliva explained that this phase of development was undeveloped under the master plan. They are coming in under the transition provisions of the current UDO.

Mr. Woody explained that the preliminary plat would have to have been approved and infrastructure installed to vest the plan under a previous ordinance.

Mr. Maso said they have a permit to expand the Monterey Shores wastewater treatment plant. They want to be allowed to install infrastructure while expanding the plant.

Mr. Maso said there is a sidewalk across the street and they have internal sidewalks. These property owners will not utilize the sidewalk on NC 12. The Corolla Light Architectural Review Board was not keen on the sidewalk. It could be a safety issue.

Mr. Clark asked if the UDO required the sidewalk and the relation with the Connecting Corolla Plan.

Mr. Litteral said the sidewalk is a UDO requirement.

Ms. White said there is a policy in the Connecting Corolla Plan that requires the sidewalk. This sidewalk would feed into other sidewalks. There is also a trolley stop at this location.

Ms. Bell asked if the Connecting Corolla Plan had been approved by the Board of Commissioners.

Ms. White said the plan had been adopted.

Ms. Wilson said the people within the subdivision would use the sidewalk to get to locations other than the ocean.

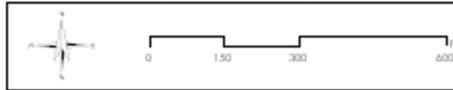
Mr. Maso said they are trying to preserve a tree line along NC 12. It will also be a maintenance issue for the development. There is an internal sidewalk to the trolley stop.

ACTION

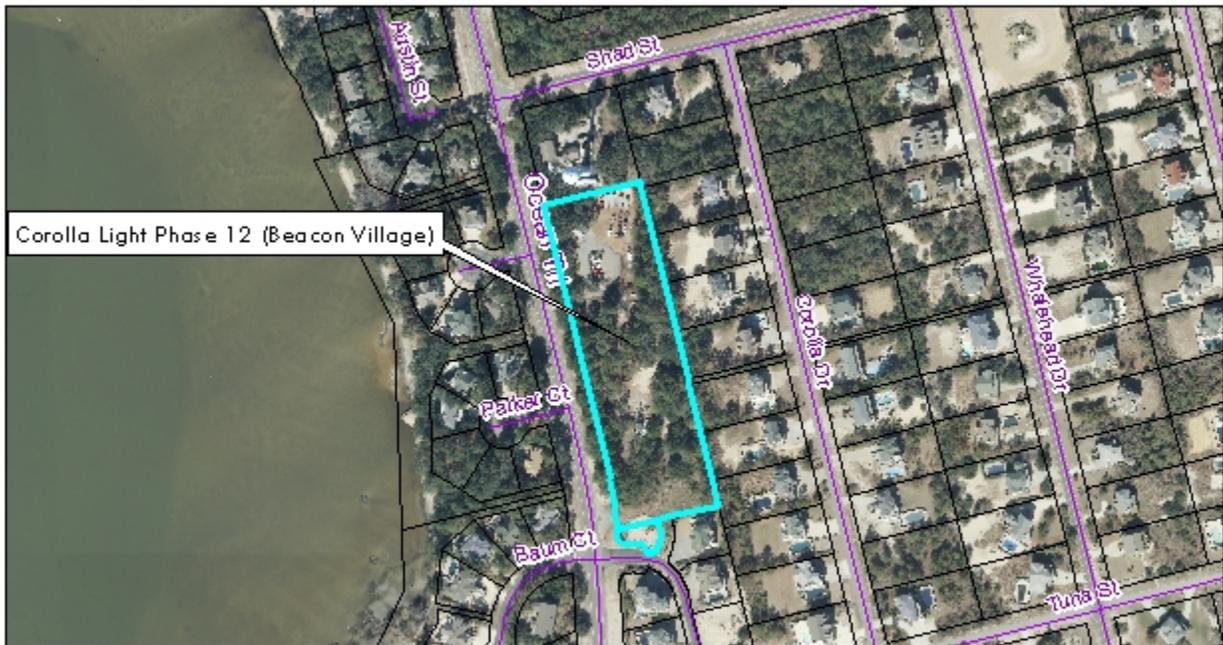
Mr. Cooper moved to approve PB 84-11 without the separation requirement from the sidewalk and road because there is already a two foot separation with the gutter and there are different paving materials for the sidewalk and road. Mr. Cartwright seconded the motion and the motion passed unanimously.



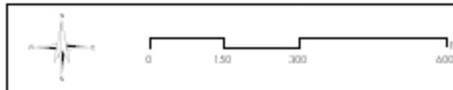
PB 84-11 Beacon Village
Preliminary Plat/Use Permit
Zoning



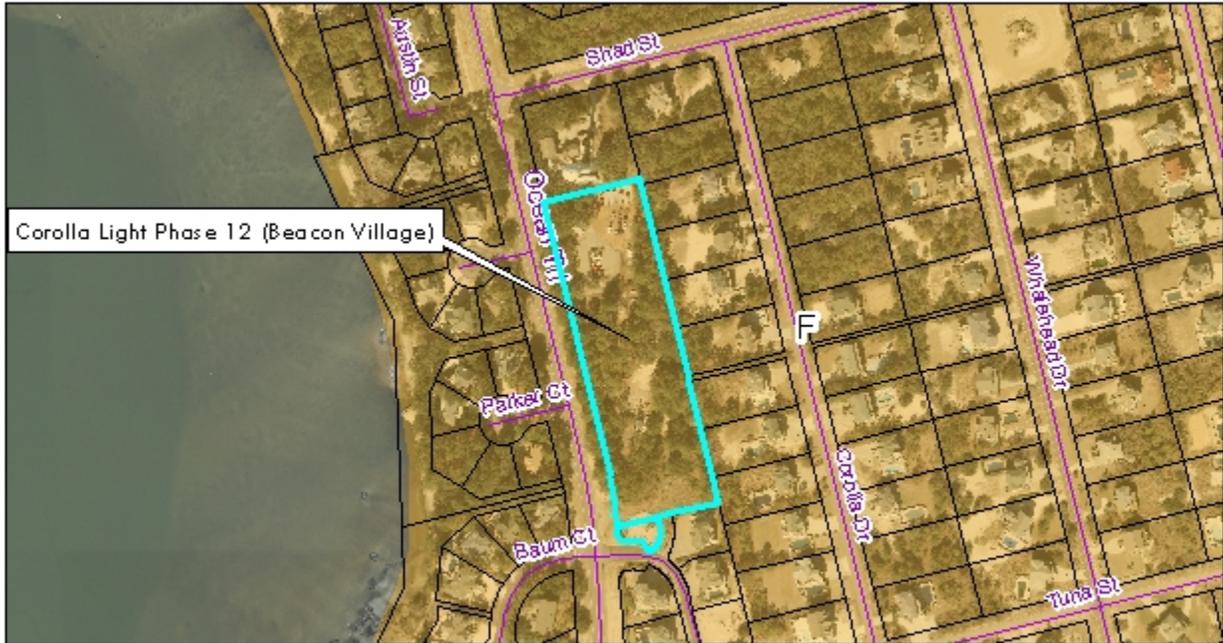
Currituck County
Planning & Community
Development



PB 84-11 Beacon Village
Preliminary Plat/Use Permit
Aerial



Currituck County
Planning & Community
Development



PB 84-11 Beacon Village
Preliminary Plat/Use Permit
Land Use



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

MEMORANDUM

To: David Maso

From: Planning Staff

Date: October 9, 2013

Re: PB84-11 Corolla Light PUD, Phase 12, Special Use Permit/Preliminary Plat

The following comments have been received for the October 16, 2013 TRC meeting. In order to be scheduled for the November 12, 2013 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on October 21, 2013. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jason Litteral

Approved with comments

1. Given the limited space within the development, meeting the requirements of section 5.7.3.A.2.a seems unlikely. Please propose an alternative to these requirements which includes, but is not limited to, installation of a sidewalk along NC12 from Beacon Hill Ct. to Shad Street. This will also promote the developments compliance with the policies set forth in the Connecting Corolla Plan and provide a direct connection from the subdivision to the beach.
2. Staff recommends separation between the internal access drive and the sidewalk consistent with AASHTO guidelines.
3. Please provide payment-in-lieu of dedication according to section 6.5.4. Fees shall be based on purchase price or the assessed value as determined by the Currituck County property appraiser).
4. Please provide zoning of adjacent properties.
5. Please clarify total number of lots and total lot area in the notes.
6. Please submit a landscaping plan demonstrating compliance with sections 5.2.4, 5.2.5, 5.2.7, 5.2.8 (unless it can be demonstrated that existing vegetation prevents visibility from the right of way.),
7. Community compatibility standards apply.
8. Please provide building elevations to demonstrate compliance with section 5.7.3.C (Building Design)
9. Please show straight sidewalk terminus near Shad Street for future crosswalk and connection to future sidewalk in the ROW on the north side of Shad street.
10. Please provide a crosswalk from northern sidewalk terminus across NC12 to connect to existing path in Corolla Light.

Currituck County Engineer, Eric Weatherly

Approved:

I approve the Preliminary Plat submittal. The following lists of comments are some of the key issues we will want addressed by Construction Drawing submittal.

- Provide SW002 Major Stormwater Plan and Design Standards Checklist
- Provide SW003 or SW004 form with calculations and the appropriate BMP Design Spreadsheets from Appendix F
- Provide construction specs and details for infiltration basin and infiltration pipe
- Provide soils reports
- Maintain 3' of cover over the existing water mains. Recommend spot locating the water mains in the area of the swale.
- Use design guidelines from Appendix B – Best Management Practices.
- Provide long maintenance and inspection criteria and who will be responsible for maintenance for the collection system and BMP
- Provide justification for use of off-site open space for the stormwater and/or provide easements. A separate easement may be required for the OBV tract crossing.
- BMP should have an overflow device
- Provide downstream culvert sizing calculations including existing conditions and new flows for BMP and infiltration device.
- We recommend the existing culvert be replaced since the existing will have to be completely removed. Provide construction details. At a minimum, provide quality criteria checklist for the existing culverts to allow for replacement if needed.

Currituck County Utilities, Pat Irwin

Approved, No Comment

Currituck County Emergency Management, James Mims

Reviewed, Concerned with pedestrian pathway design.

Currituck County GIS, Harry Lee

Reviewed:

Parcel ID Number on application and plat is incorrect: It should be "115B0000P5I0000"

Keepers Way is an approved street name.

Addresses:

- Building 1 = 1080A and 1080B Keepers Way
- Building 2 = 1081A and 1080B Keepers Way
- Building 3 = 1082A and 1082B Keepers Way
- Building 4 = 1083A and 1083B Keepers Way
- Building 5 = 1084A and 1084B Keepers Way
- Building 6 = 1085A and 1085B Keepers Way
- Building 7 = 1086A and 1086B Keepers Way
- Building 8 = 1087A and 1087B Keepers Way
- Building 9 = 1088A and 1088B Keepers Way
- Building 10 = 1089A and 1089B Keepers Way
- Building 11 = 1090A and 1090B Keepers Way
- Building 12 = 1091A and 1091B Keepers Way
- Building 13 = 1092A and 1092B Keepers Way
- Building 14 = 1093A and 1093B Keepers Way
- Building 15 = 1095A and 1095B Keepers Way
- Building 16 = 1097A and 1097B Keepers Way



Major Subdivision Application

OFFICIAL USE ONLY:

Case Number: _____
Date Filed: _____
Gate Keeper: _____
Amount Paid: _____

Contact Information

APPLICANT:

Name: DAVID MASO
Address: 100 SPORTSMAN DR.
KILL DEVIL HILLS, NC 27948
Telephone: 727-480-3523
E-Mail Address: david4closurefl@gmail.com

PROPERTY OWNER:

Name: OBV, INC. C/O R.A. BRINDLEY
Address: 215 BROOK AVE., # 1001
NORFOLK, VA 23510
Telephone: 757-622-4508
E-Mail Address: rabshoney@aol.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

Request

Subdivision Name: BEACON VILLAGE OF COROLLA LIGHT

Number of Lots or Units: 32

Phase: 1

TYPE OF SUBMITTAL

- Conservation and Development Plan
- Preliminary Plat (or amended)
 Type I OR Type II
- Construction Drawings (or amended)
- Final Plat (or amended)

TYPE OF SUBDIVISION

- Traditional Development
- Conservation Subdivision

I hereby authorize county officials to enter my property for purposes of determining compliance with all applicable standards. All information submitted and required as part of this process shall become public record.

Property Owner(s)/Applicant*

Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

Community Meeting, if applicable

Date Meeting Held: 6/24/13

Meeting Location: COROLLA LIGHT LIBRARY

Major Subdivision Design Standards Checklist

The table below depicts the design standards for a major subdivision. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

	Preliminary Plat	Construction Drawings	Final Plat
GENERAL AND ZONING			
Name of Subdivision, Township, County, State	X	X	X
Name, signature, license number, seal, and address of engineer, land surveyor, architect, planner, and/or landscape architect involved in preparation of the plat	X	X	X
Property owner(s) name, address, phone number, and e-mail address	X	X	X
Site address and parcel identification number	X	X	X
North arrow and scale (1" = 100' or larger)	X	X	X
Vicinity map showing property's general location in relation to streets, railroads, and waterways	X	X	X
Zoning classification of the property and surrounding properties	X	X	
All applicable certificates and statements as listed in Section 3.1.1 of the Administrative Manual			X
A scaled drawing showing the following existing features within the property and within 50' of the existing property lines: boundary lines, total acreage, adjacent use types, sidewalks and pedestrian circulation courses, streets, rights-of-way, easements, structures, septic systems, wells, utilities lines (water, sewer, telephone, electric, lighting, and cable TV), fire hydrant, culverts, stormwater infrastructure (drainage pipes, ditches, etc.), water bodies, wooded areas, and cemeteries	X	X	X
Lot layout including lot line locations and dimension, total number of lots, total lot area, and lot numbers for entire tract (No future development area left undefined)	X	X	X
Location or areas to be used for non-residential and multi-family purposes, if applicable	X	X	X
Location of recreation and park area dedication (or payment in-lieu)	X	X	X
Proposed landscape plan including common areas, open space set-aside configuration and schedule, required buffers, fences and walls, and tree protection plan. Open space calculations must be shown on plat	X	X	
As-built for landscaping including street trees, heritage trees, and required buffers, fences, and walls. Open space calculations must be shown on plat			X
Water access and recreational equipment storage locations, if applicable	X	X	X
Cultural resources protection plan, if applicable	X	X	X
Zoning conditions and/or overlay standards listed on plat	X	X	X
Contour intervals of two feet, if required by the administrator	X	X	X
Phasing schedule, if applicable	X	X	X

	Preliminary Plat	Construction Drawings	Final Plat
ENVIRONMENTAL PROTECTION			
Location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency	X	X	X
Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County"	X	X	X
Delineate all soil series based on Currituck County Soils Map or NC Licensed Soil Scientist.	X		
STREETS, STORMWATER, AND INFRASTRUCTURE			
Approximate location of streets, sidewalks, pedestrian circulation paths, and utilities	X		
Street name(s) as approved by GIS	X	X	X
Sight triangles	X	X	X
Street connectivity index	X		
Location and type of site identification signs, traffic control signs, street name signs, and directional signs.		X	X
Proposed street, stormwater management infrastructure, and utility construction drawings including water, sanitary sewer, telephone, electric, fire hydrant, lighting, and cable TV. Drawings must include design data, details, and profiles.		X	
Proposed lighting plan, if street lights are proposed	X		
Stormwater management narrative, approximate BMP locations, and preliminary grading plan	X		
Final stormwater management narrative, BMP locations, and grading plan		X	
Building pad and first floor elevation, including datum		X	X
Engineering certificate of all required improvements installed (streets, water/sewer lines, stormwater management, and lighting)			X
As-builts for streets, stormwater management infrastructure, lighting (if applicable), sidewalks, pedestrian circulation paths, and utility construction drawings including water, sanitary sewer, telephone, electric, fire hydrant, lighting, and cable TV			X
Moumentation set and control corner(s) established			X
PERMITS AND OTHER DOCUMENTATION			
ARHS septic evaluations for each individual lot or letter of commitment from centralized sewer service provider	X		
NCDENR wastewater line extension permit, if applicable		X	
NCDENR wastewater plant construction permit, if applicable		X	
NCDENR wastewater system completion/connection certifications for central systems and permit to authorize wastewater flows if a dry-line construction permit was previously issued			X
NCDENR waterline extension permit, if applicable		X	
NCDENR waterline acceptance certification from			X

	Preliminary Plat	Construction Drawings	Final Plat
Water/sewer district documents and approvals, if applicable			X
NCDENR approved stormwater permit (including application, plan, narrative, and calculations)		X	
NCDENR approved Soil Erosion and Sedimentation Control plan and permit		X	
NCDENR Coastal Area Management Act permits for improvements, if applicable		X	
NCDOT driveway permit	X		
NCDOT right-of-way encroachment agreement		X	
NCDOT pavement certification with asphalt test data			X
Street, open space, and stormwater infrastructure performance guarantees, if applicable			X
Fire chief certification for dry hydrant installation, if applicable			X
Geological analysis for development or use of land containing a significant dune, if applicable	X		
Economic and public facilities impact narrative, if required by administrator	X		
Copy of Homeowner's Association documents and restrictive covenants which are to be recorded			X
ADDITIONAL INFORMATION FOR CONSERVATION SUBDIVISION			
Approved conservation and development plan	X		
Proposed density per acre (not including CAMA wetlands)	X		
Minimum lot area, lot width, setbacks, and lot coverage	X	X	X
Screening from major arterials	X		

Major Subdivision Submittal Checklist – Preliminary Plat

Staff will use the following checklist to determine the completeness of your application for preliminary plat within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

**Major Subdivision
Submittal Checklist – Preliminary Plat**

Date Received: _____ TRC Date: _____

Project Name: BEACON VILLAGE OF COROLLA LIGHT

Applicant/Property Owner: APP: DAVID MASO / OWNER: OBV, INC.

Major Subdivision – Preliminary Plat Submittal Checklist		
1	Complete Major Subdivision application	
2	Complete Use Permit application, if applicable	
3	Application fee at Preliminary Plat (\$100 per lot) or \$250 for amended plats	
4	Community meeting written summary, if applicable	
5	Preliminary Plat with engineer's seal	
6	Existing features plan	
7	Proposed landscape plan, including common areas, open space set-aside configuration and schedule, required buffers, fences and walls, and tree protection plan	
8	Stormwater management narrative and preliminary grading plan	
9	Completely executed street name approval form	
10	Septic evaluations by ARHS for each individual lot or letter of commitment from centralized sewer service provider	
11	Letter of commitment from centralized water provider, if applicable	
12	Wetland certification letter and map, if applicable	
13	NCDOT Driveway permit	
14	Geological analysis for development or use of land containing a significant dune, if applicable	
15	Economic and public facilities impact narrative, if required by administrator	
16	Conservation Subdivision: Approved conservation and development plan	
17	5 copies of plans	
18	1- 8.5" x 11" copy of plan	
19	5 hard copies of ALL documents	
20	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	

For Staff Only

Pre-application Conference

Pre-application Conference was held on _____ and the following people were present:

Comments



Use Permit Application

OFFICIAL USE ONLY:	
Case Number:	_____
Date Filed:	_____
Gate Keeper:	_____
Amount Paid:	_____

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>DAVID MASO</u>	Name: <u>OBV, INC -C/O R.A. BRINDLEY</u>
Address: <u>100 SPORTSMAN DR</u>	Address: <u>215 BROOK AVE, #1001</u>
<u>KILL DEVIL HILLS, NC 27948</u>	<u>NORFLOK, VA 23510</u>
Telephone: <u>727-480-3523</u>	Telephone: <u>757-622-4508</u>
E-Mail Address: <u>david4closurefl@gmail.com</u>	E-Mail Address: <u>rabshoney@aol.com</u>
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>BUYER</u>	

Property Information

Physical Street Address: UNASSIGNED

Location: COROLLA LIGHT P.U.D. - PHASE 12 (FORMERLY PHASE 5I

Parcel Identification Number(s): 115B0000P510000 & 115B0000OPEN007D

Total Parcel(s) Acreage: 3.08 +0.08 = 3.16

Existing Land Use of Property: VACANT LAND REZONED FOR MULTI-FAMILY

Request

Project Name: BEACON VILLAGE

Proposed Use of the Property: RESIDENTIAL

Deed Book/Page Number and/or Plat Cabinet/Slide Number: PC L, PG 161 & PC H, SL 333

Total square footage of land disturbance activity: 4+/- ACRES

Total lot coverage: 74,705+/- SF Total vehicular use area: 16,539+/- SF

Existing gross floor area: N/A Proposed gross floor area: 45,058+/- SF

Community Meeting

Date Meeting Held: 6/24/13 Meeting Location: COROLLA LIGHT LIBRARY

Purpose of Special Use Permit and Project Narrative (please provide on additional paper if needed): _____
IN CONJUNCTION WITH SUBMISSION OF MAJOR SUBDIVISION PLAN
FOR SINGLE FAMILY (DUPLIX DEVELOPMENT) PRELIMINARY PLAT
STAGE OF REVIEW PROCESS, PROJECT IS 32 SINGLE FAMILY LOTS
OR 16 DUPLEX UNITS ACCESSED BY A SINGLE ROADWAY, SERVICED BY
CENTRAL SEWER AND WATER. STORM WATER COLLECTED AND CONVEYED
OFF SITE TO A BMP IN COROLLA LIGHT OPEN SPACE.

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the special use permit.

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

NO

B. 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.

THE PROPOSED USE WILL BE IN HARMONY WITH THE COROLLA
LIGHT PUD AND WILL NOT INJURE THE VALUE OF ADJOINING OR
ABUTTING LANDS.

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

THE PROPOSED USE WILL BE RESIDENTIAL, WHICH IS IN
CONFORMITY WITH THE LAND USE PLAN

D. 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.

THE PROPOSED USE WILL NOT EXCEED PUBLIC FACILITIES

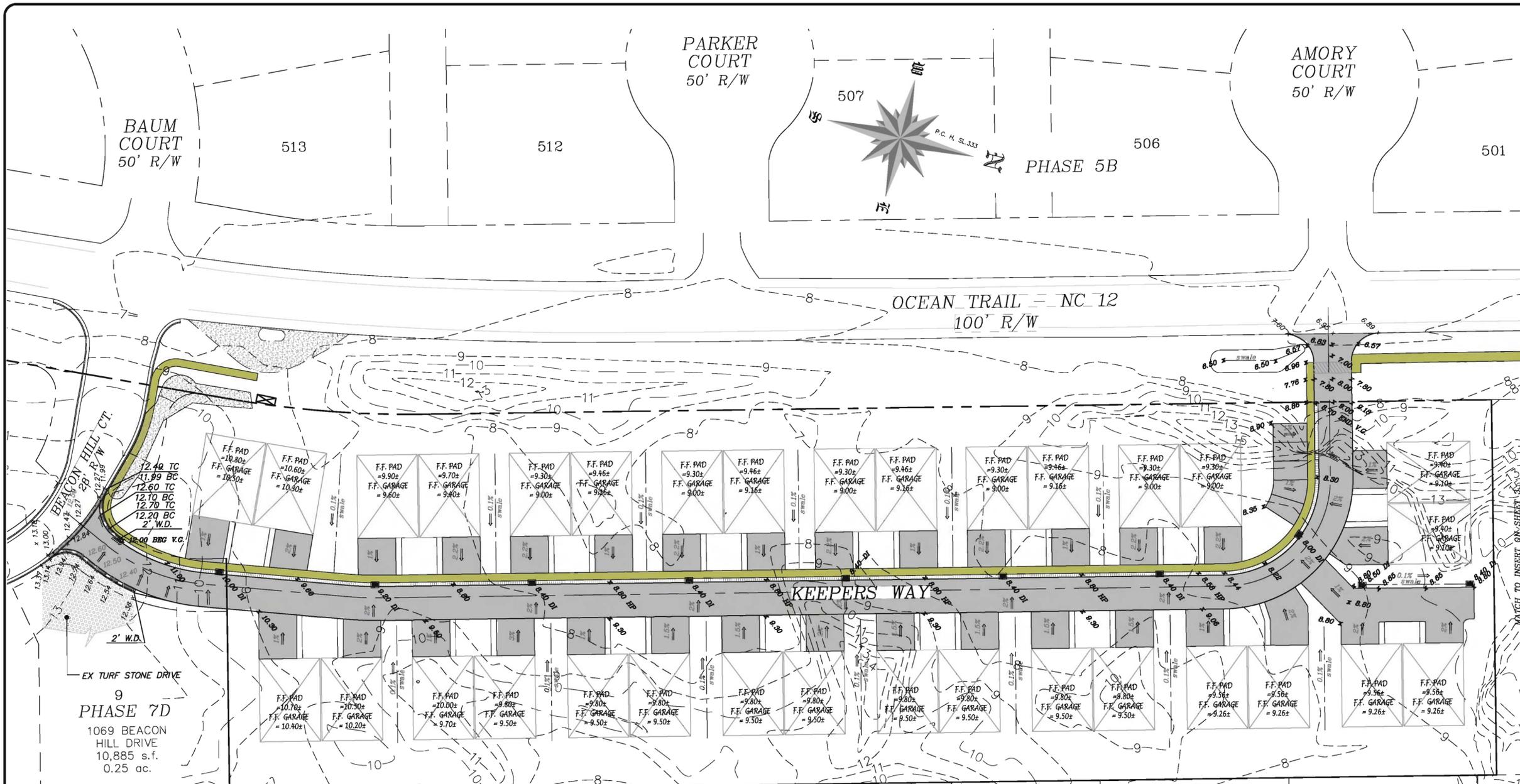
I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Property Owner(s)/Applicant*

Date

***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

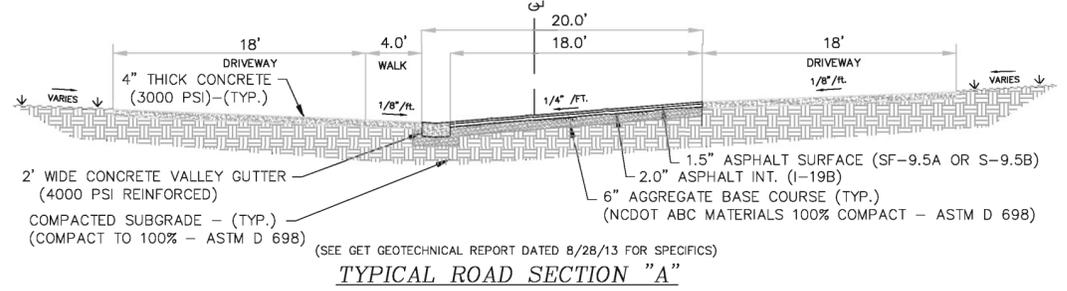
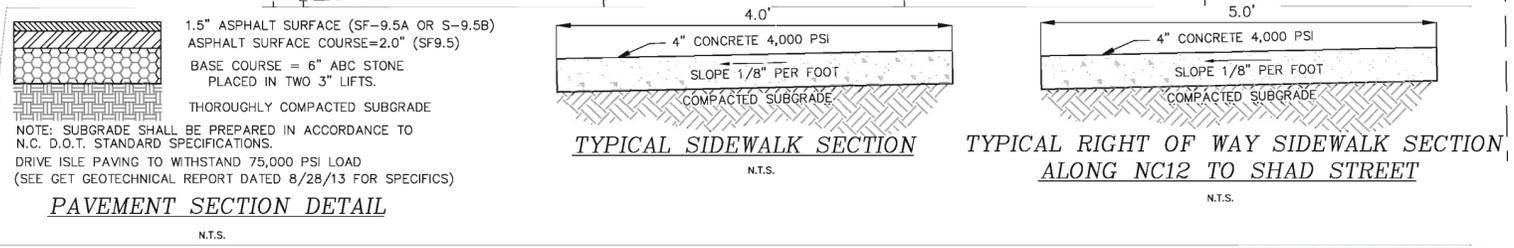
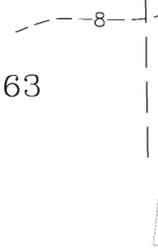
Use Permit Application
Page 6 of 9



LEGEND

EX. WATER LINE	W	PR. DRAINAGE FLOW ARROW	→
PR. WATER LINE	W	PR. TRAFFIC FLOW ARROW	→
EX. SANITARY SEWER LINE	SS	PR. EXTERIOR SITE LIGHT	⊙
PR. SANITARY SEWER LINE	SS	EX. SPOT GRADE ELEVATION	x 10.50
FORCE MAIN SEWER	F	PR. SPOT GRADE ELEVATION	x 13.40
STORM DRAIN LINE	SD	FIRE HYDRANT PR.	⊙
3 PHASE ELECTRIC LINE	E	UNDG. ELEC.	⊙
MINIMUM BUILDING LINE	M.B.L.	PROPOSED CHECK DAM	⊙
EX. TOPOGRAPHIC CONTOUR	15	BENCHMARK	⊙
PR. TOPOGRAPHIC CONTOUR	15	EX. CABLE TV	⊙
EDGE OF WOODS	W	EX. POWER POLE	⊙
SILT FENCE & LIMIT OF DISTURBANCE	SF LOD	EX. TELEPHONE PEDESTAL	⊙
CENTER DITCH/SWALE LINE	CD	WATER VALVE PR.	⊙
UNDERGROUND TELEPHONE	UNDG. TEL.	WATER METER PR.	⊙
UNDERGROUND CABLE TV	UNDG. CTV.	PR. SIGN	⊙
UNDERGROUND ELECTRIC	UNDG. ELEC.	PR. BOLLARD	⊙
STABILIZED CONSTRUCTION ENTRANCE	SCE	PR. CLEAN OUT	⊙
EX. PINE TREE (P)	24°P	EXISTING CONCRETE MONUMENT	⊙
DIAMETER SIZE MEASURED AT BREAST HEIGHT		EXISTING IRON ROD	⊙
		EXISTING IRON PIPE	⊙
EX. LIVE OAK TREE (LO)	10°LO	SET IRON ROD	⊙
DIAMETER SIZE MEASURED AT BREAST HEIGHT		MAG NAIL	⊙
		CALCULATED POINT	⊙
EDGE OF PAVEMENT	EOP		
RIGHT OF WAY	R/W		
PAVEMENT RADIUS (FT.)	R20		
SANITARY SEWER MANHOLE	SMH		
TOTAL DISTANCE	(T)		
RADIAL DISTANCE	(R)		

BEFORE YOU DIG!
CALL TOLL FREE 1-800-632-4949
NORTH CAROLINA ONE CALL

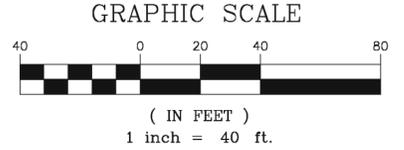


- NOTES**
- 1) ALL TOPOGRAPHIC ELEVATIONS SHOWN ARE PER N.A.V.D. 88 DATUM
 - 2) DEVELOPMENT BENCHMARK REFERENCED TO N.C.G.S. MONUMENT "N261" ELEVATION 9.06', SITUATED AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF SHAD STREET AND COROLLA DRIVE.

PRELIMINARY NOT FOR CONSTRUCTION

INDEX

SHEET 1	COVER SHEET
SHEET 2-4	EXISTING CONDITIONS
SHEET 5-7	SUBDIVISION PLAT
SHEET 8 & 9	SITE PLAN & UTILITIES
SHEET 10	PRELIMINARY GRADING
SHEET 11	LANDSCAPING



P.O. Box 1129
4425 N. Croatan Hwy.
Kitty Hawk, N.C. 27949
(252)-261-4151
(252)-261-1333
C-0836
Civil - Structural
Site Development

Coastal
ENGINEERING & SURVEYING, INC.

NO.	DATE	DESCRIPTION

COROLLA LIGHT P.U.D. PHASE 12
BEACON VILLAGE AT COROLLA LIGHT
NORTH CAROLINA
POPULAR BRANCH TWP
CURRITUCK COUNTY
PRELIMINARY GRADING PLAN

DATE: 9/11/2013
CHECKED: CFG
PROJECT NO: P629
CAD FILE: P629 PP1
SHEET: 10 of 11

Clarification request

As the applicants for the project know as Beacon Villas at Corolla Light located in the Outer banks of Currituck County on Phase 12 of the Master Planned Community of Corolla Light we received a conditional approval to change the Zoning from open space to residential. As a condition of that approval, condition #4 stated that no development could occur until the waste water expansion of the Monterey shores plant was complete. We would like this to be clarified to say no Building can be issued a Certificate of Occupancy until waste water capacity has been completed. We have been issued the permit and we would like the construction of the waste water plant expansion to be able to run concurrent with the infrastructure development of the phase 12 Beacon Villas project. This would allow us to start the project without delay once final approval has been given by the Board of Commissioners. Please note we will not start the wastewater expansion until we receive full approval of our project.

Appeal of TRC Recommendations

As the applicants for the project known as Beacon Villas at Corolla Light located in the Outer Banks of Currituck County on Phase 12 of the Master Planned Community of Corolla Light, we respectfully submit this appeal of two (2) conditions imposed by the County on our rezoning petition that was recently approved by the Board of Commissioners. We respectfully request the County reconsider these two conditions for the following reasons.

1. Open Space Fee.

The first condition that we wish the County to reconsider is the requirement to pay a fee in lieu of dedicating space for park and recreation amenities. The initial fee we were asked to pay was calculated by County staff to be \$394,000.00 and was subsequently reduced by County staff to \$161,000.00.

We don't disagree with the spirit of this requirement and the desire for the County to provide park and recreation facilities to its residents. However, our project falls outside of the UDO's requirements in this respect. Our project is Phase 12 of a preexisting PUD known as Corolla Light PUD. Corolla Light PUD already contains over 125 acres of dedicated open space.

Since our project will officially become a part of Corolla Light PUD with the consent of the developer and the homeowner's association for Corolla Light, the future residents of our project will have full access, use and enjoyment of Corolla Light's existing dedicated open spaces and amenities. As a result, it is our position that our project is exempt from the requirements of UDO section 6.5.4 B based upon UDO section 1.6.4.

It is our position that a new phase being added to a preexisting PUD should not be required to provide dedicated open space or pay a fee in lieu of such open space when the community already has open space. Such a requirement would cause our future residents to pay twice for common open space, once to become a part of Corolla Light, and second in the form of a fee paid to the County in lieu of separately dedicated new open space.

The future residents of our project will have equal access to all open space and amenities of Corolla Light Community Association ("CLCA"), including over 125 acres of dedicated open space and ample recreation amenities for its residents that include 4 pools, tennis courts, sports complex, restaurants, trolley service, to name a few. Beacon Villas at Corolla Light is the newest phase of this community and is paying \$4,000.00 per each of its 32 residences to be part of the Corolla Light PUD community. As a result, each of the 32 new homeowners will have its interest in all the amenities and open space. CLCA has advised us that the monies collected from us for the \$4,000 per unit buy-in fee will be specifically spent on the enhancement of the trolley system as well projects relating to enhancing amenities around the main pool area.

Points to Consider:

- 1- Corolla Light as a PUD has excelled for the amenities offered. There is no comparison to the amount of the investment made in Corolla Light PUD to any other community in Currituck County.
- 2- Our cost for the land reflects the value added by existing amenities in Corolla Light PUD.
- 3- Monies that we are paying to CLCA (\$4,000 per unit) will be utilized by CLCA to expand, improve and/or maintain existing amenities within the Corolla Light PUD open space and therefore meet the intent of the ordinance.

Even if the fee were to apply to our project, the calculation of the fee set forth in the UDO would be \$394,000.00, where the same fee for the typical mainland equivalent would be \$12,000.00 - \$15,000.00. As a result, we believe the formula in the UDO for the payment of the fee in lieu of providing parks and recreation has failed to take into consideration the values of the real estate on the Outer Banks versus the Currituck mainland. Therefore, the fee calculation for Outer Banks developments can be exorbitant and impossible for an Outer Banks developer to absorb.

We respectfully request that the condition requiring the payment of this fee be eliminated.

2. Additional Sidewalk Along NC Highway 12.

We also request the County to eliminate the condition that requires us to install a sidewalk on the east side of NC Highway 12. Section 1.6.4 of the UDO governs Master Planned Communities. Our project will be a part of Corolla Light PUD. There is already an existing sidewalk on the west side of NC Highway 12. Therefore, a second sidewalk along the opposite side of NC Highway 12 from an existing sidewalk is unnecessary. We have attached a copy of a letter from the President of the Corolla Light Community Association which indicates the Association's lack of support for a second sidewalk. We have also proposed a sidewalk within our development giving safe access to Shad street, without the need for an additional 600 feet of sidewalk along NC Highway 12 that really serves no purpose. It is our belief that this requirement is outside of requirements of Section 1.6.4 of the UDO and is subjecting our project to new UDO standards that don't apply to existing Planned Unit Developments.

Points to Consider:

- 1- A second sidewalk on NC Highway 12 would become the required side walk of the project which would cause the proposed sidewalk within our project to be redundant and duplicative,

especially when they are on the same side and separated by trees. The sidewalk would therefore become a loop.

- 2- Indirectly and as a minor but important point, additional sidewalk adds coverage to the land with an unnecessary sidewalk.
- 3- The PUD's master plan does not require or call for a sidewalks on the east side of NC Highway 12.
- 4- The County has no plan for installing sidewalk on the east side of NC Highway 12.
- 5- Neither the developer nor the association for Corolla Light has any plans or interest in adding a sidewalk on the east side of NC Highway 12.

We understand the UDO is a new instrument and that without clarification of intent it is natural for those having to work with the document to apply a strict interpretation of the Code. Corolla Light is an extremely rare development within the County. Arguably there is no finer resort in the Outer Banks as for 14 years running it has won Outer Banks Resort of the year. Someone had obviously understood there were prior agreements vested with the County and therefore Section 1.6.4 was incorporated into the new UDO. This was insightful and this is a case where this excerpt from the UDO must be applied. When developing a document like the new UDO it is difficult to address each and every particular nuance of every property within Currituck County. Again, it was very insightful for those who wrote the UDO to give the Planning Director in 2.2.6 (i) the power and duty to make interpretations when applying the nuances of the UDO. This is an opportunity for this Board to make an exception to the strict interpretation of the Code as written due to these circumstances.

Thank you for your consideration.

Respectfully,

David A. Maso

Managing Member, Florida OBX, LLC

Beacon Villas at Corolla Light

Outer Banks Ventures. Inc.

215 Brooke Avenue

Suite 1001

Norfolk Va. 23510 (757) 622-4508

Ben,

I am writing to you to express concern over the recently taken position that Phase 12 of Corolla Light must meet the rules for recreation dedication as a standalone subdivision. I do not understand the logic for the charging of a payment in lieu for a phase of the Corolla Light PUD. There are multiple phases of Corolla Light owned by several parties including the Association itself. OBV as part of the PUD overlay has spent millions on improvements to open space for the use of the community which surely must be counted as meeting the requirements for dedication of both open space and recreation areas for our community. In addition, the Association is receiving a direct payment from the purchaser and indirectly the seller for this purpose. Finally, the position taken of not looking at each phase of Corolla Light as part of the whole community just does not make sense. As the developer, in the PUD overlay, we recorded acres and acres of improved and unimproved open space for the benefit of the community. Corolla Light is by far the richest Association probably in North Carolina for that reason.

To come back now and try to disregard this investment and the PUD agreement that led to it devalues the remaining property we own and the investments made by others the past few years.

I would like to see this issue dropped immediately because I think a public discourse involving Currituck County taking money from a Corolla Light development and because of a lack of dedication of recreational space will ultimately be one the County will find embarrassing. Currituck County has a contract with Outer banks Ventures which is called a PUD overlay. Our master plan provides more recreation than any other Currituck community.

My big picture concern is that each phase of the PUD has a undivided interest in the amenities and the open space. More than adequate facilities exist, paid for by me, the seller. There is no finer amenity package in Currituck. If the County ignores that investment it devalues all of the property in the PUD.

And finally, the PUD overlay which is the basis for our community does not seem to me to be able to be applicable for some things and not for others. The County wanted to have the PUD follow the rules of the new UDO, which is fine. To interpret our remaining land holdings as if the pud never existed is not fine and is probably, in my opinion, legal.

I urge you to reconsider this position.

Richard Willis
Vice President
Outer Banks Ventures, Inc.



Corolla Light Community Association
1197-B Franklyn Street • PO Box 490 • Corolla, NC 27927
Phone: (252) 453-2455 • Fax: (252) 453-3134
Email: info@corolla-light.com

BOARD OF DIRECTORS

Dr. Jack Waber, President
Rick Yates, Vice President
Mike Hassett, Secretary
Bruce Yeutter, Treasurer
Dr. Teresa Blaxton
Rudy Chandler
Dick Garvey
Jack Haskins
Bob Segal
Richard A. Brindley, Emeritus

October 16, 2013

MANAGEMENT STAFF

Donald F. Cheek, CMCA, AMS
General Manager
Connie Johnson
Administrative Assistant
Erin Terry
Accountant

Mr. Daniel F. Scanlon, II, County Manager
153 Courthouse Road, Suite 204
Currituck, NC 27929

Re: Sidewalk in front of Beacon Villas and West Side of Rt. 12

OPERATIONS STAFF

Angie Berman
Owner/Guest Services Director
Christian McBrien
Aquatics Director
Suzanne Serianni
Operations Manager
Bob Stoneking
Facilities Manager

Dear Mr. Scanlon:

On Sunday, October 13th, the Corolla Light Community Association ("CLCA") Architectural Review Board ("ARB") met with David Maso and reviewed the plans for Beacon Villas and noticed that there is a required sidewalk along the west side of the property (east side of Route 12). When they asked Mr. Maso why there was a sidewalk there, he responded that it was required by Currituck County ("County").

On behalf of the ARB of CLCA, I would like to request that a sidewalk in front of the property be removed from the plans as a requirement by the County since there is a sidewalk through CLCA on the west side of Route 12 and there is no sidewalk on the east side of Route 12 throughout CLCA.

Thank you for forwarding this letter to the person(s) involved in making this request to the developers of Beacon Villas.

Sincerely,

Jack Waber, Ph.D.
President of CLCA Board of Directors



North Carolina Department of Environment and Natural Resources
Division of Water Resources
Water Quality Programs

Pat McCrory
Governor

Thomas A. Reeder
Director

John E. Skvarla, III
Secretary

November 1, 2013

MARTIN LASHUA – REGIONAL DIRECTOR
CAROLINA WATER SERVICE, INC. OF NC
POST OFFICE BOX 240908
CHARLOTTE, NORTH CAROLINA 28224-0908

Subject: Permit No. WQ0009772
Monteray Shores WWTP
High-Rate Infiltration System
Currituck County

Dear Mr. Lashua:

In accordance with your permit major modification request received September 3, 2013, and subsequent additional information received October 23, 2013, October 25, 2013 and October 30, 2013, we are forwarding herewith Permit No. WQ0009772 dated November 1, 2013, to Carolina Water Service, Inc. of NC for the construction and operation of the newly permitted Phase II facilities, as well as the continued operation of the existing wastewater treatment and high-rate infiltration facilities.

The Phase II modifications to the subject permit are as follows:

- The relocation of five existing membrane modules from an existing 14,220 gallon membrane bioreactor tank, with one of these membranes being placed in each of the four other existing 14,220 gallon membrane bioreactor tanks. The fifth membrane module will be placed in onsite storage; the
- Addition of four new ultra-filtration membranes modules into the aforementioned and vacated existing 14,220 gallon membrane bioreactor tank; the
- Addition of a 327,967 gallon synthetically lined five day upset pond; and the
- Increase of treatment capacity and permitted flow from 520,000 gallons per day (GPD) to 580,320 GPD.

This permit shall be effective from the date of issuance until February 29, 2016, shall void Permit No. WQ0009772 issued November 9, 2012, and shall be subject to the conditions and limitations as specified therein. Please pay particular attention to the monitoring requirements listed in Attachments A, B and C for they may differ from the previous permit issuance. Failure to establish an adequate system for collecting and maintaining the required operational information shall result in future compliance problems.

WATER QUALITY PERMITTING SECTION
1636 Mail Service Center, Raleigh, North Carolina 27699-1636
Location: 512 N. Salisbury St., Raleigh, North Carolina 27604
Phone: 919-807-6464 \ FAX: 919-807-6496
Internet: <http://portal.ncdenr.org/web/wq>

For your convenience, customized electronic copies of your facility's NDMR and NDAR-2 reporting forms are available for download at: <http://portal.ncdenr.org/web/wq/aps/lau/reporting>.

Please note the following permit conditions are new since the last permit issuance:

- Condition I.1. – This condition requires that the Permittee begin construction of the newly permitted 327,967 gallon synthetically lined five day upset pond no later than upon exceeding 90 percent of the existing wastewater treatment plant's 520,000 gallon per day (GPD) capacity (i.e., 468,000 GPD).
- Condition I.2. – This condition requires that the Permittee submit an Engineering Certification upon completion of construction and prior to operation of the modified permitted facilities.
- Condition I.3. – This condition requires the Permittee to notify the Washington Regional Office at least 48 hours in advance of operation of the installed facilities.

If any parts, requirements or limitations contained in this permit are unacceptable, the Permittee has the right to request an adjudicatory hearing upon written request within 30 days following receipt of this permit. This request shall be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings at 6714 Mail Service Center, Raleigh, NC 27699-6714. Unless such demands are made, this permit shall be final and binding.

One set of approved plans and specifications is being forwarded to you. If you need additional information concerning this permit, please contact Nathaniel Thornburg at (919) 807-6453 or nathaniel.thornburg@ncdenr.gov.

Sincerely,


for Thomas A. Reeder

cc: Currituck County Health Department
Washington Regional Office, Water Quality Regional Operations Section
Robert G. Burgin, Jr., PE – Burgin Engineering, Inc.
Beth Buffington, Public Water Supply Section – Protection and Enforcement Branch
Permit File WQ0009772
Notebook File WQ0009772

NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
RALEIGH
HIGH-RATE INFILTRATION SYSTEM PERMIT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations

PERMISSION IS HEREBY GRANTED TO

Carolina Water Service, Inc. of NC
Currituck County

FOR THE

operation of a 580,320 gallon per day (GPD) wastewater treatment and high-rate infiltration facility consisting of the:

continued operation of the existing Phase I facilities consisting of: an influent pump station and wet well with two 1,750 gallon per minute (GPM) centrifugal pumps, one 80 GPM centrifugal jockey pump, two 300 GPM centrifugal equalization pumps, audible/visual high water alarms and two ultrasonic influent flow meters; two rotary drum screens with 2 millimeter (mm) perforations; a vortex grit separator/classifier with dumpster; a 245,000 gallon flow equalization basin with three 168 cubic feet per minute (CFM) blowers and coarse bubble diffusers; a flow splitter box; two 7,023 anaerobic tanks with two 2.3 horsepower (hp) mixers; two 14,000 gallon anoxic tanks with two 180 GPM centrifugal recycle pumps, two 2.3 hp mixers and two magnetic flow meters; two 25,900 gallon aeration basins with two 180 GPM centrifugal recycle pumps, two 140 GPM centrifugal recycle jockey pumps, three 334 CFM positive displacement blowers, one 170 CFM positive displacement jockey blower, fine bubble diffusers, two magnetic flow meters and two magnetic jockey flow meters; two 25,900 gallon secondary anoxic tanks with two 2.3 hp mixers; a membrane reactor splitter box; five 14,220 gallon membrane bioreactor tanks with four tanks containing six membrane modules and one tank containing four ultra-filtration membrane modules, as well as five 360 GPM centrifugal sludge return pumps, one 170 GPM centrifugal sludge return jockey pump, six magnetic recycled activated sludge flow meters, one magnetic waste activated sludge flow meter, six 105 GPM centrifugal permeate pumps; an auxiliary membrane module stored onsite; a recycle activated sludge splitter box; an alum pump/storage feed system; a NaOCl pump/storage feed system; a methanol pump/storage feed system; 117,150 gallons of aerated sludge storage (comprised of a 57,400 gallon basin, a 27,230 gallon basin and a 50,540 gallon basin) served by three 323 CFM positive displacement blowers; an ultraviolet (UV) disinfection system consisting of 2 banks with a total of 40 lamps; an automatic auxiliary generator and transfer switch; six effluent magnetic flow meters; six turbidimeters; a 2.6 million gallon steel five day upset tank; two 120 GPM centrifugal drain pumps; a 1.85 acre high-rate infiltration basin; a groundwater lowering pump station with two 540 GPM pumps; and all associated piping, valves, controls and appurtenances; and the

construction and operation of the proposed Phase II facilities consisting of: the relocation of five existing membrane modules from an existing 14,220 gallon membrane bioreactor tank, with one of these membranes being placed in each of the four other existing 14,220 gallon membrane bioreactor tanks (the fifth membrane module will be placed in onsite storage); four ultra-filtration membranes modules into the aforementioned and vacated existing 14,220 gallon membrane bioreactor tank; a 327,967 gallon synthetically lined five day upset pond; and all associated piping, valves, controls and appurtenances

to serve residential and commercial sources at Monterey Shores Phase I & II, Buck Island, Timbuck II and Corolla Bay, as well as up to 60,320 GPD of untreated wastewater from Corolla Light WWTP #1 (Permit No. WQ0006254) and Corolla Light WWTP #2 (Permit No. NC0015282A1), with no discharge of wastes to surface waters, pursuant to the application received September 3, 2013, and subsequent additional information received by the Division of Water Resources, and in conformity with the project plans, specifications, and other supporting data subsequently filed and approved by the Department of Environment and Natural Resources and considered a part of this permit.

This permit shall be effective from the date of issuance until February 29, 2016, shall void Permit No. WQ0009772 issued November 9, 2012, and shall be subject to the following specified conditions and limitations:

I. SCHEDULES

1. Upon exceeding 90 percent of the existing wastewater treatment plant's 520,000 gallon per day (GPD) capacity (i.e., 468,000 GPD) based on a monthly average daily flow as reported on Form: NDMR as required in Conditions IV.3., IV.4. and IV.7., the Permittee shall have commenced constructing the newly permitted 327,967 gallon synthetically lined five day upset pond.
2. In accordance with 15A NCAC 02T .0116, upon completion of construction and prior to operation of the modified permitted facilities, a certification (attached) shall be submitted from a licensed North Carolina Professional Engineer certifying that the permitted facility has been installed in accordance with this permit, Division approved plans and specifications, and other supporting documentation, including the location of all monitoring wells as applicable. If this project is to be completed in phases and partially certified, the Permittee shall retain the responsibility to track further construction approved under the same permit, and shall provide a final certificate of completion once the entire project has been completed. Mail the Certification to the Division of Water Resources, Water Quality Permitting Section, 1636 Mail Service Center, Raleigh, NC 27699-1636.
3. The Washington Regional Office, telephone number (252) 946-6481, shall be notified at least 48 hours in advance (excluding weekends and holidays) of operation of the installed facilities such that an in-place inspection can be made. Notification to the regional supervisor shall be made from 8:00 a.m. until 5:00 p.m. on Monday through Friday, excluding State Holidays.
4. No later than six months prior to the expiration of this permit, the Permittee shall request renewal of this permit on official Division forms. Upon receipt of the request, the Division will review the adequacy of the facilities described therein, and if warranted, will renew the permit for such period of time and under such conditions and limitations as it may deem appropriate. Please note Rule 15A NCAC 02T .0105(d) requires an updated site map to be submitted with the permit renewal application.
5. In accordance with 15A NCAC 02H .0404(e), if the subject wastewater treatment or infiltration facilities are in noncompliance with the terms and conditions of this permit, governing statutes or regulations, the subject facilities shall be connected to an operational publicly owned wastewater collection system within 180 days of its availability. Prior to the initiation of these connection activities, appropriate Division approval shall be received.

II. PERFORMANCE STANDARDS

1. The subject non-discharge facilities shall be effectively maintained and operated at all times so there is no discharge to surface waters, nor any contravention of groundwater or surface water standards. In the event the facilities fail to perform satisfactorily, including the creation of nuisance conditions due to improper operation and maintenance, or failure of the infiltration areas to adequately assimilate the effluent, the Permittee shall take immediate corrective actions including Division required actions, such as the construction of additional or replacement wastewater treatment or infiltration facilities.
2. This permit shall not relieve the Permittee of their responsibility for damages to groundwater or surface water resulting from the operation of this facility.
3. All wells constructed for purposes of groundwater monitoring shall be constructed in accordance with 15A NCAC 02C .0108 (Standards of Construction for Wells Other than Water Supply), and any other jurisdictional laws and regulations pertaining to well construction.
4. Effluent quality shall not exceed the limitations specified in Attachment A.
5. Application rates, whether hydraulic, nutrient or other pollutant, shall not exceed those specified in Attachment B.
6. A usable green area shall be maintained for effluent disposal. The green area shall have the capability of accommodating the facility's average daily flow without exceeding the green area loading rates. As defined in 15A NCAC 02H .0404(g)(7), a "green area" is an area suitable for waste disposal, either in its natural state or which has been modified by planting a vegetative cover of grasses or low growing shrubbery.
7. The compliance boundary for the disposal system shall be specified in accordance with 15A NCAC 02L .0107(b). This disposal system was individually permitted on or after December 30, 1983; therefore, the compliance boundary is established at either 250 feet from the effluent disposal area, or 50 feet within the property boundary, whichever is closest to the effluent disposal area. An exceedance of groundwater standards at or beyond the compliance boundary is subject to remediation action according to 15A NCAC 02L .0106(d)(2) as well as enforcement actions in accordance with North Carolina General Statute 143-215.6A through 143-215.6C.
8. In accordance with 15A NCAC 02L .0108, the review boundary is established midway between the compliance boundary and the effluent disposal area. Any exceedance of groundwater standards at the review boundary shall require action in accordance with 15A NCAC 02L .0106.
9. The Permittee shall apply for a permit modification to establish a new compliance boundary prior to any sale or transfer of property affecting a compliance boundary.
10. In accordance with 15A NCAC 02L .0107(d), no wells, excluding Division approved monitoring wells, shall be constructed within the compliance boundary except as provided for in 15A NCAC 02L .0107(g).

11. In accordance with 15A NCAC 02L .0107(f), except as provided for in 15A NCAC 02L .0107(g), for all permits issued or reissued after January 1, 1993 and the Permittee is not the owner of the land within the compliance boundary, it shall be a condition of this permit that the landowner of the land within the compliance boundary, if other than the Permittee, execute and file in the Register of Deeds in the county in which the land is located, an easement running with the land which:

- a. Contains either a notice of the permit, including the permit number, a description of the type of permit, and the name, address and telephone number of the permitting agency; or a reference to a notice of the permit with book and page number of its recordation if such notice is required to be filed by statute;
- b. Prohibits the construction and operation of water supply wells within the compliance boundary; and
- c. Reserves the right to the Permittee and the State to enter on such property within the compliance boundary for groundwater monitoring and remediation purposes. The easement may be terminated by the Director when its purpose has been fulfilled or the need for the easement no longer exists. Under those conditions the Director shall, upon request by the landowner, file a document terminating the easement with the appropriate Register of Deeds.

12. The facilities permitted herein shall be constructed according to the following setbacks:

a. The setbacks for high-rate infiltration sites permitted under 15A NCAC 02T .0700 shall be as follows (all distances in feet):

i. Any habitable residence or place of public assembly under separate ownership:	100 ¹
ii. Any habitable residence or place of public assembly owned by the Permittee:	50 ¹
iii. Any private or public water supply source:	100
iv. Non-SA surface waters:	50 ²
v. SA surface waters:	50 ²
vi. Groundwater lowering ditches:	50 ²
vii. Surface water diversions:	50
viii. Any well with exception of monitoring wells:	100
ix. Any property line:	50 ¹
x. Top of slope of embankments or cuts of two feet or more in vertical height:	100
xi. Any water line from a disposal system:	10
xii. Subsurface groundwater lowering drainage systems:	50 ²
xiii. Any swimming pool:	100
xiv. Public right of way:	50
xv. Nitrification field:	20
xvi. Any building foundation or basement:	15
xvii. Impounded public water supplies:	500
xviii. Public shallow groundwater supply:	500

¹ Setbacks to habitable residences and places of public assembly under separated ownership and owned by the Permittee have been reduced to 100 and 50 feet, respectively, and setbacks to property lines have been reduced to 50 feet due to the Permittee's compliance with the High-Rate Infiltration System Design Policy dated October 27, 2006.

² Setbacks to non-SA surface waters, groundwater lowering ditches and subsurface groundwater lowering drainage systems have been reduced to 50 feet because the treatment units are designed to meet a Total Nitrogen of 4 mg/L and a Total Phosphorus of 2 mg/L in accordance with 15A NCAC 02T .0706(c). Setbacks to SA surface waters have been reduced to 100 feet in accordance with 15A NCAC 02T .0706(b).

- b. The setbacks for storage and treatment units permitted under 15A NCAC 02T .0700 shall be as follows (all distances in feet):
- i. Any habitable residence or place of public assembly under separate ownership: 100
 - ii. Any private or public water supply source: 100
 - iii. Surface waters: 50
 - iv. Any well with exception of monitoring wells: 100
 - v. Any property line: 50

III. OPERATION AND MAINTENANCE REQUIREMENTS

1. The facilities shall be properly maintained and operated at all times. The facilities shall be effectively maintained and operated as a non-discharge system to prevent the discharge of any wastewater resulting from the operation of this facility. The Permittee shall maintain an Operation and Maintenance Plan pursuant to 15A NCAC 02T .0707, which at a minimum shall include operational functions, maintenance schedules, safety measures and a spill response plan.
2. Upon the Water Pollution Control System Operators Certification Commission's (WPCSOCC) classification of the subject non-discharge facilities, in accordance with 15A NCAC 08G .0200 the Permittee shall designate and employ a certified operator in responsible charge (ORC) and one or more certified operator(s) as back-up ORC(s). The ORC or their back-up shall visit the facilities in accordance with 15A NCAC 08G .0200, and shall comply with all other conditions specified in the previously cited rules.
3. Only effluent from the Monterey Shores WWTP and up to 60,320 GPD from Corolla Light WWTP #1 (Permit No. WQ0006254) and Corolla Light WWTP #2 (Permit No. NC0015282A1) shall be infiltrated on the sites listed in Attachment B.
4. An automatically activated standby power source capable of powering all essential treatment units shall be on site and operational at all times. If a generator is employed as an alternate power supply, it shall be tested weekly by interrupting the primary power source.
5. No automobiles or machinery shall be allowed on the infiltration sites except during equipment installation or while maintenance is being performed.
6. Public access to the infiltration sites and wastewater treatment facilities shall be prohibited.
7. The residuals generated from the wastewater treatment facilities shall be disposed or utilized in accordance with 15A NCAC 02T .1100. The Permittee shall maintain a residual management plan pursuant to 15A NCAC 02T .0708.
8. Diversion or bypassing of untreated or partially treated wastewater from the treatment facilities is prohibited.
9. Freeboard in the high-rate infiltration basins, five day upset tank and five day upset pond shall not be less than two feet at any time.
10. Gauges to monitor waste levels in the high-rate infiltration basins, five day upset tank and five day upset pond shall be provided. These gauges shall have readily visible permanent markings, at inch or tenth of a foot increments, indicating the following elevations: maximum liquid level at the top of the temporary liquid storage volume; minimum liquid level at the bottom of the temporary liquid storage volume; and the lowest point on top of the dam.

11. A protective vegetative cover shall be established and maintained on all earthen embankments (i.e., outside toe of embankment to maximum allowable temporary storage elevation on the inside of the embankment), berms, pipe runs, erosion control areas, and surface water diversions. Trees, shrubs, and other woody vegetation shall not be allowed to grow on the earthen dikes or embankments. Earthen embankment areas shall be kept mowed or otherwise controlled and accessible.
12. All effluent shall be routed to the five day upset tank and/or five day upset pond should the limit for fecal coliform (e.g., daily maximum concentration of 25 colonies per 100 mL) or turbidity (e.g., instantaneous maximum of 10 NTU) be exceeded, until the problems associated with the wastewater treatment plant have been corrected. The wastewater in the five day upset tank and/or five day upset pond shall be pumped back to the treatment plant headworks for re-treatment or treated in the five day upset tank and/or five day upset pond prior to infiltration.
13. The infiltration basins shall be periodically dredged to remove deposited materials that may impede the infiltration process. Dredging records shall be maintained at the facility for a period of no less than five years, and shall be made available to the Division upon request. The Washington Regional Office, telephone number (252) 946-6481, shall be notified prior to dredging.

IV. MONITORING AND REPORTING REQUIREMENTS

1. Any Division required monitoring (including groundwater, plant tissue, soil and surface water analyses) necessary to ensure groundwater and surface water protection shall be established, and an acceptable sampling reporting schedule shall be followed.
2. Per 15A NCAC 02H .0800, a Division certified laboratory shall conduct all laboratory analyses for the required effluent, groundwater or surface water parameters.
3. Flow through the treatment facility shall be continuously monitored, and daily flow values shall be reported on Form NDMR.

The Permittee shall install and maintain an appropriate flow measurement device to ensure the accuracy and reliability of flow measurement consistent with accepted engineering and scientific practices. Selected flow measurement devices shall be capable of measuring flows with a maximum deviation of less than ten percent from true flow; accurately calibrated at a minimum of once per year; and maintained to ensure the accuracy of measurements is consistent with the selected device's accepted capability. The Permittee shall maintain records of flow measurement device calibration on file for a period of at least five years. At a minimum, documentation shall include:

- a. Date of flow measurement device calibration,
 - b. Name of person performing calibration, and
 - c. Percent from true flow.
4. The Permittee shall monitor the effluent from the subject facilities at the frequencies and locations for the parameters specified in Attachment A.
 5. The Permittee shall maintain adequate records tracking the amount of effluent infiltrated. At a minimum, these records shall include the following information for each infiltration site listed in Attachment B:
 - a. Date of infiltration;
 - b. Volume of effluent infiltrated;
 - c. Site infiltrated;
 - d. Loading rates to each infiltration site listed in Attachment B; and
 - e. Weather conditions.

6. Freeboard (i.e., waste level to the lowest embankment elevation) in the high-rate infiltration basins, five day upset tank and five day upset pond shall be measured to the nearest inch or tenth of a foot, and recorded weekly. Weekly freeboard records shall be maintained at the facility for a period of no less than five years, and shall be made available to the Division upon request.
7. Three copies of all monitoring data (as specified in Conditions IV.3. and IV.4.) on Form NDMR for each PPI and three copies of all operation and disposal records (as specified in Conditions IV.5. and IV.6.) on Form NDAR-2 for every site in Attachment B shall be submitted on or before the last day of the following month. If no activities occurred during the monitoring month, monitoring reports are still required documenting the absence of the activity. All information shall be submitted to the following address:

Division of Water Resources
Information Processing Unit
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

8. In accordance with § 143-215.1C.(a), the owner or operator of any wastewater collection or treatment works, the operation of which is primarily to collect or treat municipal or domestic wastewater and for which a permit is issued under this Part and having an average annual flow greater than 200,000 gallons per day, shall provide to the users or customers of the collection system or treatment works and to the Department an annual report that summarizes the performance of the collection system or treatment works and the extent to which the collection system or treatment works has violated the permit or federal or State laws, regulations, or rules related to the protection of water quality. The report shall be prepared on either a calendar or fiscal year basis and shall be provided no later than 60 days after the end of the calendar or fiscal year. Two copies of the annual report provided to the Permittee's users shall be submitted to:

Division of Water Resources
Water Quality Permitting Section
1636 Mail Service Center
Raleigh, North Carolina 27699-1636

9. A record shall be maintained of all residuals removed from this facility. This record shall be maintained at the facility for a period of no less than five years, and shall be made available to the Division upon request. At a minimum, this record shall include:
 - a. Name of the residuals hauler;
 - b. Non-Discharge permit number authorizing the residuals disposal, or a letter from a municipality agreeing to accept the residuals;
 - c. Date the residuals were hauled; and
 - d. Volume of residuals removed.
10. A maintenance log shall be maintained at this facility. This log shall be maintained at the facility for a period of no less than five years, and shall be made available to the Division upon request. At a minimum, this log shall include:
 - a. Date and results of power interruption testing on alternate power supply;
 - b. Date of calibration of flow measurement device;
 - c. Visual observations of the plant and plant site; and
 - d. Record of preventative maintenance (e.g., changing of equipment, adjustments, testing, inspections and cleanings, etc.).
11. Monitoring wells shall be sampled at the frequencies and for the parameters specified in Attachment C. All mapping, well construction forms, well abandonment forms and monitoring data shall refer to the permit number and the well nomenclature as provided in Attachment C and Figure 1.

12. Two copies of the monitoring well sampling and analysis results shall be submitted on a Compliance Monitoring Form (GW-59), along with attached copies of laboratory analyses, on or before the last working day of the month following the sampling month. The Compliance Monitoring Form (GW-59) shall include this permit number, the appropriate well identification number, and one GW-59a certification form shall be submitted with each set of sampling results. All information shall be submitted to the following address:

Division of Water Resources
Information Processing Unit
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

13. Noncompliance Notification:

The Permittee shall report by telephone to the Washington Regional Office, telephone number (252) 946-6481, as soon as possible, but in no case more than 24 hours, or on the next working day following the occurrence or first knowledge of the occurrence of any of the following:

- a. Any occurrence at the facility resulting in the treatment of significant amounts of wastes that is abnormal in quantity or characteristic, including the known passage of a hazardous substance.
- b. Any process unit failure (e.g., mechanical, electrical, etc.), due to known or unknown reasons, rendering the facility incapable of adequate wastewater treatment.
- c. Any facility failure resulting in a by-pass directly to receiving surface waters.
- d. Any time self-monitoring indicates the facility has gone out of compliance with its permit limitations.
- e. Effluent breakout from the infiltration basin(s).

Any emergency requiring immediate reporting (e.g., discharges to surface waters, imminent failure of a storage structure, etc.) outside normal business hours shall be reported to the Division's Emergency Response personnel at telephone number (800) 662-7956, (800) 858-0368, or (919) 733-3300. Persons reporting such occurrences by telephone shall also file a written report in letter form within five days following first knowledge of the occurrence. This report shall outline the actions taken or proposed to be taken to ensure the problem does not recur.

V. INSPECTIONS

1. The Permittee shall provide adequate inspection and maintenance to ensure proper operation of the wastewater treatment and infiltration facilities.
2. The Permittee or their designee shall inspect the wastewater treatment and infiltration facilities to prevent malfunctions, facility deterioration and operator errors resulting in discharges, which may cause the release of wastes to the environment, a threat to human health or a public nuisance. The Permittee shall maintain an inspection log that includes, at a minimum, the date and time of inspection, observations made, and any maintenance, repairs, or corrective actions taken. The Permittee shall maintain this inspection log for a period of five years from the date of the inspection, and this log shall be made available to the Division upon request.
3. Any duly authorized Division representative may, upon presentation of credentials, enter and inspect any property, premises or place on or related to the wastewater treatment and infiltration facilities permitted herein at any reasonable time for the purpose of determining compliance with this permit; may inspect or copy any records required to be maintained under the terms and conditions of this permit, and may collect groundwater, surface water or leachate samples.

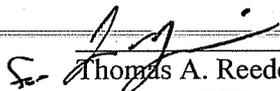
VI. GENERAL CONDITIONS

1. Failure to comply with the conditions and limitations contained herein may subject the Permittee to an enforcement action by the Division in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C.
2. This permit shall become voidable if the permitted facilities are not constructed in accordance with the conditions of this permit, the Division approved plans and specifications, and other supporting documentation.
3. This permit is effective only with respect to the nature and volume of wastes described in the permit application, Division approved plans and specifications, and other supporting documentation. No variances to applicable rules governing the construction or operation of the permitted facilities are granted, unless specifically requested and approved in this permit pursuant to 15A NCAC 02T .0105(n).
4. The issuance of this permit does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances, which may be imposed by other jurisdictional government agencies (e.g., local, state, and federal). Of particular concern to the Division are applicable river buffer rules in 15A NCAC 02B .0200; erosion and sedimentation control requirements in 15A NCAC Chapter 4 and under the Division's General Permit NCG010000; any requirements pertaining to wetlands under 15A NCAC 02B .0200 and 02H .0500; and documentation of compliance with Article 21 Part 6 of Chapter 143 of the General Statutes.
5. In the event the permitted facilities change ownership or the Permittee changes their name, a formal permit modification request shall be submitted to the Division. This request shall be made on official Division forms, and shall include appropriate property ownership documentation and other supporting documentation as necessary. The Permittee of record shall remain fully responsible for maintaining and operating the facilities permitted herein until a permit is issued to the new owner.
6. The Permittee shall retain a set of Division approved plans and specifications for the life of the facilities permitted herein.
7. The Permittee shall maintain this permit until all permitted facilities herein are properly closed or permitted under another permit issued by the appropriate permitting authority pursuant to 15A NCAC 02T .0105(j).
8. In accordance with 15A NCAC 02T .0110, any permit issued by the Division pursuant to Administrative Code 15A Subchapter 02T is subject to revocation, or modification upon 60 days notice by the Director of Water Resources in whole or part for:
 - a. Violation of any terms or conditions of the permit;
 - b. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;
 - c. Refusal of the Permittee to allow authorized employees of the Department of Environment and Natural Resources upon presentation of credentials:
 - i. to enter upon Permittee's premises on which a system is located in which any records are required to be kept under terms and conditions of the permit;
 - ii. to have access to any documents and records required to be kept under terms and condition of the permit;
 - iii. to inspect any monitoring equipment or method required in the permit; or
 - iv. to sample any pollutants.
 - d. Failure to pay the annual fee for administering and compliance monitoring.

9. In accordance with 15A NCAC 02T .0120(b), permits for new and expanding facilities shall not be granted, unless the Division of Water Resources determines that the permit is specifically and solely needed for the construction of facilities to resolve non-compliance with any environmental statute or rule when any of the following apply:
 - a. The applicant or any parent, subsidiary, or other affiliate of the applicant or parent has been convicted of environmental crimes under G.S. 143-215.6B or under Federal law that would otherwise be prosecuted under G.S. 143-215.6B where all appeals have been abandoned or exhausted.
 - b. The applicant or any affiliation has previously abandoned a wastewater treatment facility without properly closing the facility in accordance with the permit or Administration Code 15A Subchapter 02T.
 - c. The applicant or any affiliation has not paid a civil penalty where all appeals have been abandoned or exhausted.
 - d. The applicant of any affiliation is currently not compliant with any compliance schedule in a permit, settlement agreement or order.
 - e. The applicant or any affiliation has not paid an annual fee in accordance with 15A NCAC 02T .0105(e)(2).
10. The Permittee shall pay the annual fee within 30 days after being billed by the Division. Failure to pay the annual fee accordingly shall be cause for the Division to revoke this permit pursuant to 15A NCAC 02T .0105(e)(3).

Permit issued this the 1st day of November 2013

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

 Thomas A. Reeder, Director
Division of Water Resources
By Authority of the Environmental Management Commission

Permit Number WQ0009772

ENGINEERING CERTIFICATION

Partial Final

In accordance with 15A NCAC 02T .0116, I, _____, as a duly registered Professional Engineer in the State of North Carolina, having the Permittee's authorization to periodically weekly fully observe the construction of the permitted facility, hereby state to the best of my abilities that due care and diligence was used in the observation of the construction, such that the facility was built within substantial compliance and intent of this permit, the Division approved plans and specifications, and other supporting documentation.

Any variation to this permit, the Division approved plans and specifications, and other supporting documentation has been documented in the attached as-built drawings, and shall serve as the Permittee's minor modification request to amend the permit accordingly.

Provide a brief narrative description of any variations: _____

Professional Engineer's Name			NC PE Seal, Signature & Date
Engineering Firm			
Mailing Address			
City	State	Zip	
Telephone	E-mail		

**THE COMPLETED ENGINEERING CERTIFICATION, INCLUDING ALL SUPPORTING INFORMATION AND MATERIALS, SHALL BE SENT TO THE FOLLOWING ADDRESS:
 NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
 DIVISION OF WATER RESOURCES
 WATER QUALITY PERMITTING SECTION
 NON-DISCHARGE PERMITTING UNIT**

By U.S. Postal Service:
 1636 MAIL SERVICE CENTER
 RALEIGH, NORTH CAROLINA 27699-1636

By Courier/Special Delivery:
 512 N. SALISBURY ST.
 RALEIGH, NORTH CAROLINA 27604

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PPI 001 – WWTP Effluent

EFFLUENT CHARACTERISTICS		EFFLUENT LIMITS					MONITORING REQUIREMENTS	
PCS Code	Parameter Description	Units of Measure	Monthly Average	Monthly Geometric Mean	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
00310	BOD, 5-Day (20 °C)	mg/L	10			15	3 x Week	Composite
00940	Chloride (as Cl)	mg/L	No Limit				3 x Year ¹	Composite
31616	Coliform, Fecal MF, M-FC Broth, 44.5 °C	#/100 mL		14		25	Weekly	Grab
50050	Flow, in Conduit or thru Treatment Plant	GPD	520,000 ² 580,320 ³				Continuous	Recorder
00610	Nitrogen, Ammonia Total (as N)	mg/L	4			6	3 x Week	Composite
00620	Nitrogen, Nitrate Total (as N)	mg/L	10				3 x Week	Composite
00600	Nitrogen, Total (as N)	mg/L	4				3 x Week	Composite
00400	pH	su			6	9	5 x Week	Grab
00665	Phosphorus, Total (as P)	mg/L	2				3 x Week	Composite
70300	Solids, Total Dissolved – 180 °C	mg/L	No Limit				3 x Year ¹	Composite
00530	Solids, Total Suspended	mg/L	5			10	3 x Week	Composite
00076	Turbidity, HCH Turbidimeter	NTU				10	Continuous	Recorder

1. 3 x Year sampling shall be conducted every March, July and November.
2. Prior to construction and operation of the newly permitted Phase II facilities, the flow shall be limited to 520,000 GPD.
3. Upon construction, certification and operation of the newly permitted Phase II facilities, the flow shall be limited to 580,320 GPD.

PPI 002 – Groundwater Lowering System Effluent

EFFLUENT CHARACTERISTICS				EFFLUENT LIMITS			MONITORING REQUIREMENTS	
PCS Code	Parameter Description	Units of Measure	Monthly Average	Monthly Geometric Mean	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
00310	BOD, 5-Day (20 °C)	mg/L	No Limit				Weekly	Grab
00680	Carbon, Total Organic (TOC)	mg/L	No Limit				3 x Year ¹	Grab
00940	Chloride (as Cl)	mg/L	250				3 x Year ¹	Grab
31616	Coliform, Fecal MF, M-FC Broth, 44.5 °C	#/100 mL					Weekly	Grab
50050	Flow, in Conduit or thru Treatment Plant	GPD	No Limit				Continuous	Recorder
00610	Nitrogen, Ammonia Total (as N)	mg/L	1.5				Weekly	Grab
00620	Nitrogen, Nitrate Total (as N)	mg/L	10				Weekly	Grab
00600	Nitrogen, Total (as N)	mg/L	No Limit				Weekly	Grab
00400	pH	su			6.5	8.5	Weekly	Grab
00665	Phosphorus, Total (as P)	mg/L	No Limit				Weekly	Grab
70300	Solids, Total Dissolved – 180 °C	mg/L	500				3 x Year ¹	Grab
NDVOC	Volatile Compounds (Effluent)	Present: Y/N	No Limit				Annually ²	Grab

1. 3 x Year sampling shall be conducted every March, July and November.
2. Annual sampling shall be conducted every November.

Carolina Water Service, Inc. of NC – Monteray Shores WWTP

INFILTRATION AREA INFORMATION							APPLICATION LIMITATIONS		
Basin	Owner	County	Latitude	Longitude	Net Acreage	Dominant Soil Series	Parameter	Rate	Units
1A	Carolina Water Service, Inc. of NC	Currituck	36.331504°	-75.818705°	1.23	Newhan	01284 – Non-Discharge Application Rate	5.98 320,104	GPD/ft ² GPD
1B	Carolina Water Service, Inc. of NC	Currituck	36.330982°	-75.818210°	1.00	Newhan	01284 – Non-Discharge Application Rate	5.98 260,216	GPD/ft ² GPD
Totals					2.23				

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Monitoring wells: MW-12 and MW-13

GROUNDWATER CHARACTERISTICS		GROUNDWATER STANDARDS		MONITORING REQUIREMENTS		
PCS Code	Parameter Description	Daily Maximum		Frequency Measurement	Sample Type	Footnotes
00680	Carbon, Tot Organic (TOC)		mg/L	3 x Year	Grab	1, 6
00940	Chloride (as Cl)	250	mg/L	3 x Year	Grab	1
31616	Coliform, Fecal MF, M-FC Broth, 44.5 °C		#/100 mL	3 x Year	Grab	1
00610	Nitrogen, Ammonia Total (as N)	1.5	mg/L	3 x Year	Grab	1
00620	Nitrogen, Nitrate Total (as N)	10	mg/L	3 x Year	Grab	1
00400	pH	6.5-8.5	su	3 x Year	Grab	1, 2
00665	Phosphorus, Total (as P)		mg/L	3 x Year	Grab	1
70300	Solids, Total Dissolved - 180 °C	500	mg/L	3 x Year	Grab	1
GWVOC	Volatile Compounds (GC/MS)		Present: Yes/No	Annually	Grab	1, 4, 5
82546	Water level, distance from measuring point		ft	3 x Year	Calculated	1, 2, 3

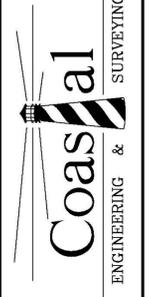
- 3 x Year monitoring shall be conducted in March, July & November; Annual monitoring shall be conducted every November.
- The measurement of water levels shall be made prior to purging the wells. The depth to water in each well shall be measured from the surveyed point on the top of the casing. The measurement of pH shall be made after purging and prior to sampling for the remaining parameters.
- The measuring points (top of well casing) of all monitoring wells shall be surveyed to provide the relative elevation of the measuring point for each monitoring well. The measuring points (top of casing) of all monitoring wells shall be surveyed relative to a common datum.
- Volatile Organic Compounds (VOC) - In November only, analyze by one of the following methods:
 - Standard Method 6230D, PQL at 0.5 µg/L or less
 - Standard Method 6210D, PQL at 0.5 µg/L or less
 - EPA Method 8021, Low Concentration, PQL at 0.5 µg/L or less
 - EPA Method 8260, Low Concentration, PQL at 0.5 µg/L or less
 - Another method with prior approval by the Water Quality Permitting Section Chief

Any method used must meet the following qualifications:

 - A laboratory must be DWR certified to run any method used.
 - The method used must, at a minimum, include all the constituents listed in Table VIII of Standard Method 6230D.
 - The method used must provide a PQL of 0.5 µg/L or less that must be supported by laboratory proficiency studies as required by DWR. Any constituents detected above the MDL but below the PQL of 0.5 µg/L must be qualified (estimated) and reported.
- If any volatile organic compounds (VOC) are detected as a result of monitoring as provided in Attachment C, then the Washington Regional Office supervisor, telephone number (252) 946-6481, must be contacted immediately for further instructions regarding any additional follow-up analyses required.
- If TOC concentrations greater than 10 mg/L are detected in any downgradient monitoring well, additional sampling and analysis must be conducted to identify the individual constituents comprising this TOC concentration. If the TOC concentration as measured in the background monitor well exceeds 10 mg/L, this concentration will be taken to represent the naturally occurring TOC concentration. Any exceedances of this naturally occurring TOC concentration in the downgradient wells shall be subject to the additional sampling and analysis as described above.
- Monitoring wells shall be reported consistent with the nomenclature and location information provided in Figure 1 and this attachment.

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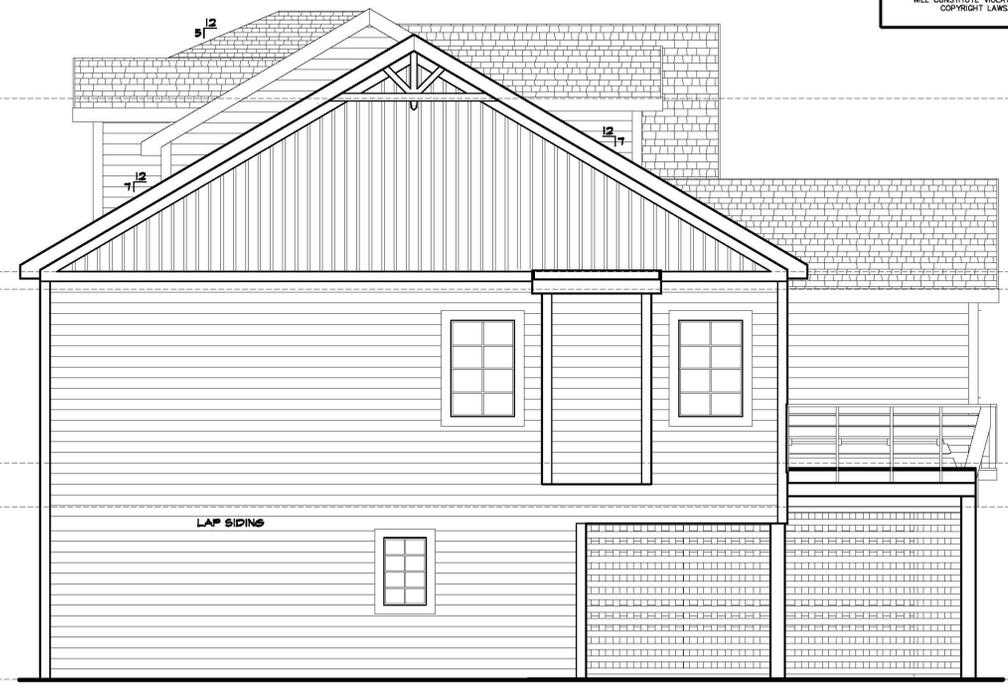
P.O. Box 1129
 4425 N. CROATAN HWY
 (252)-261-4151
 (252)-261-1333
 C-0836
 Civil - Structural
 Site Development



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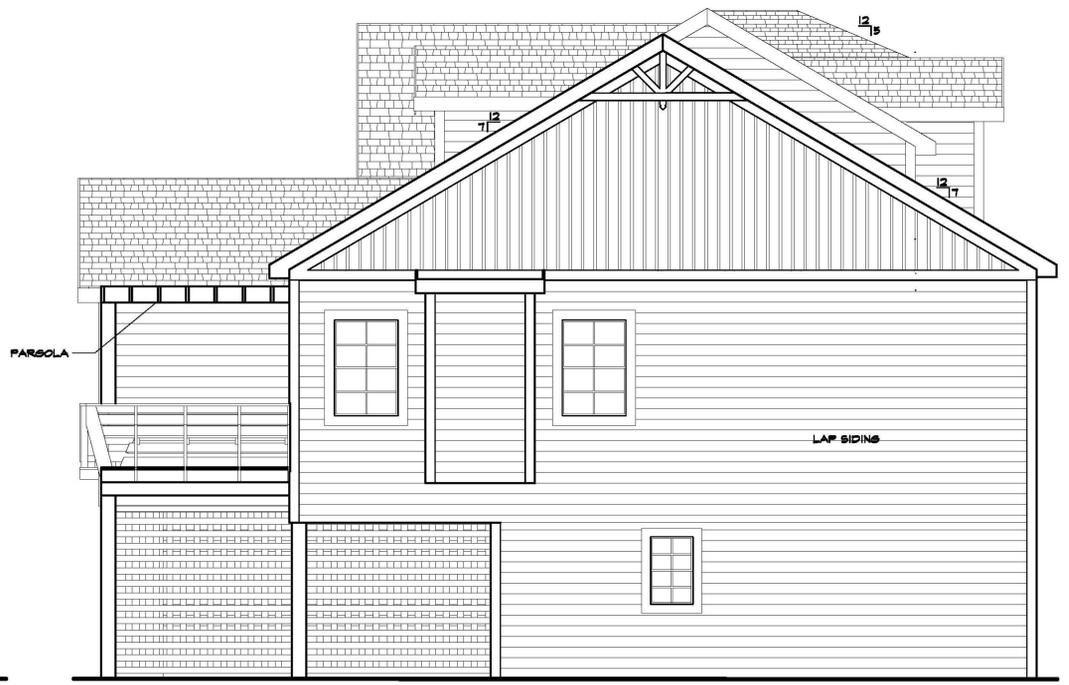
FRONT ELEVATION
 1/4"=1'-0"



LEFT ELEVATION
 1/4"=1'-0"



REAR ELEVATION
 1/4"=1'-0"



RIGHT ELEVATION
 1/4"=1'-0"

NO.	DATE	DESCRIPTION	BY
01	06/18/13	PRELIMINARY	CG
02	07/24/13	REVISIONS	BW
03	07/24/13	REVISIONS	BW
04	07/24/13	REVISIONS	BW
05	07/24/13	REVISIONS	BW
06	07/24/13	REVISIONS	BW
07	07/24/13	REVISIONS	BW
08	07/24/13	REVISIONS	BW
09	07/24/13	REVISIONS	BW
10	07/24/13	REVISIONS	BW

COROLLA
 CURRITUCK COUNTY
 NORTH CAROLINA
REVISIONS A

**PRELIMINARY
 NOT FOR CONSTRUCTION**

DATE: 06.18.13
 CHECKED: CG
 PROJECT NO: P624.13
 CAD FILE: P624.13DWG
 SHEET: D1 of D2



Currituck County Agenda Item Summary Sheet

Agenda Item Title

PB 99-20 Elbow Road Farm, Inc. : Thrasher Mine requests a (special) use permit modification to expand an existing mining operation located in Moyock at 144 Lazy Corner Road, Tax Map 9, Parcel 53A, Moyock Township.

Brief Description of Agenda Item

Elbow Road Farm is requesting a (special) use permit modification to expand the existing mining operations at 144 Lazy Corner Road in Moyock. The proposed mine expansion is 55.39 acres. The existing mining operation is 94 acres on a 311.68 acre tract owned by Moyock Properties. There are 12.9 acres of wetlands located on the tract. The applicant is requesting a 50% reduction in the required 100 foot property line setback, removal of any permit condition requiring future development of a residential community and/or golf course upon completion of the mine operation, and staff is requesting removal of redundant findings of fact from the permit conditions. The mine operation has been approved since November 1, 1999 and a permit extension was approved October 8, 2012. The current (special) use permit will expire January 1, 2023. The expected maximum depth of the mine is 25 feet. The mining operation has maintained compliance with state and county permits for the past five years.

Planning Board Recommendation:

Ms. Newbern moved to approve PB 99-20 with staff recommendations and the findings of fact. Ms. Wilson seconded the motion and the motion passed unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody

Presenter of Agenda Item

Ben Woody

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: December 2, 2013
PB 99-20 Elbow Road Farm, Inc. – Thrasher Mine Special Use Permit
Modification**

ITEM: PB 99-20 Elbow Road Farm, Inc., Thrasher Mine,
Special Use Permit Modification

LOCATION: Moyock: 144 Lazy Corner Road

TAX ID: 0009-000-053A-0000

ZONING DISTRICT: Agricultural (AG)

PRESENT USE: Extractive Industry - Mining Operation

OWNER: Moyock Properties, LLC
1400 Elbow Road
Chesapeake, VA 23320

APPLICANT: Elbow Road Farm, Inc.
144 Lazy Corner Road
Moyock, NC 27958

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Undeveloped	AG
SOUTH	Undeveloped/Low Density Residential	AG
EAST:	Low Density Residential	GB/AG
WEST:	Utility – wastewater plant	AG

LAND USE PLAN

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

SIZE OF SITE: 311.68 acres

SIZE OF MINE: 149.39 Acres
Existing Mine: 94 Acres
Expansion: 55.39 Acres

WETLANDS: 12.9 Acres (Bissell Plat)

STREETS: The mine access is from SR 1222 (Lazy Corner Road)

UTILITIES: There will be no new utilities associated with the use.

COMMUNITY MEETING: A community meeting was held on June 24, 2013 and received support for the mining operation. Questions and comments were related to occasional right turns on Newtown Road and duration of mining activities.

I. NARRATIVE OF REQUEST:

1. The applicant is seeking modifications to the special use permit. The modifications include:
 - a. Mine expansion of 55.39 acres. In addition, portions of the mine will be reclaimed with fill (SUP Condition #2, #10, #19).
 - b. Reduction in the required setback (50% - 50') along the eastern property line where a screening berm will be located.
 - c. Removal of any permit condition requiring future development of a residential community and/or golf course at completion of the mine operation (SUP Condition #19, and Incorporated Findings of Fact 2).
 - d. In addition, staff is removing the redundant findings of fact from the permit conditions.
2. The initial special use permit was issued by the board on November 1, 1999. An amended special use permit was approved by the board on January 2, 2001 and again on March 19, 2001. A permit extension was approved October 8, 2012 and is valid until January 1, 2023. The Board of Commissioners, at request of the applicant, can grant the use permit for ten years from the date of the approval or maintain the January 1, 2023 expiration date.
3. An updated Ground Watering Monitoring Report was prepared by Bissell Professional Group June 26, 2013. Four monitoring wells are installed adjacent to the mine. Groundwater recharge system exists on the property and will be modified for continued use around the proposed expansion activities.
4. The expected maximum depth of the mine is 25 feet (-13'msl average).
5. The mining operation has maintained compliance with the state permits and the county special use permit for the past five years.

II. USE PERMIT REVIEW STANDARDS:
Use Permit Criteria and Staff Findings:

Although, this request is a modification of the existing Special Use Permit, this application is being reviewed under the current standards that require a Use Permit. 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 of fact are outlined as follows:

1. The use will not endanger the public health or safety.
Staff Findings:
 - a. Extraction operations are a permitted use in the Agricultural (AG) zoning district with a use permit.
 - b. The mine activities have maintained compliance with the state and county permit requirements for the past five years.

- c. A water truck will continue to maintain the access road for dust control.
 - d. "No Trespassing" signs will be posted every 250 feet.
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. The mining activities have been operational since November 1, 1999.
 - b. A minimum 50' undisturbed buffer is provided around the mine perimeter.
 - c. Visual screen berms are included in the current and proposed mine plans where visible from adjacent roads and residentially developed properties.
 - d. The UDO permits mining operations in the Agricultural (AG) zoning district with a use permit.
3. The use will be in conformity with the Land Use Plan or other officially adopted plan.

Staff Findings:

- a. The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The proposed expansion is in keeping with the policies of the plan, such as:

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.

- b. The UDO permits extractive industries in the Agricultural (AG) district with the issuance of a use permit.
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 mine expansion will have no impact on schools.
- b. The county should have adequate public facilities to service use.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following use permit modifications and conditions: (Strikethrough text is to be removed and new text is underlined)

- 1. That at any time the State permit issued for this mining operation is suspended or revoked, the suspension or revocation shall cause this Special Use Permit to become void.
- 2. ~~That no more than 93.87 acres (29.9%) of parcels 0009-000-0053-0000, 0009-000-0054-0000, 0009-000-0056-0000, 0009-000-056A-0000 and 0009-000-0057-0000 be excavated for the purposes of mining under this permit.~~

3. That any modifications to the State permit, if any, shall be filed within 10 working days of issuance to the Planning/Inspections Department of Currituck County.
4. That this Special Use Permit shall be valid for a period of 10 years from the date it is approved unless the Board of Commissioners modify the existing use permit (January 1, 2023 expiration).
5. That the road entering the mining area shall be properly graded and drained in order to minimize potholes and standing water.
6. That all trucks hauling mined materials shall be covered with a tarpaulin when materials extend above the raised board of the truck.
7. That no bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on the site.
8. That "No Trespassing" signs shall be posted around the site being mined at a minimum distance of 250 feet apart indicating that a mining operation is being conducted on the property.
9. That reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning/Inspections Department of Currituck County within 10 days of being filed with the State.
10. That no discharging of water from the mine is permitted under this permit until such time as a dewatering permit has been obtained from the State.
11. That stockpile areas shall be stabilized to reduce wind and water erosion.
12. That drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation.
13. That all provisions of State and local permits issued and applied for the operation shall be met.
14. That the hours of operation of all mining related activities on this site, as determined by the Currituck County Board of Commissioners, shall be from dawn to dusk daily with no operations on Sunday.
15. That the site must be entered and exited from/to the north onto Lazy Corner Road unless servicing Newtown resident.
16. That the local Volunteer Fire Department be allowed to utilize the pond for fire-fighting purposes.
17. That backfill on offsite materials will be allowed within the mine area and that a copy of the approved State Mining approval showing backfill allowed on the site be forwarded to the Planning Office.

18. That should any conditions within this permit conflict with any other permit issued for this activity, then the more restrictive condition shall prevail.

19. Discharge water samples that test for settleable solids, turbidity, and pH shall be collected and tested quarterly. Four monitoring wells shall be maintained and tested semi-annually for quality and monthly for quantity (water level). The testing reports shall be submitted to the county within thirty days of the reporting date.

~~19. That the following Staff Findings of Fact be incorporated within this approval:~~

APPLICANT _____	OWNER _____
Mark Bissell _____	Moyock Properties LLC _____
Bissell Professional Gr _____	2833 Pungo Ferry Rd. _____
4417 Croatan Hwy. _____	VA. Beach, VA 23457 _____
Kitty Hawk, NC 27949 _____	
(252) 261-3266 _____	

- ~~1. The applicant is requesting Amended Special Use Permit for mining operations (Use Classification #14.300) of sand which is permitted within a A (Agriculture) zoning district with a SUP.~~
- ~~2. Applicant is requesting to mine 93.87 acres on parcels having a combined acreage of 313.46 acres which amounts to 29.95% of the 30% maximum allowed. Property is shown on Tax Map 9, parcels 53, 54, 56, 56A & 57. Property is located on the west side of SR 1222 (Lazy Corner Rd.). Average depth of the pit will be 25'. After completion of the project and reclamation, the pit will become a pond area for a golf course and residential development, if applicant can find a willing developer to undertake the project.~~
- ~~3. APPLICATION HISTORY:
— On November 3, 1999 the BOC approved a Special Use Permit for this mining operation. At the time of approval, Condition #14 of the SUP stated that "no vehicles transporting material may utilize the site on Saturdays Memorial Day through Labor Day."~~
- ~~4. This condition was modified during the 1/2/01 BOC allowing the hours of operation to be from dawn to dusk daily with no operations on Sunday (see attached SUP).~~
- ~~5. PROPOSED CHANGE:
— 1. allow hauling and placement of clay and topsoil materials from offsite sources back into the mining area.~~
- ~~6. EXISTING CONDITIONS
— Site contains woodlands and farmlands. County Soil Maps indicates several types of soil contained on the property: AaA (Altavista); At (Augusta); Ds (Dragston); Ro (Roanoke) and To (Tomotley). The application indicates this property to be in Flood Zone "A".~~
- ~~7. According to applicant, there will be off-site discharges; water generated from the pit will be pumped into a settling ditch, then into an infiltration pond and then released into a wetland area.~~
- ~~8. A state mining permit was submitted to NCDEHNR, Land Quality Section on 8/12/99.~~
- ~~9. According to the application, all proposed mining areas for the site meet the required setbacks (100' from property lines; 300' from nearest residence, school, church, hospital, commercial or industrial building, public road or cemetery).~~
- ~~10. Applicant is seeking to excavate a total of 93.87 acres which is 29.9% of the 30% maximum allowed.~~

~~11. After reclamation, final slopes will be 3 to 1 to the water level and then 2 to 1 from the water level to the bottom of the pit.~~

~~12. ADDITIONAL APPLICATION INFORMATION~~

~~— Name of mine: Thrasher Mine - Moyock~~

~~— Mine manager, address and phone number:~~

~~_____ D. L. Thrasher III~~

~~_____ 1400 Elbow Rd.~~

~~_____ Chesapeake, VA 23320~~

~~_____ (757)547-3900~~

~~Mining methods:—~~

~~— According to the application, the excavation will be done almost exclusively by excavator. However other equipment cited in application to be used includes front-end loader and trucks.~~

~~Steps taken to maintain haul road(s):~~

~~— Applicant will bear the responsibility for maintenance of the haul road. Applicant will keep haul road watered down to keep amount of dust down to a minimum and use a sweeping broom tractor to clear paved entrance.~~

~~— Description of day to day operations:~~

~~Dig and haul sand. Projected estimates given by applicant are to dig for 6 days/week & haul 6 days/week. According to applicant, the anticipated daily traffic will be 100 loads/day. A large project would cause the number to increase to approximately 200 loads/day.~~

~~— Buffers, existing vegetation on site and berms:~~

~~— Applicant is proposing a 4' high tree lined berm along the front of the property behind the existing residential area and extending approximately 500' along the entrance into the mining area.~~

~~— Proposed use after mining and how is sewage being handled:~~

~~The pit will become a pond area for a golf course and residential development, sewage will be handled by an on-site septic system.~~

~~13. According to the application, the nearest residential dwelling is 200' north of the proposed entrance to the site.~~

~~14. Limited ingress/egress to site will insure safer traffic movements. Upon exiting haul road, trucks will travel north along SR 1222 ultimately entering onto Caratoke Hwy. (NC 168). Proposed removal is up to 100 truckloads per day unless a large project would require additional loads to be removed (up to 200).~~

~~15. According to application, a 6' high gate will be installed to prevent inadvertent public entry.~~

~~16. "No Trespassing" signs will be posted every 250' around the site to indicate a mining operation is being conducted on the property.~~

~~17. The property is surrounded by the following land uses:~~

~~— North: Farmland - zoned A~~

~~— South: Farmland, woodlands, wetlands - zoned A~~

~~— East: Residential - zoned A & GB~~

~~— West: Woodlands/Farmland - zoned A~~

- ~~18. The 1990 Land Use Plan classifies this land as Developed, Limited Transition and Rural.~~
~~19. The proposed site is located off a Local Road according to the 1988 Thoroughfare Plan.~~
~~20. According to the application, the proposed activities should not negatively impact the county's ability to provide public services.~~

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval of PB 99-20 with staff recommendations and the findings of fact. Motion passed 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

PLANNING BOARD RECOMMENDATION (11-12-13)

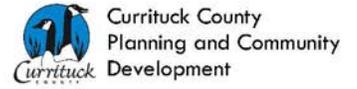
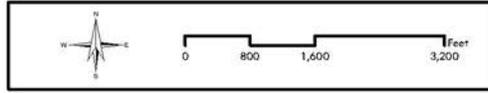
Mr. Klebitz said he agrees with the case analysis and that the application has been reviewed and approved by the State and the permit will be issued upon bond submission.

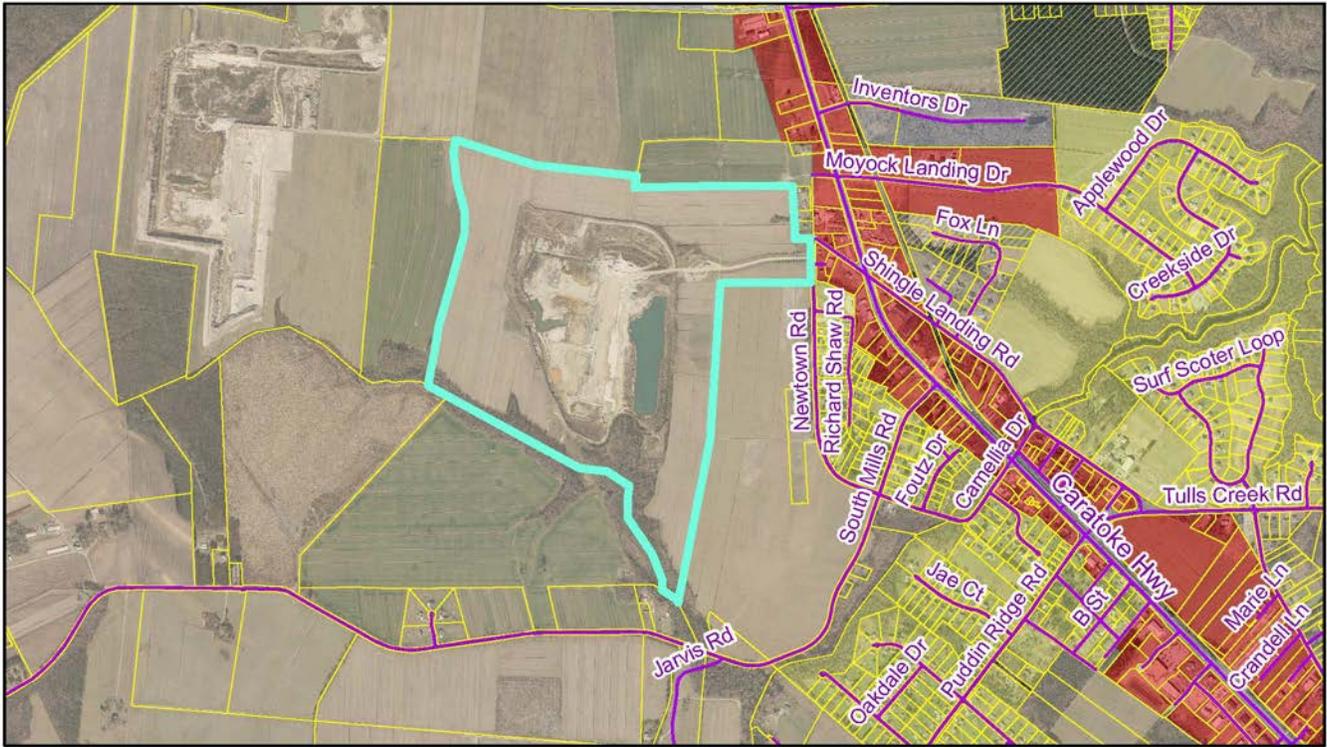
ACTION

Ms. Newbern moved to approve PB 99-20 with staff recommendations and the findings of fact. Ms. Wilson seconded the motion and the motion passed unanimously.

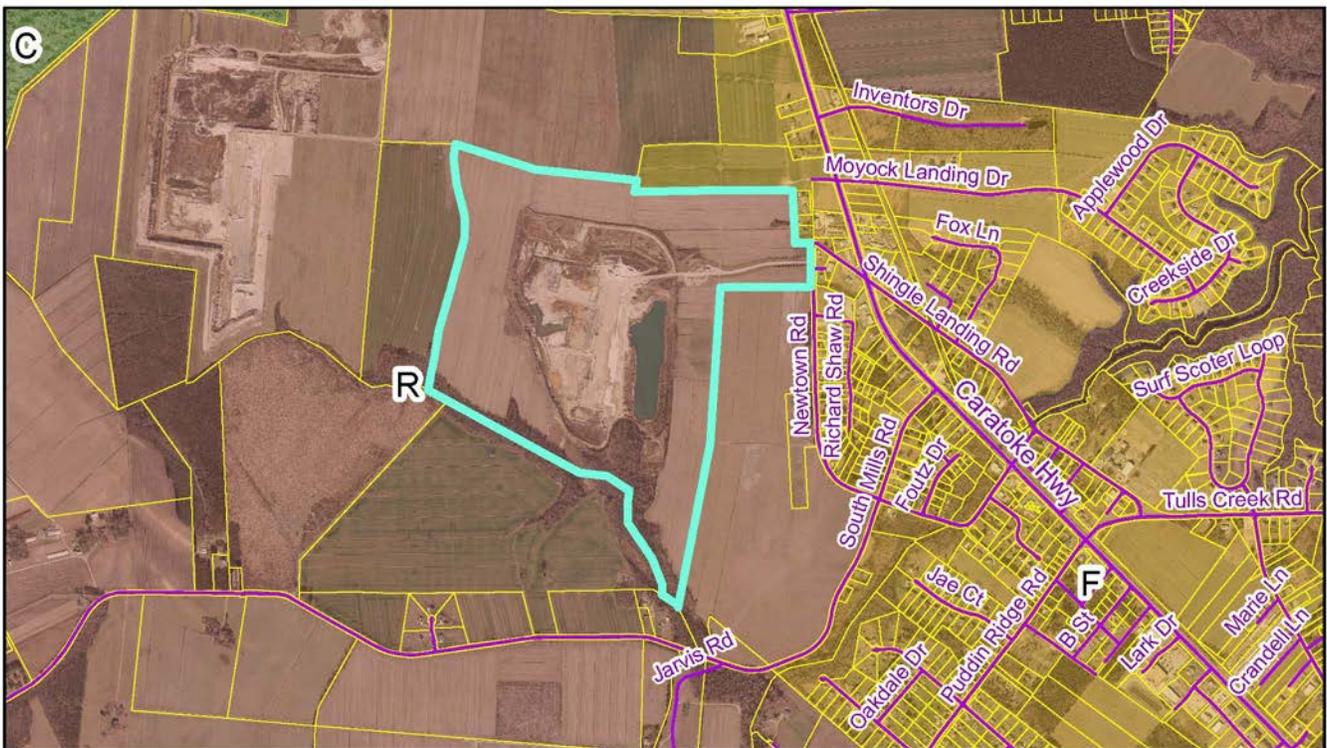
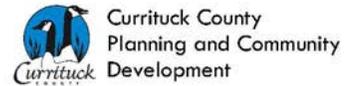
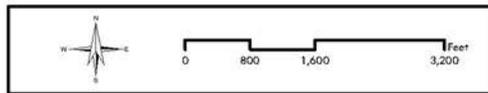


PB 99-20
Elbow Road Farm, Inc.
Use Permit Modification - Aerial

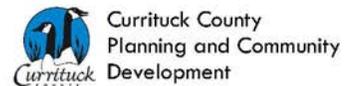
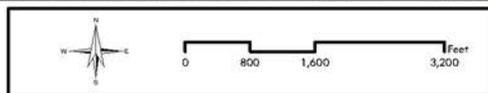




PB 99-20
Elbow Road Farm, Inc.
Use Permit Modification - Zoning



PB 99-20
Elbow Road Farm, Inc.
Use Permit Modification - LUC



MEMORANDUM

To: Elbow Road Farm, Inc.
Moyock Properties, Inc.

From: Donna Voliva, Planner

Date: July 2, 2013

Re: Thrasher Mine Expansion, Use Permit Modification, TRC Comments

The following comments have been received for the July 17, 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 July 22, 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 clarify the phasing of excavation area and expansions.
2. Please provide the right-of-way encroachment agreement from the power company to allow excavation inside the power line right-of-way.
3. Please provide the floodway boundary lines on the proposed plan.
4. The cumulative total of the mine's excavation area, including the requested expansion, shall not exceed 50% of the total site area. CAMA and USACOE designated wetlands and surface waters shall not be included in the total site area calculation.
5. The Board of Commissioners may reduce the setback by 50% when the mining activity adjoins a vacant parcel or farmland.
6. The county suggests quarterly water sampling and testing of any discharged water. The samples shall be tested for settleable solids, turbidity, and pH.
7. No modifications of the existing conditions of the 2001 Special Use Permit.

Currituck County Utilities, Pat Irwin

No comment

Currituck County Fire and Emergency Management, James Mims

No comment

Currituck Soil and Water, Mike Doxey

Approved

Currituck County Engineer, Eric Weatherly

Still reviewing groundwater monitoring report. Will provide more comments at the TRC meeting.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

1. *Note: any mining ponds must be located a minimum 50 feet from any private well(s) and a minimum 50 feet from any existing septic system/septic system repair areas. Thanks.

Currituck County Parks and Recreation, Jason Weeks

No comment

Currituck County Economic Development, Peter Bishop

Reviewed

1. Why is the applicant requesting a previous condition to the development be removed?

Currituck County GIS, Harry Lee

Reviewed

NC State Archaeology, Lawrence Abbot

No comment

NCDENR - Division of Coastal Management, Charlan Owens

No Comment

US Army Corps of Engineers, Kyle Barnes

Reviewed

1. Any impacts to waters or wetlands will require USACE approval prior to impacts.

October 7, 2013

Bissell Professional Group
4417 North Croaton Highway
P.O. Box 1068
Kitty Hawk, North Carolina 27949
Attention: David M. Klebitz

Reference Number: TE007068004R

Consent for Right-of-Way Encroachment

Dear Mr. Klebitz:

Bissell Professional Group has requested that Virginia Electric and Power Company (“Dominion Virginia Power” or “Company”) consent to an encroachment by Moyock Properties, LLC (“Requestor”) on, over and/or under a part of its transmission right-of-way easement(s) (sometimes referred to herein as the “easement” or “right-of-way”) identified as:

**Hickory-Shawboro Corridor, Parcel 26A
Transmission Lines, 2087/138-146 & 269/82-85**

[COR0219/26A]

The location of the encroachment is as follows:

144 Lazy Corner Road, Moyock, North Carolina

The encroachment for which Moyock Properties, LLC has requested consent (the “Encroachment”) is described as:

- **3 Haul Road Crossings,**
- **3 De-Watering/Recharge Ditch Crossings with Culverts**

Dominion Virginia Power, under its easement(s) as identified above hereby consents to the encroachment described above subject to the following terms

1. The minimum distance required by the Occupational Health and Safety Administration (“OSHA”) shall be maintained between electrical conductors and any part of the Encroachment or equipment used in the installation or maintenance of the Encroachment. Sag of conductors varies with changes in operating and ambient temperatures; therefore, required clearances will be based upon maximum sag. The minimum clearance shall be governed by the clearance required for the 230 kV line. See Exhibit(s) "A" through "C". Voltage and conductor arrangement is subject to change. It is

Requestor's responsibility to confirm voltage and location of conductors prior to installation, maintenance or repair of the Encroachment.

2. Company access to its facilities shall not be hampered at any time by the installation, use, maintenance or presence of the Encroachment. Company shall not be liable for damage to the Encroachment resulting from exercise of its easement rights.
3. Permission for the Encroachment described in Exhibit(s) "D" through "F" does not include permission for storage on the right-of-way of material or equipment related to the Encroachment.
4. No portion of any building, house, garage, porch, deck, shed, trailer, barn, playhouse, above-ground or in-ground swimming pool, dumpster or any other type of structure, temporary or permanent, shall be permitted on the right-of-way.
5. Requestor shall restore any erosion or settling on the right-of-way related to the installation or maintenance of the Encroachment. Requestor shall comply with all state and local erosion and sedimentation control laws, and shall not adversely affect grade elevations and water drainage patterns.
6. Requestor shall notify Company's Rights-of-Way Management Representative at the location shown below if any counterpoise [ground wire buried 18 to 24 inches deep] is damaged, cut or severed, so necessary repairs can be made by Company the cost of which shall be reimbursed by the Requestor.
7. Requestor shall be responsible for all associated costs for the repairs of Company facilities (including but not limited to structures, guys, anchors or counterpoise) damaged by Requestor, his/her/their/its employees, contractors or agents.
8. If the Encroachment is determined to be unsafe by the Company at a future date, the unsafe condition shall be corrected or removed at Requestor's expense within forty-five (45) days after written notification from the Company. If not so corrected or removed by Requestor, the unsafe condition may be corrected or removed by the Company at Requestor's expense without liability by the Company for any resulting damage.
9. This consent in no way reduces the Company's rights under the easement(s) identified above. The Company may at any time exercise its easement rights in a way that conflicts or interferes with the Encroachment described above. Upon notice from the Company, the Requestor will promptly modify, rearrange or remove the Encroachment to enable the Company to exercise its easement rights without conflict or interference with the Encroachment. Requestor will be responsible for the cost of any such modification, rearrangement or removal. If Requestor fails to so modify, rearrange or remove the Encroachment within forty-five (45) days after notice from the Company to do so, the Company may modify, rearrange or remove the Encroachment without liability for damage resulting there from, and Requestor shall promptly reimburse the Company for the cost of such modification, rearrangement or removal.

- 10. Requestor shall begin physical installation of the Encroachment within three (3) year of the date of execution of this letter. If installation does not begin within that period, this Letter of Consent shall become invalid. A new request addressing the Encroachment must be submitted before further consideration and will be subject to a processing fee. For the avoidance of doubt, Company's consent for this Encroachment in no way implies or assures that Company will reissue consent for this Encroachment in the future should this Letter of Consent become invalid.**
11. Requestor shall give at least five (5) days advance notice, except in emergencies, of any activities being performed within the right-of-way to Company's Rights-of-Way Management Representative so that the Company, at its discretion, may have an inspector present while the work is in progress, and Requestor pays the costs of the inspector.
12. This consent provides Requestor only with approval to encroach on Company's electric transmission right-of-way. For the avoidance of doubt, Company's consent for this Encroachment in no way implies or assures that Company will grant Requestor's future request (if any) that Company quitclaim or subordinate in favor of Requestor any portion of Company's electric transmission easement.
13. Requestor, **its/his/her/their heirs, successors, assigns, contractors/subcontractors** hereby agree to indemnify and save harmless Company, its officers, agents and employees from any and all claims, demands, damages, including death, and liability of every kind and nature whatsoever for, on account of or growing out of the consent hereby granted, except when such claims and demands are caused solely by the negligence of Company, its agents, employees, successors or assigns.
14. The haul road and dewatering/recharge ditch crossings as proposed on Exhibit(s) "D" through "F" are approved with no part of the Encroachment located within fifty (50) feet of any Company structure, foundation, guy, anchor or any other Company facilities.
15. The proposed haul road crossings shall follow the existing ground line contours. No more than one (1) foot of fill may be placed on the right-of-way.
16. Motor vehicles may be parked on right-of-way provided that:
- a. They do not exceed a height of 13 feet 6 inches.
 - b. They are not house, office or construction trailers.
 - c. They do not carry explosives or flammable cargo.
 - d. They are operative and the parking is of a transient nature.
 - e. They shall have current inspection decals and shall not violate any local ordinances.
17. Unless otherwise specified in this Letter of Consent, the site plans and elevations shown on Bissell Professional Group drawings entitled "Thrasher Mine- No. 27-43, Mine Expansion Plan" sheet numbers 1, 2 & 3 dated 9/23/2013 shall be strictly adhered to. See Exhibit(s) "D" through "F".

18. There shall be no grading, excavation, filling or other construction activities within fifty (50) feet of any Company structure, foundation, guy, anchor or any other Company facilities. **See Exhibit “E” Dominion Virginia Power Encroachment Note 3.2.**
19. Dewatering/recharge ditches of such depth as to obstruct travel along or access to the right-of-way are not permitted unless such ditches are provided with culverts installed and maintained at no cost to Company. **See Exhibit “E” Dominion Virginia Power Encroachment Note 1.2.**
20. Culverts shall be designed to support traffic crossings by heavy construction and maintenance equipment, and shall be capable of withstanding AASHTO designation HS20-44 wheel loadings. Any culverts beneath access roads must be sized to accommodate water flows and prevent pooling in the right-of-way.
21. Should it be necessary to verify the final grade of the proposed cut and/or fill, then it will be the responsibility of Requestor to reimburse Company for all actual costs. If the verification reveals that the cut/fill/grading was not done as approved, then Requestor is responsible for all costs involved with correcting the problem(s).
22. Fill or spoil material will not be permitted on the right-of-way.
23. No debris shall be buried on the right-of-way which shall include but not be limited to stumps, large boulders, concrete, asphalt, trees, storm drainage pipe, hazardous waste, scrap materials or any other waste material.
24. No temporary construction offices, sheds or related structures are to be placed on the right-of-way.
25. No material storage within the right-of-way will be allowed.
26. The approval of this agreement is contingent upon the execution of a restrictive covenant agreement by Moyock Properties, LLC to restrict excavating within 15’ of Dominion’s existing right of way, identified as **Hickory-Shawboro Corridor, Parcel 26A**, on both the eastern and western side. **See Exhibit “E” Dominion Virginia Power Encroachment Note 2.**
27. This Letter of Consent known as TE007068004R supersedes all previous request.

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This consent is granted only to Moyock Properties, LLC. It is not an interest in real property; it does not run with the underlying land or benefit any successors in interest to the underlying land, and it may not be assigned or transferred to anyone else without the prior written consent of Dominion Virginia Power, which consent Dominion Virginia Power may withhold in its sole discretion. [If Moyock Properties, LLC is not the owner of the property on which the Encroachment is to be located, you are responsible for obtaining necessary permission for the Encroachment from the owner.] This consent shall become effective upon Requestor's agreement with the terms set forth herein indicated by Requestor delivering to Dominion Virginia Power the required fee and **one** copy of this consent fully executed by Requestor. Please return **one** fully executed Letter of Consent to:

Dominion North Carolina Power
902 G Street
Hampton, VA 23661
Attention: Joseph Ragland
Senior Right Of Way Management Representative
Phone: 757-928-2060

Additional contact: Dominion Electric Transmission Right-of-Way at 1-800-215-8032 (press # 1 at the prompt) or e-mail at ETROW@dom.com.

[SIGNATURE PAGE TO FOLLOW]

For this consent to become effective, **one** fully executed copy of this letter and the remittance of the requested processing fee must be returned to Dominion Virginia Power no later than November 22, 2013.

Sincerely,

VIRGINIA ELECTRIC AND POWER COMPANY

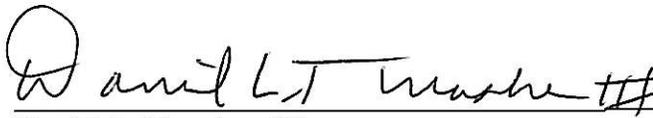
By


Angelita Gardner-Kittrell
Supervisor
Electric Transmission Right of Way

In consideration of the consent granted by Dominion Virginia Power for the above-described encroachment, the undersigned hereby agree(s) to the terms stated in the foregoing letter.

MOYOCK PROPERTIES, LLC

By


Daniel L. Thrasher, III
Managing Member of Moyock Properties, LLC

10/18/13
Date



Groundwater Monitoring Report

Project:
Elbow Road Farm, Inc.

Thrasher Mine

Moyock Township, Currituck County, North Carolina

Prepared For:
*Currituck County Planning and Community
Development Department*

Prepared By:
Bissell Professional Group

P.O. Box 1068
3512 N. Croatan Highway
Kitty Hawk, North Carolina 27949
FIRM LICENSE# C-956

June 26, 2013



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Underlying Soils and Hydrology	2-3
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Groundwater Recharge System.....	9-9
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Exhibit #1 – 2000’ Mine Radius Map

Exhibit #2 – Groundwater Recharge System Map

Figure #1 – Monitoring Well #1 – Groundwater Level vs. Time Graph

Figure #2 – Monitoring Well #2 – Groundwater Level vs. Time Graph

Figure #3 – Monitoring Well #3 – Groundwater Level vs. Time Graph

Figure #4 – Monitoring Well #4 – Groundwater Level vs. Time Graph

Appendix A – Monitoring Well Record Data Set

Appendix B – 2000’ Mine Radius - Parcel & Water Service Data Set

Appendix C – McCallum Testing – Soil Investigation & Testing Report

Appendix D – Well Construction Records

Intent

This report is prepared pursuant to the following provision of the Currituck County Unified Development Ordinance as it relates to a proposed expansion of the existing Thrasher Mine located in Moyock, Currituck County. Chapter 4.2.5.A (13) of the Currituck County UDO regulates that "No mining activities shall adversely affect surrounding in use wells. A hydrological report shall be required and the board may consider that report in adjusting setbacks or imposing other conditions on the applicant. Such conditions shall be designed to avoid adverse impacts on in use well owners, including but not limited to requiring monitoring wells, additional hydrological studies, or surety to protect in use well owners from loss. 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 been cause by the mining activity."

To this end, the following topics outlined in this report are provided as a means to evaluate actual groundwater performance conditions surrounding the existing mine's 13+ years of operation and subsequently offer a realistic presumption of groundwater conditions resulting from proposed mine expansion activities.

- Review of soil and hydrological conditions pre and post excavation of the existing mine,
- Compilation and review of groundwater data obtained in monitoring wells located around the existing mine,
- Review of the groundwater recharge system surrounding the existing and proposed mine.
- Identification and mapping of known in use wells located within 2,000 ft of the proposed expanded mine excavation area,
- Conclusion as to possible impacts, or lack thereof, that the proposed mine expansion activities may have on surrounding in use wells.

Background

Thrasher Mine is an existing open pit sand mining operation located at 144 Lazy Corner Road in Moyock, NC and is owned and operated by Elbow Road Farm, Inc. The mine began operating in 2000 under the approval of a Special Use Permit from Currituck County and Mining Permit No. 27-43 from NCDENR, Land Quality Section. The NCDENR, Department of Water Quality also issued an NPDES General Permit (Discharge Permit) No. NCG020000, Certificate of Coverage NCG020493 and a Wetland Monitoring Plan, DWQ#00487. These permits allow mine dewatering to discharge to adjacent wetlands and off-site through the adjoining Moyock Run, a tributary to Shingle Landing Creek, the Northwest River and ultimately the Currituck Sound to the east. Since their issuance, the above permits have remained valid to date, with renewals having been issued for the State Mining Permit in 2009, the NPDES permit in 2010 and the County Use Permit in 2012.

In accordance with a limitation prescribed by the Currituck County Unified Development Ordinance, the mine is currently permitted to excavate up to approximately 94 acres, or 30% of the 314 acre tract. In early 2013, Currituck County amended their ordinance to allow existing mining operations, which have shown to be in good standings, to expand up to a maximum of 50%. As a result of this recent amendment, an application is being made to expand the mine's excavation area to approximately 149.4 acres, or 48% of the tract.

*Reference **Exhibit #1** for an overview of the existing mine and the areas proposed for expansion that are highlighted in blue.*

Underlying Soils and Hydrology

Soils

Soils across the mine site are predominately Roanoke fine sandy loam as mapped by the USDA Soil Conservation Service, in the Soil Survey of Currituck County, North Carolina, 1982. Roanoke soils are described as nearly level and poorly drained with slow permeability. Typically, the upper layer to 45 inches below the surface are a mix of fine sandy loam, silty clay loam, silty clay and sandy clay loam. Underlying soils to a depth of 80 inches and greater are gray sand. Perched water table conditions are typical because of the restrictive surface soils, however, when cut with drainage (farm) ditches, surface drainage into the underlying soils is improved.

In 1999, prior to commencement of the mine operation, McCallum Testing Laboratories, Inc. of Chesapeake, VA conducted field and laboratory testing across the mine site. A total of (8) test borings were advanced ranging from 35 to 50 ft below the land surface. Generally, the borings revealed clay or clayey sands from the surface to a depth of 3-4 ft. Sand with a mix of silty sand was then found to an average depth of approximately 27 ft before hitting a confining layer of inorganic clays. Pre-mine water table conditions were found to range from 3-6 ft below the surface, likely a result from the many farm ditches that existed across the site. This underlying confining layer was used to determine the maximum depth at which the mine has been excavated, an average of 25 ft.

*Reference **Appendix C** for a copy of the McCallum Testing Laborites, Inc. Subsurface Boring Profiles and **Exhibit #1** for locations of the test borings that are highlighted in orange.*

Hydrology

The elevation and lateral flow of the underlying groundwater system (aquifer) is important as it relates to its ability to supply surrounding in-use wells. With specific regards to the mine site, the aquifer generally flows laterally from north to south towards the adjoining Moyock Run. On a more regional scale, Moyock Run acts as line sink, drawing groundwater from surrounding areas and conveying it east to the Currituck Sound.

"The aquifer hydrology of the site is facilitated by drainage flowing to the Currituck Sound via Moyock Run."

The aquifer conditions described above were confirmed through water table monitoring and contour mapping conducted as part of a Hydrogeologic Analysis performed in 2010 by Edwin Andrews and Associates on the "Winslow Tract" that adjoins the Thrasher Mine tract to the west.

[REF: 4.0 AQUIFER HYDROLOGY, 4.1 General; Edwin Andrews & Associates, P.C., 2010]

Groundwater Monitoring Well Data and Review

Observed Groundwater Levels

As a requirement to the operation's approval to dewater, (4) monitoring wells were installed adjacent to the mine and groundwater levels within the wells are measured on a regular basis. These wells are used to monitor the affect that dewatering may have on the surrounding groundwater. The first monitoring well (MW#1) is located approximately 100 ft from the NE corner of the mine, adjacent to the dewatering pump. The 3 remaining monitoring wells (MW#2-MW#4) are located along a transect between the south end of the existing mine and adjoining wetlands/Moyock Run. These wells are located approximately 100, 180 and 260 feet from the mine respectively.

Reference **Exhibit #1** for locations of the monitoring wells that are highlighted in pink.

The monitoring well measurement records from 2000 to present, 13+ years, were obtained from the mine operator and are compiled in a tabular format under **Appendix A**. To better illustrate the groundwater response to dewatering, or drawdown, this data was used to create graphs of groundwater level vs. time for each of the four wells. Please reference **Figures #1 - #4** on the following pages. In addition to these figures, a tabular summary of the data's Average, Maximum and Minimum is provided at the end table provided under **Appendix A**.

The following is a brief analysis of the data:

MW#1 - for the first 2.5 years of the mine's operation, groundwater levels were observed at depths 12-13 ft below the land surface (bls). Overtime, however, the levels have risen and appear to have stabilized at around 10.0 ft bls. The lower initial levels may have been a result of the wells close proximity to the dewatering pump and the initial start up of the system. **Max = 12.4'**, Min.= 7.6', Avg. = 10.4'

MW#2 - over the first 11 years, groundwater levels were observed at depths of 5-6 feet bls. In the last 2.5 years, however, levels have gradually decreased to around 8.5 feet bls. The recent decline may be a result of the mine's evolution, which has generally been excavated from north to south, thus focusing the dewatering closer to this well overtime. Max = 9.5', Min.= 3.1', Avg. = 5.8'

MW#3 - Nearly identical to MW #2 though slightly higher groundwater conditions because the well is further from the mine. Max = 9.4', Min.= 3.1', Avg. = 5.7'

MW#4 – Nearly identical to MW#3 though slightly higher groundwater conditions again because it is further from the mine. Max = 8.8', Min.= 3.0', Avg. = 5.4'

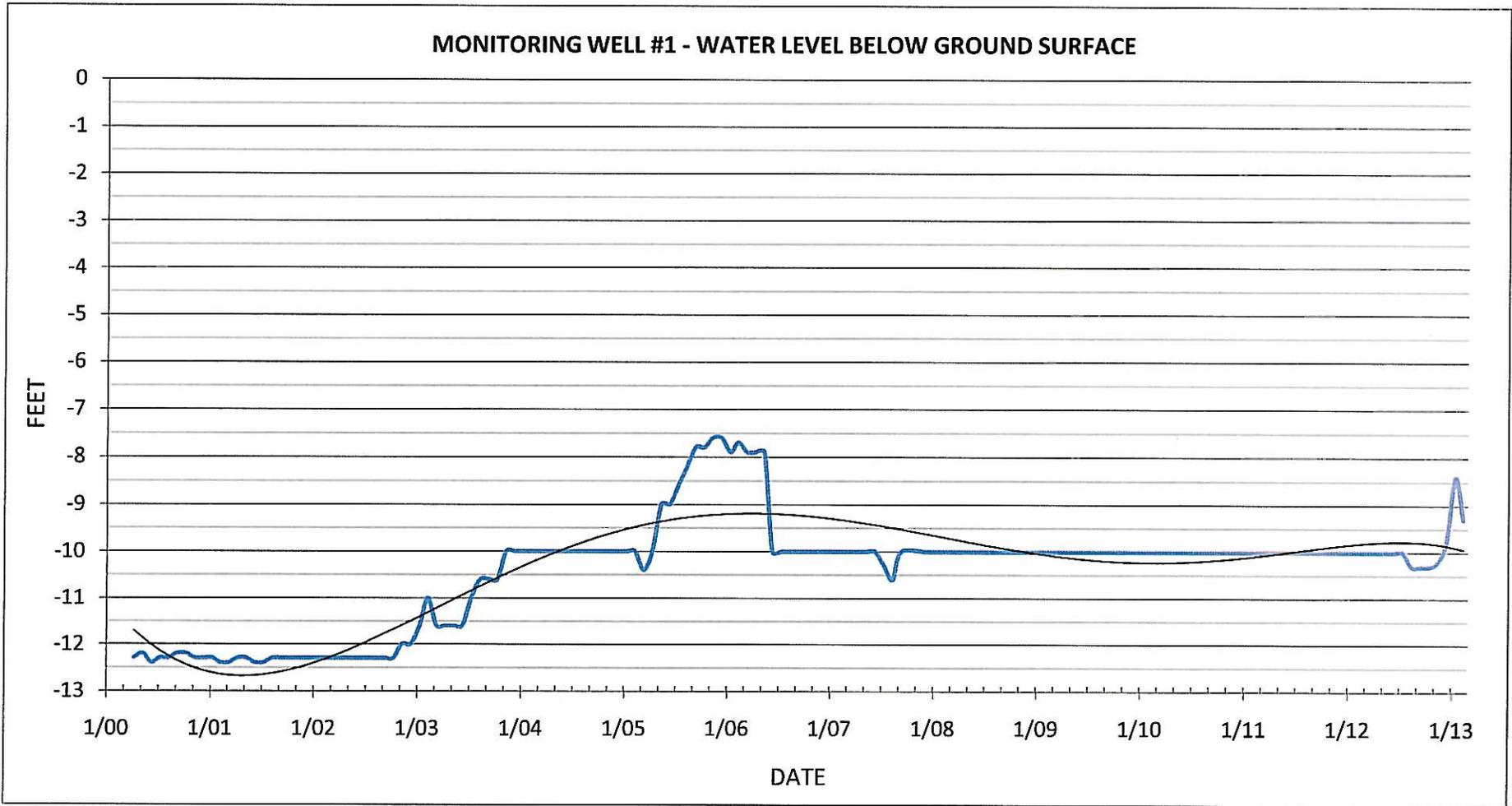


FIGURE #1

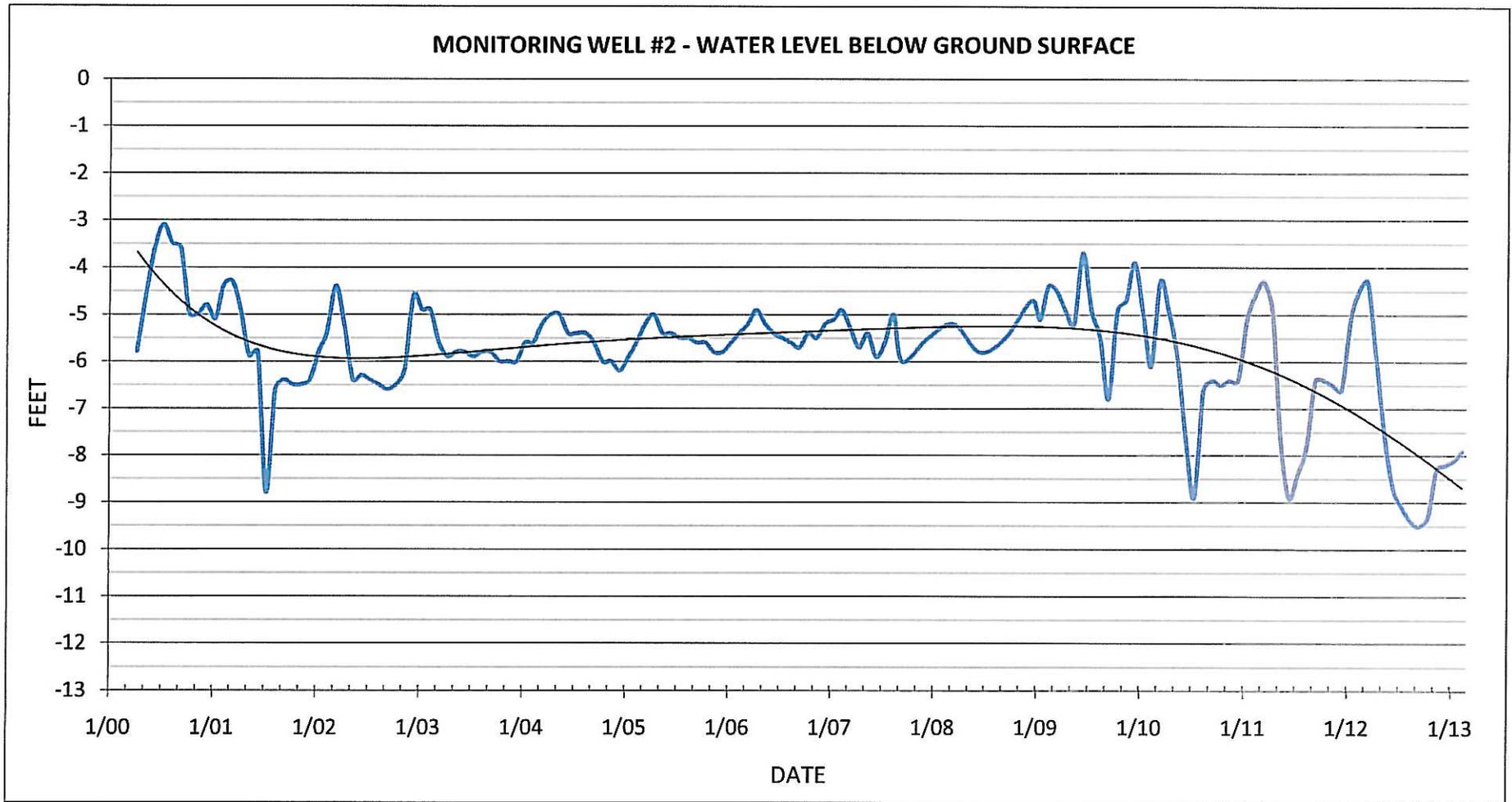


FIGURE #2

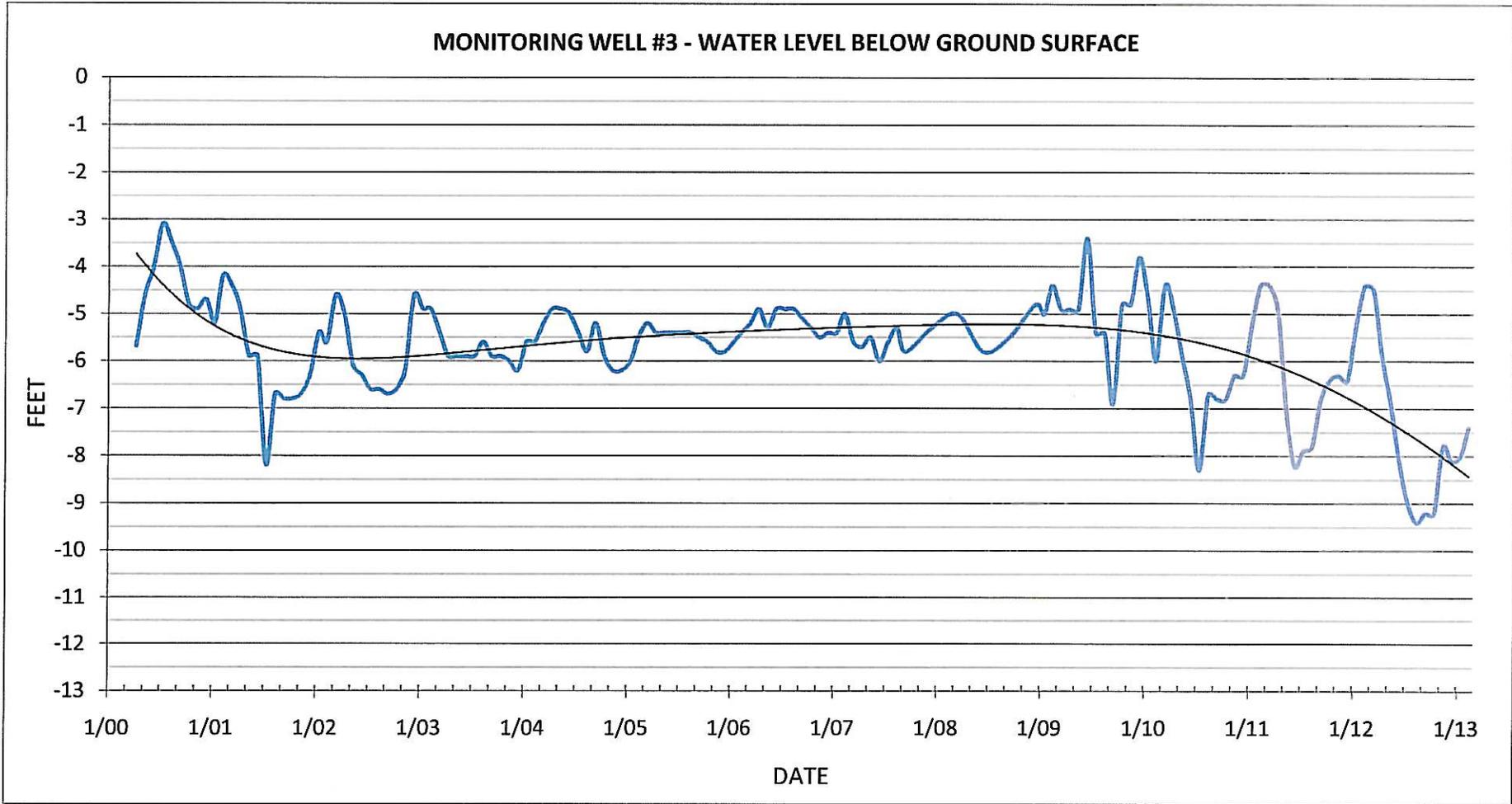


FIGURE #3

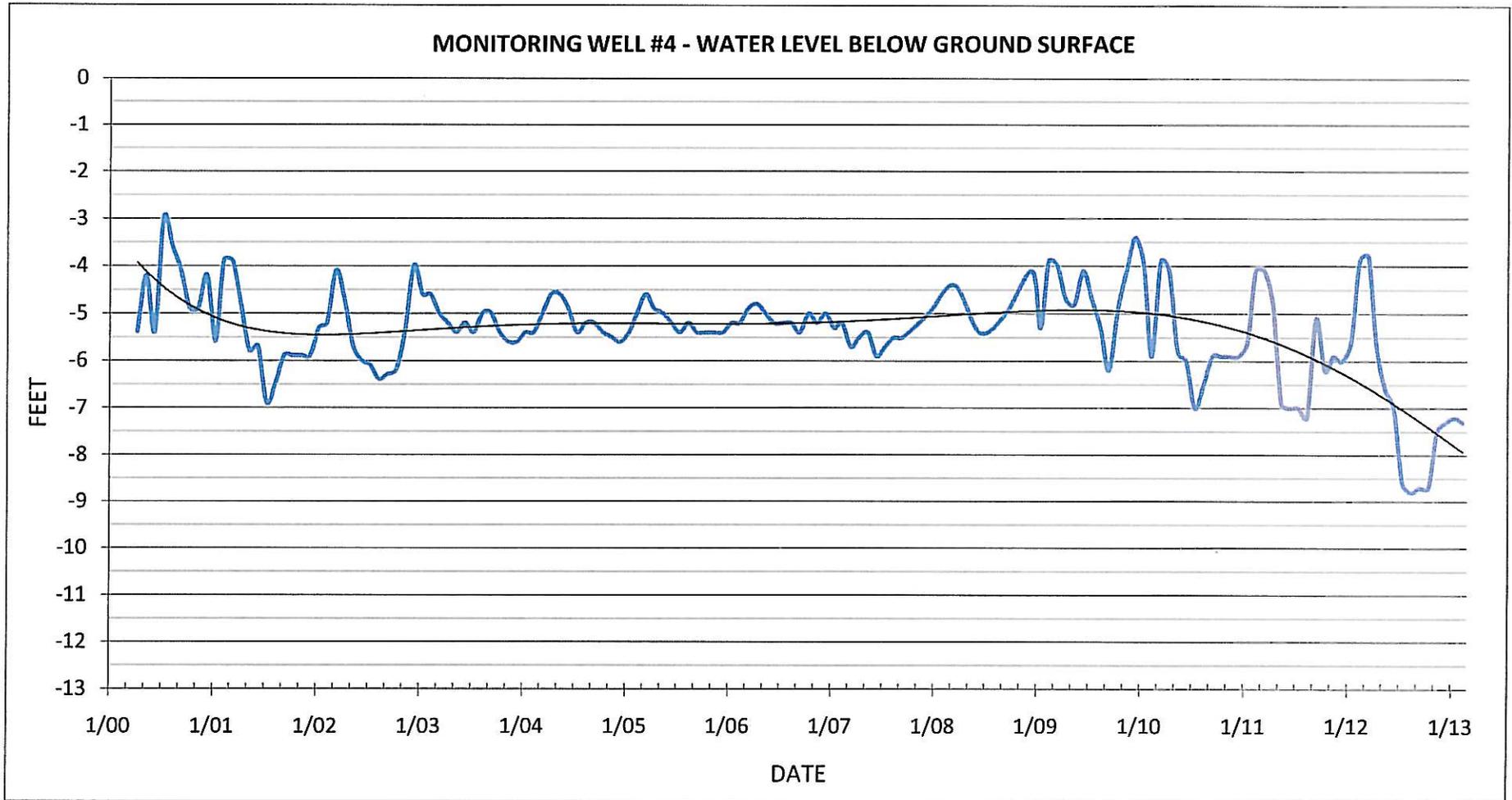


FIGURE #4

Estimation of Drawdown Adjacent to the Mine

To estimate drawdown as follows, the maximum depth to the water table measured in each of (4) monitoring wells are compared to pre-mine water table conditions as documented in nearby 1999 McCallum test borings.

Monitoring Well #1 -

Max depth to water table measured = 12.4'

Initial water table measured in Test Boring #5 = 4.0'

Approx. Drawdown = 8.4' @ approx. 100' from mine

Monitoring Well #2 -

Max depth to water table measured = 9.5'

Initial water table measured in Test Borings #4 & #5 = 4.0'

Approx. Drawdown = 5.5' @ approx. 100' from mine

Monitoring Well #3 -

Max depth to water table measured = 9.4'

Initial water table measured in Test Borings #4 & #5 = 4.0'

Approx. Drawdown = 5.4' @ approx. 180' from mine

Monitoring Well #4 -

Max depth to water table measured = 8.8'

Initial water table measured in Test Borings #4 & #5 = 4.0'

Approx. Drawdown = 4.8' @ approx. 260' from mine

MW#1 experienced the maximum recorded water table depth of 12.4 feet bls and the maximum estimated drawdown of 8.4 feet. These maximum conditions are not unreasonable when considering that the monitoring well is located merely 100 feet from the excavation pit, which is being dewatered to a depth of 25 feet bls, or 12.5 feet lower than the maximum recorded water table depth.

Estimation of Drawdown at Distances Further from the Mine

To illustrate resulting groundwater conditions at a distance further away from the mine, the following similar comparison of pre-mine conditions is made to actual groundwater levels recorded in 2010 as part of the Edwin Andrews and Associates Hydrogeologic Analysis of the adjoining "Winslow Tract". Included in the analysis, a piezometer (P19) was installed along the common boundary of the adjoining tracts, approx. 800' west of the existing mine excavation area. The groundwater level measured within this piezometer should be considered representative of conditions affected by the mine dewatering activities performed over the 10 years prior. Again, when compared to pre-mine conditions an estimation of the drawdown at that particular distance can be approximated.

Piezometer P19 -

Depth to water table measured below the surface = 6.26'

Initial water table measured in Test Borings #2 = 3.0'

Approx. drawdown = 3.26' @ approx. 800' from mine

[REF: Figure 4, Depth to Water Map & Table 4, Water Level Data; Edwin Andrews & Associates, P.C., 2010]

Reference **Exhibit #1** for approximate location of PZ19 highlighted in pink.

Groundwater Recharge System

As an active means to mitigate possible impacts to the water table surrounding the mine site, the operation utilizes a groundwater recharge system. This system is composed of a recharge ditch that runs along the outer perimeter of the excavation area and transports water being discharged from the dewatering pump, located at the NE corner of the existing mine, to the existing recharge/settling basin located at the south end of the mine. The recharge ditches and basin are constructed at depths of 5 ft+ and cut through the confining surface of the native soils and allow the water being carried within to infiltrate back into the underlying sandy soils. The recharge/settling basin located at the outlet of the system further promotes infiltration but also aids in settling out pollutants and sediment before water is ultimately release to the adjoining wetlands and Moyock Run. This system has been used since to the advent of the mine operation and will modified for continued use around the proposed expansion activities.

*Reference **Exhibit #2** for an overview of the proposed recharge system that is highlighted in blue.*

Surrounding In-Use Wells

In consideration that the intent of this report is to review possible impacts to surrounding in-use wells, an effort must be made, to the maximum extent practicable, to site existing wells that reasonably surround the expanded mine. To begin this effort, a 2000' radius was established around the proposed expanded mine and a list of 69 adjoining parcels within the radius was compiled. Each parcel was reviewed for its recent state of development, such as a dwelling, farm field, or vacant, and then cross-referenced with Currituck County Water Department records to determine if a water system service connection is provided. Through process of elimination, at total of (4) developed properties were found not to have a water service connection and, therefore, are necessarily served by a potable drinking water well.

*Reference **Appendix B** for a table of the parcel and water service connection information*

Identified Well Locations

Of these potable wells, the (2) serving the commercial development located at 370 Caratoke Hwy. and the residential development located at 129 Lazy Corner Rd. are respectively 1,800 ft+/- and 1,650 ft+/- from the nearest northeastern limit of the expanded mine. It should be noted that County water is available to these properties should a connection ever become desirable.

The remaining (2) potable wells serve neighboring residential developments located at 324 and 328 South Mills Rd and are both approximately 1,200 feet from the nearest southern limit of the expanded mine. County water is not currently available to these properties.

Two (2) non-potable wells have also been identified as owned by Currituck County. The first served the former Newtown Rd. LPP wastewater disposal site and is located approximately 1,350 ft. from the nearest eastern limit of the expanded mine and the second serves the new Moyock Wastewater Treatment Plant and is located approximately 1,100 ft from the nearest northwestern limit of the expanded mine.

Reference Exhibit #1 for illustration of the 2,000 ft radius that is highlighted in red and the (6) wells that are highlighted in yellow.

Well Depths

In addition to the well's horizontal separation to the mine, it is also important to understand the depth at which the well is installed and screened. This is significant for comparison to groundwater levels that may be drawdown as a result of the mine dewatering.

Of the (6) wells identified above, construction records were only found for the following (2)"

- The potable well serving 324 South Mills was installed in 2010 to a depth of 30 ft bls and was screened from 22 ft – 30 ft bls.
- The non-potable well serving the Moyock Wastewater was installed in 2012 to a depth of 43 ft bls and was screened from 28 ft - 43 ft bls.

Reference Appendix D for well construction records.

Since no other well construction records were obtainable, a local well driller familiar with well construction in the Moyock area was contacted and confirmed that wells in this area have historically been constructed around 25 ft – 30 ft. in depth. Considering the consistency to the records above, it seems reasonable to conclude that the (4) unrecorded wells were probably constructed to similar depths.

Conclusions

In consideration of the data and analysis provided within this report, as summarized by the following, it seems reasonable to conclude that the proposed mine expansion activities will have negligible, if any, additional impacts to surrounding in-use wells.

- Operation of the existing 94 acre mine over the past 13 years has resulted in no known impacts to existing in-use wells.
- The drawdown of groundwater observed around the existing mine appears to diminish from approx. 8.5' @ 100ft, to 5.0' @ 250 ft and 3.25' @ 800 ft., illustrating a typical cone of depression. It is, therefore, anticipated that levels of drawdown experienced at distances of 1,100 ft (nearest County non-potable well) and greater, will be less still, likely on the order of normal seasonal water table fluctuations.

- When compared to the 25ft+ depth at which wells in this area are typically constructed, the drawdown levels anticipated at the well locations, as described above, are relatively insignificant.
- The nearest (2) in-use potable wells identified along South Mills Rd are approx. 1,200 ft south of the proposed expanded mine and across Moyock Run. As the area's aquifer draw, Moyock Run provides regular groundwater control and is expected to act as an intervening buffer and further protect these wells.
- The furthest (2) in-use potable wells identified along Lazy Corner Rd and Caratoke Hwy. are respectively over 1,650 ft and 1,800 ft northeast of the proposed expanded mine. As described above, drawdown at these distances are anticipated to be minimal. The up-gradient location of these wells relative to the mine and the general flow of the area's aquifer will aid to provide further protection. Nonetheless, county water is available to these properties should the desire or need ever occur.
- The expanded mine operation will continue to employ the use of a groundwater recharge system to aid in mitigating possible impacts to the surrounding aquifer.

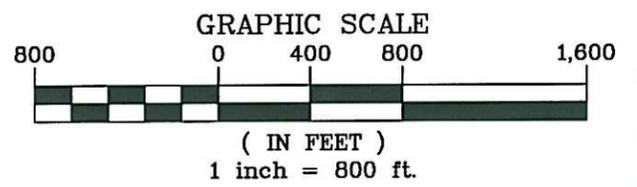
REFERENCE

[Edwin Andrews & Associates, P.C. Project # INF -1210, Currituck Winslow Tract, Agronomic, Soils and Hydrogeologic Analysis Infiltration Basin, Moyock, Currituck County, N.C. November 29, 2010]

EXHIBITS



- 62 PARCEL# CORRESPONDING W/ PARCEL AND WATER SERVICE DATA
- BB TEST SOIL BORING (APPROX.)
- PW EXISTING PRIVATE WELL (APPROX.), NP = NON-POTABLE
- MW#1 EXISTING GROUNDWATER MONITORING WELL (APPROX.)
- EXISTING MINE EXCAVATION (APPROX.)
- PROPOSED MINE EXCAVATION EXPANSION
- 2000' EXCAVATION RADIUS



REVISIONS			
NO.	DATE	DESCRIPTION	BY

PROJECT: **THRASHER MINE EXPANSION**

MOYOCK CURRITUCK COUNTY NORTH CAROLINA

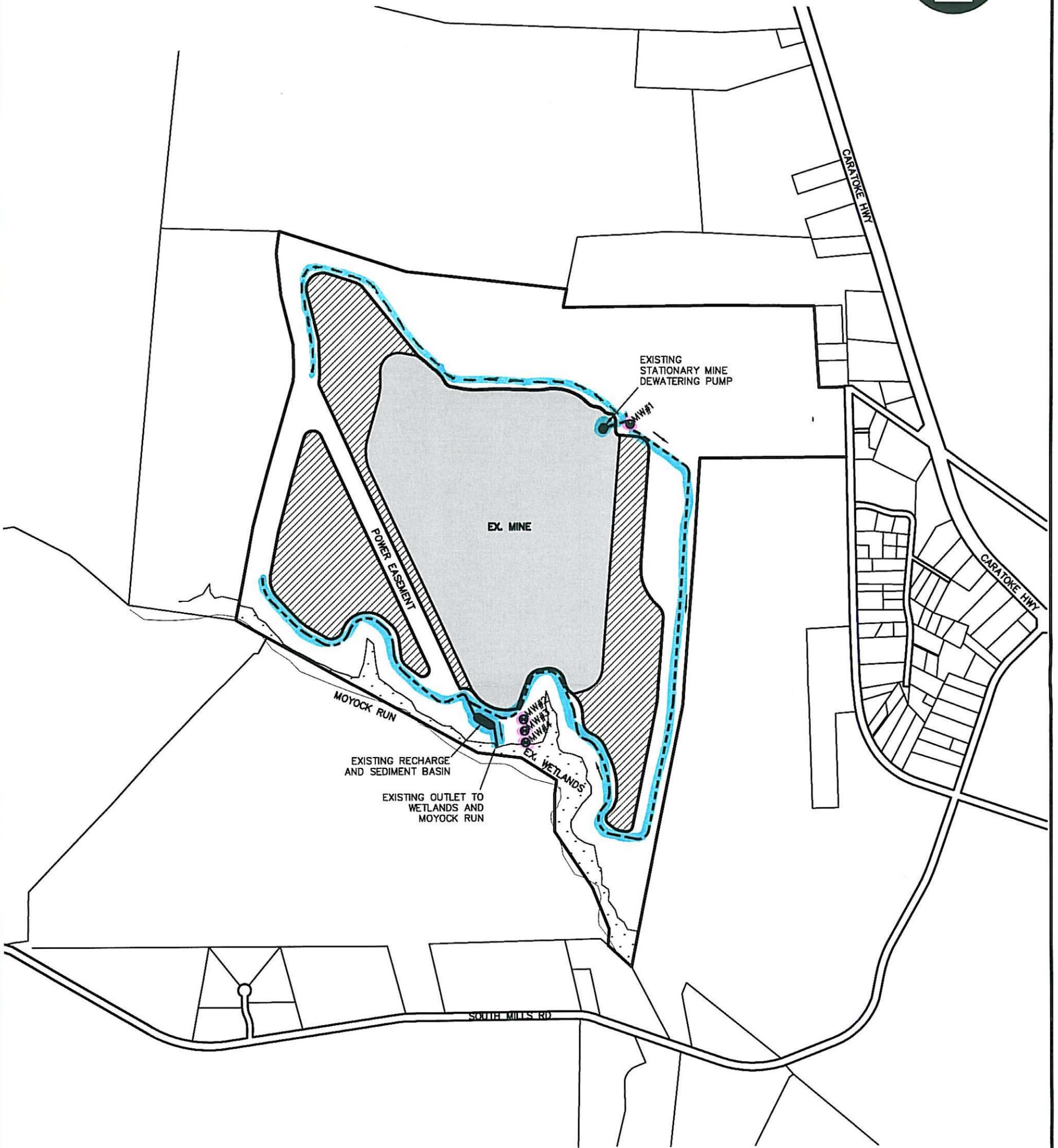
2000' RADIUS EXHIBIT # 1

BISSELL
PROFESSIONAL GROUP

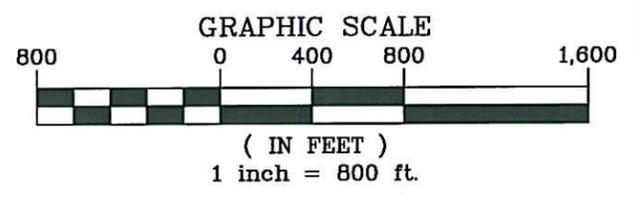
Engineers, Planners, Surveyors
and Environmental Specialists

Bissell Professional Group
Firm License # C-956
3512 North Croatan Highway
P.O. Box 1088
Kitty Hawk, North Carolina 27949
(252) 281-3288
FAX (252) 281-1780

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- MW#1 EXISTING GROUNDWATER MONITORING WELL (APPROX.)
- EXISTING MINE EXCAVATION (APPROX.)
- PROPOSED MINE EXCAVATION EXPANSION
- EXISTING/PROPOSED PERIMETER RECHARGE DITCH SYSTEM



REVISIONS			
NO.	DATE	DESCRIPTION	BY

PROJECT: **THRASHER MINE EXPANSION**
 MOYOCK CURRITUCK COUNTY NORTH CAROLINA
GROUNDWATER RECHARGE SYSTEM EXHIBIT #2

BISSELL
 PROFESSIONAL GROUP
 Engineers, Planners, Surveyors and Environmental Specialists
 Bissell Professional Group
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 Kitty Hawk, North Carolina 27949
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CAD FILE: 36840055
 PROJECT NO.: 3684
 SHEET: 1 of 1

APPENDIX A

Monitoring Well Record Data Set

**THRASHER MINE
MONITORING WELL DATA**

Water Depths Measured in feet from Surface				
Date	Well #1	Well #2	Well #3	Well #4
May-00	-12.3	-5.8	-5.7	-5.4
Jun-00	-12.2	-4.6	-4.6	-4.2
Jul-00	-12.4	-3.6	-4.0	-5.4
Aug-00	-12.3	-3.1	-3.1	-3.0
Sep-00	-12.3	-3.5	-3.5	-3.6
Oct-00	-12.2	-3.6	-4.0	-4.1
Nov-00	-12.2	-5.0	-4.8	-4.9
Dec-00	-12.3	-5.0	-4.9	-4.9
Jan-01	-12.3	-4.8	-4.7	-4.2
Feb-01	-12.3	-5.1	-5.2	-5.6
Mar-01	-12.4	-4.4	-4.2	-3.9
Apr-01	-12.4	-4.3	-4.4	-3.9
May-01	-12.3	-4.9	-4.9	-4.8
Jun-01	-12.3	-5.9	-5.9	-5.8
Jul-01	-12.4	-5.8	-5.9	-5.7
Aug-01	-12.4	-8.8	-8.2	-6.9
Sep-01	-12.3	-6.6	-6.7	-6.5
Oct-01	-12.3	-6.4	-6.8	-5.9
Nov-01	-12.3	-6.5	-6.8	-5.9
Dec-01	-12.3	-6.5	-6.7	-5.9
Jan-02	-12.3	-6.4	-6.3	-5.9
Feb-02	-12.3	-5.8	-5.4	-5.3
Mar-02	-12.3	-5.4	-5.6	-5.2
Apr-02	-12.3	-4.4	-4.6	-4.1
May-02	-12.3	-5.2	-5.0	-4.7
Jun-02	-12.3	-6.4	-6.1	-5.7
Jul-02	-12.3	-6.3	-6.3	-6.0
Aug-02	-12.3	-6.4	-6.6	-6.1
Sep-02	-12.3	-6.5	-6.6	-6.4
Oct-02	-12.3	-6.6	-6.7	-6.3
Nov-02	-12.3	-6.5	-6.6	-6.2
Dec-02	-12.0	-6.2	-6.2	-5.4
Jan-03	-12.0	-4.6	-4.6	-4.0
Feb-03	-11.6	-4.9	-4.9	-4.6
Mar-03	-11.0	-4.9	-4.9	-4.6
Apr-03	-11.6	-5.6	-5.4	-5.0
May-03	-11.6	-5.9	-5.9	-5.2
Jun-03	-11.6	-5.8	-5.9	-5.4
Jul-03	-11.6	-5.8	-5.9	-5.2
Aug-03	-11.0	-5.9	-5.9	-5.4
Sep-03	-10.6	-5.8	-5.6	-5.0
Oct-03	-10.6	-5.8	-5.9	-5.0
Nov-03	-10.6	-6.0	-5.9	-5.4
Dec-03	-10.0	-6.0	-6.0	-5.6

**THRASHER MINE
MONITORING WELL DATA**

Jan-04	-10.0	-6.0	-6.2	-5.6
Feb-04	-10.0	-5.6	-5.6	-5.4
Mar-04	-10.0	-5.6	-5.6	-5.4
Apr-04	-10.0	-5.2	-5.2	-5.0
May-04	-10.0	-5.0	-4.9	-4.6
Jun-04	-10.0	-5.0	-4.9	-4.6
Jul-04	-10.0	-5.4	-5.0	-4.9
Aug-04	-10.0	-5.4	-5.4	-5.4
Sep-04	-10.0	-5.4	-5.8	-5.2
Oct-04	-10.0	-5.6	-5.2	-5.2
Nov-04	-10.0	-6.0	-5.9	-5.4
Dec-04	-10.0	-6.0	-6.2	-5.5
Jan-05	-10.0	-6.2	-6.2	-5.6
Feb-05	-10.0	-5.9	-6.0	-5.4
Mar-05	-10.0	-5.6	-5.5	-5.0
Apr-05	-10.4	-5.2	-5.2	-4.6
May-05	-10.0	-5.0	-5.4	-4.9
Jun-05	-9.0	-5.4	-5.4	-5.0
Jul-05	-9.0	-5.4	-5.4	-5.2
Aug-05	-8.6	-5.5	-5.4	-5.4
Sep-05	-8.2	-5.5	-5.4	-5.2
Oct-05	-7.8	-5.6	-5.5	-5.4
Nov-05	-7.8	-5.6	-5.6	-5.4
Dec-05	-7.6	-5.8	-5.8	-5.4
Jan-06	-7.6	-5.8	-5.8	-5.4
Feb-06	-7.9	-5.6	-5.6	-5.2
Mar-06	-7.7	-5.4	-5.4	-5.2
Apr-06	-7.9	-5.2	-5.2	-4.9
May-06	-7.9	-4.9	-4.9	-4.8
Jun-06	-7.9	-5.2	-5.3	-5.0
Jul-06	-10.0	-5.4	-4.9	-5.2
Aug-06	-10.0	-5.5	-4.9	-5.2
Sep-06	-10.0	-5.6	-4.9	-5.2
Oct-06	-10.0	-5.7	-5.1	-5.4
Nov-06	-10.0	-5.4	-5.3	-5.0
Dec-06	-10.0	-5.5	-5.5	-5.2
Jan-07	-10.0	-5.2	-5.4	-5.0
Feb-07	-10.0	-5.1	-5.4	-5.3
Mar-07	-10.0	-4.9	-5.0	-5.2
Apr-07	-10.0	-5.3	-5.6	-5.7
May-07	-10.0	-5.7	-5.7	-5.5
Jun-07	-10.0	-5.4	-5.5	-5.4
Jul-07	-10.0	-5.9	-6.0	-5.9
Aug-07	-10.3	-5.6	-5.6	-5.7
Sep-07	-10.6	-5.0	-5.3	-5.5
Oct-07	-10.0	-6.0	-5.8	-5.5
Jan-08	-10.0	-5.5	-5.3	-5.0

**THRASHER MINE
MONITORING WELL DATA**

Apr-08	-10.0	-5.2	-5.0	-4.4
Jul-08	-10.0	-5.8	-5.8	-5.4
Oct-08	-10.0	-5.5	-5.5	-5.0
Jan-09	-10.0	-4.7	-4.8	-4.1
Feb-09	-10.0	-5.1	-5.0	-5.3
Mar-09	-10.0	-4.4	-4.4	-3.9
Apr-09	-10.0	-4.5	-4.9	-4.0
May-09	-10.0	-4.9	-4.9	-4.7
Jun-09	-10.0	-5.2	-4.9	-4.8
Jul-09	-10.0	-3.7	-3.4	-4.1
Aug-09	-10.0	-4.9	-5.4	-4.7
Sep-09	-10.0	-5.5	-5.4	-5.3
Oct-09	-10.0	-6.8	-6.9	-6.2
Nov-09	-10.0	-4.9	-4.8	-4.9
Dec-09	-10.0	-4.7	-4.8	-4.1
Jan-10	-10.0	-3.9	-3.8	-3.4
Feb-10	-10.0	-5.0	-4.7	-4.0
Mar-10	-10.0	-6.1	-6.0	-5.9
Apr-10	-10.0	-4.3	-4.4	-3.9
May-10	-10.0	-4.9	-4.9	-4.1
Jun-10	-10.0	-5.9	-5.9	-5.8
Jul-10	-10.0	-7.6	-6.8	-6.0
Aug-10	-10.0	-8.9	-8.3	-7.0
Sep-10	-10.0	-6.6	-6.7	-6.5
Oct-10	-10.0	-6.4	-6.8	-5.9
Nov-10	-10.0	-6.5	-6.8	-5.9
Dec-10	-10.0	-6.4	-6.3	-5.9
Jan-11	-10.0	-6.4	-6.3	-5.9
Feb-11	-10.0	-5.1	-5.2	-5.6
Mar-11	-10.0	-4.6	-4.4	-4.1
Apr-11	-10.0	-4.3	-4.4	-4.1
May-11	-10.0	-4.9	-4.9	-4.8
Jun-11	-10.0	-7.7	-7.0	-6.9
Jul-11	-10.0	-8.9	-8.2	-7.0
Aug-11	-10.0	-8.4	-7.9	-7.0
Sep-11	-10.0	-7.8	-7.8	-7.2
Oct-11	-10.0	-6.4	-6.8	-5.10
Nov-11	-10.0	-6.4	-6.4	-6.2
Dec-11	-10.0	-6.5	-6.3	-5.9
Jan-12	-10.0	-6.6	-6.4	-6.0
Feb-12	-10.0	-5.1	-5.2	-5.6
Mar-12	-10.0	-4.5	-4.4	-3.9
Apr-12	-10.0	-4.3	-4.5	-3.8
May-12	-10.0	-5.9	-5.9	-5.7
Jun-12	-10.0	-7.6	-6.9	-6.6
Jul-12	-10.0	-8.7	-8.1	-7.0
Aug-12	-10.0	-9.1	-9.0	-8.6

**THRASHER MINE
MONITORING WELL DATA**

Sep-12	-10.3	-9.4	-9.4	-8.8
Oct-12	-10.3	-9.5	-9.2	-8.7
Nov-12	-10.3	-9.3	-9.2	-8.7
Dec-12	-10.2	-8.3	-7.8	-7.5
Jan-13	-9.8	-8.2	-8.1	-7.3
Feb-13	-8.4	-8.1	-8.0	-7.2
Mar-13	-9.3	-7.9	-7.4	-7.3

Summary				
Depth	Well #1	Well #2	Well #3	Well #4
Average	-10.4	-5.8	-5.7	-5.4
Max.	-12.4	-9.5	-9.4	-8.8
Min.	-7.6	-3.1	-3.1	-3.0

Notes: 1) See 2000' Radius Map for Monitoring Well Locations
2) See Elevation vs. Time Graphs by Monitoring Well

APPENDIX B

2000' Mine Radius Parcel and Water Service Data Set

Thrasher Mine

2000 Foot Radius - Parcel and Water Service Data

#	Owner Last Name	Owner First Name	Addtl Owner Last	Addtl Owner First	Number	Street Name	Noted w/n Radius	County Water Service	County Water Available
1	LEWIS	Jimmy C Sr. Trustee	LEWIS	Christine W Trustee	370	CARATOKE		N	Y
2	ARNEY	TOM E	ARNEY	KRISTA R	129	LAZY CORNER		N	Y
3	Currituck County				No GIS ADDR	NEWTOWN	NP-LPP Site	N	Y
4	Garrett	Janet G			324	SOUTH MILLS		N	N
5	Eason	Charlene J	Eason	J Craig	328	SOUTH MILLS		N	N
6	PEOPLES	J WESLEY	MIDGETTE	CHARLES	No GIS ADDR	LAZY CORNER	Shed	N	Y
7	OLD ENTERPRISES INC				No GIS ADDR	LAZY CORNER	Vacant	N	Y
8	JORDAN	Margaret V			159	NEWTOWN	Vacant	N	Y
9	Jones	Walter, Jr.	Jones	Roxie B.	off	LAZY CORNER	Vacant	N	Y
10	Pledger	Ruby (Deceased)			183	NEWTOWN	Vacant	N	Y
11	LEWIS	Jimmy C Sr. Trustee	LEWIS	Christine W Trustee	No GIS ADDR	LAZY CORNER	Vacant	N	Y
12	ARNEY	TOM E	ARNEY	Thomas Ryan	1266	NEWTOWN/RICHARD	Vacant	N	Y
13	SUTTON	CAMELLA	SUTTON	DAVID	No GIS ADDR	NEWTOWN	Vacant	N	Y
14	WILLIAMS	JESSE M	OLD	HORACE KIM	No GIS ADDR	RICHARD SHAW	Farm	N	Y
15	WINSLOW	MOLLIE GAIL			328	CARATOKE		Y	Y
16	PEOPLES	J WESLEY	MIDGETTE	CHARLES	364	CARATOKE	(2) houses	Y	Y
17	BROWNING	PETER A			130	LAZY CORNER		Y	Y
18	CLUNY LLC				378	CARATOKE		Y	Y
19	Harveys Patio Furniture Outlet, LLC				384	CARATOKE		Y	Y
20	COOPER	PHILLIP EDWARD			149	LAZY CORNER		Y	Y
21	ARNEY	THOMAS E	ARNEY	KRISTA R	117	LAZY CORNER		Y	Y
22	AFFORDABLE CARE INC.				107	LAZY CORNER		Y	Y
23	ROBINS	RITA FAYE			114	RICHARD SHAW		Y	Y
24	LONG	JAMES	LONG	MARY LOU	118	RICHARD SHAW		Y	Y
25	MULLEN	H. M. (DECEASED)	c/o Geraldine Mercer		113	NEWTOWN	(2) Houses	Y	Y
26	JONES	BETTY JEAN MOORE			117	NEWTOWN		Y	Y
27	MULLEN	ANNA	c/o Richard Holman		106	RICHARD SHAW		Y	Y
28	JONES	JOSEPHUS	c/o Otelia Sawyer		130	RICHARD SHAW		Y	Y
29	MERCER	GERALDINE PERRY			115	NEWTOWN	Vacant	Y	Y
30	SPRUILL	MARCISE V			134	RICHARD SHAW		Y	Y
31	BANK OF THE COMMONWEALTH				121	NEWTOWN		Y	Y

Thrasher Mine
2000 Foot Radius - Parcel and Water Service Data

#	Owner Last Name	Owner First Name	Addtl Owner Last	Addtl Owner First	Number	Street Name	Noted w/n Radius	County Water Service	County Water Available
32	Jones	Ralph	Jones	Erline	142	RICHARD SHAW		Y	Y
33	BRIGHT	MARVIN L	BRIGHT	REBECCA S	125	NEWTOWN		Y	Y
34	McDonaold Strickland Partnership				144	RICHARD SHAW		Y	Y
35	Mullen	Mack E			146	RICHARD SHAW		Y	Y
36	Jordan	Margaret V			129	NEWTOWN		Y	Y
37	Jones	Clinton			135	NEWTOWN		Y	Y
38	SAWYER	RICKY D	SAWYER	LORETTA B	139	NEWTOWN	Vacant	Y	Y
39	SAWYER	THOMAS G	SAWYER	MYRA E	139-A	NEWTOWN		Y	Y
40	SAWYER	THOMAS G	SAWYER	MYRA E	154	RICHARD SHAW		Y	Y
41	GRIFFIN	ELIJAH L.	GRIFFIN	BETTY S	147	NEWTOWN		Y	Y
42	WHITE	CHARLIE F. HEIRS		c/o Ethel W. Barnard	151	NEWTOWN		Y	Y
43	Patti	Angelo, JR			165	NEWTOWN		Y	Y
44	Jones	Walter, Jr.	Jones	Roxie B.	171	NEWTOWN		Y	Y
45	McCray	Nathan	Foreman	Celia M.	175	NEWTOWN		Y	Y
46	Mullen	Mahalie B			179	NEWTOWN		Y	Y
47	Collins	Lanita			178	RICHARD SHAW		Y	Y
48	Gregory	Curtis Lee Sr Heirs	c/o Ronald Gregory		169	RICHARD SHAW		Y	Y
49	Sawyer	Harry Heirs	c/o Charles Cherry		161	RICHARD SHAW		Y	Y
50	Powell	Margaret E.			157	RICHARD SHAW		Y	Y
51	Jones	Carl L	McPherson	Helen O M	147	RICHARD SHAW		Y	Y
52	Jones	Ralph	Jones	Erline	149	RICHARD SHAW		Y	Y
53	Brickhouse	Marie			135	RICHARD SHAW		Y	Y
54	Mullen	Mahalie			135-A	RICHARD SHAW		Y	Y
55	Modare, LLC				358	CARATOKE	Vacant	N	Y
56	Winslow	Mollie C.			346	CARATOKE	Farm	N	Y
57	Winslow	Mollie C.			312	CARATOKE	Farm	Y	Y
58	Winslow	Mollie C.			No GIS ADDR	CARATOKE	Farm	N	N
59	Curruck County				No GIS ADDR	WINSLOW	NP-WWTP	N	N
60	Moyock Farms Association, Inc.				No GIS ADDR		Farm/Mine	N	N
61	Jarvis	James Martin Sr.			No GIS ADDR	SOUTH MILLS	Vacant	N	N
62	Garrett	Janet G			1227	SOUTH MILLS	Farm	N	N
63	Angstadt-Scaff	Barbara Trustee	Scaff	William Trustee	No GIS ADDR	SOUTH MILLS	Farm	N	N

**Thrasher Mine
2000 Foot Radius - Parcel and Water Service Data**

#	Owner Last Name	Owner First Name	Addtl Owner Last	Addtl Owner First	Number	Street Name	Noted w/n Radius	County Water Service	County Water Available
64	Jarvis	James Martin Sr.			No GIS ADDR	SOUTH MILLS	Farm	N	N
65	Jarvis	James Martin Sr.	Jarvis	Cynthia V.	146	JARVIS	Farm	N	N
66	Campbell	Elizabeth J	Campbell	Thomas M.	166	JARVIS	Vacant	N	N
67	Jarvis	James Martin Sr.			182	JARVIS	Vacant	N	N
68	Virginia Electric & Power Co.				No GIS ADDR	SOUTH MILLS	Vacant	N	N
69	Nicholas, G.C. Jr. Trustee				No GIS ADDR	Overman	Farm	N	Y

Notes: See 2000' Radius Map for Well Locations



Parcel w/ Known Well

NP = Non-Potable Well

APPENDIX C

McCallum Testing Soil Investigation & Testing Report

McCALLUM

TESTING LABORATORIES, INC.

Geotechnical Engineering, Materials Testing & Environmental Services

May 20, 1999

REVISED June 2, 1999

Elbow Road Farms, Inc.
1400 Elbow Road
Chesapeake, VA 23320

Attention: **Danny Thrasher**

Subject: **Field and Laboratory Test Results**
Proposed Pit
Moyock, North Carolina
MTL Project 997224

Dear **Mr. Thrasher**:

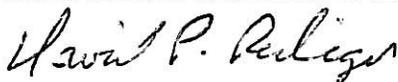
McCallum Testing Laboratories, Inc. is pleased to present this report of field and laboratory testing performed for the above referenced project. Included in this report are:

- 1) A Test Location Plan;
- 2) Test Boring Records;
- 3) The Results of Percent Finer Than a #200 Sieve Tests;
- 4) The Results of a California Bearing Ratio Test; and
- 5) The Results of a Soil Analysis.

Should you have any questions concerning this report, please do not hesitate to contact this office at your earliest convenience.

Very truly yours,

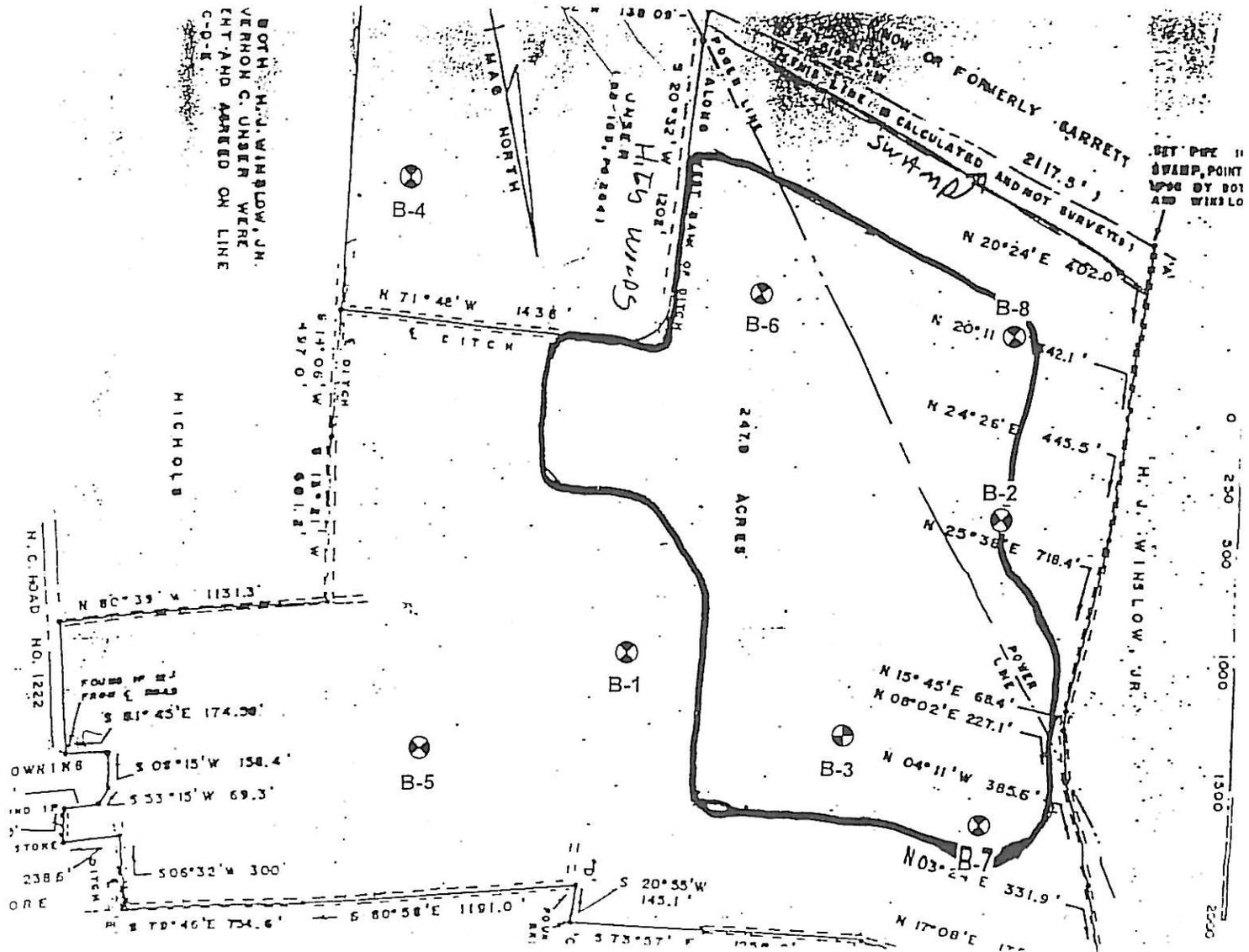
McCALLUM TESTING LABORATORIES, INC.



David P. Rediger, E.I.T.
Laboratory Manager



Douglas S. Kinloch, P.E.
Chief Engineer



BOTH H. J. WINSLOW, JR.
AND VERNON C. UNSER WERE
CHY AND AGREED ON LINE
C-D-E

SET PIPE IN
SWAMP POINT
BY BOY
AND WINSLOW

NOW OR FORMERLY
BARRETT
SWAMP

UPPER
HITS
SWAMP

H.C. ROAD NO. 1222

NICHOLS

H. J. WINSLOW, JR.

<h2 style="margin: 0;">McCALLUM TESTING LABORATORIES, INC.</h2> <p style="margin: 0;">1808 Hayward Avenue Chesapeake, Virginia 23325-0337</p>			
Scale: -----	Approved By: Douglas S. Kinloch, P.E.	Date: 5/20/99	
Project: Proposed Pit Moyock, North Carolina			
Drawing Title: 97	Test Location Plan	Drawing	1-99-7224

McCALLUM

TESTING LABORATORIES, INC.

CHESAPEAKE, VIRGINIA

*Unified Soil Classification System
ASTM Designation D 2487*

*Standard Penetration Test (SPT)
Resistance Correlations*

Coarse Grained Soils (More than 50% of material retained on the No. 200 Sieve)	Gravels (more than 50% retained on the No. 4 Sieve)	GW	Well graded gravels, gravel-sand mixtures, little or no fines	
		GP	Poorly graded gravels, gravel-sand mixtures, little or no fines	
		GM	Silty gravels, gravel-sand-silt mixtures	
		GC	Clayey gravels, gravel-sand-clay mixtures	
		Sands (more than 50% passing the No. 4 Sieve)	SW	Well graded sands, gravelly sands, little or no fines
			SP	Poorly graded sands, gravelly sands, little or no fines
			SM	Silty sands, sand-silt mixtures
SC	Clayey sands, sand-clay mixtures			
Fine Grained Soils (More than 50% of material passes the No. 200 Sieve)	Silts & Clays (LL less than 50)	ML	Inorganic silts, very fine sands, silty or clayey fine sands or clayey silts with slight plasticity	
		CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy	
	Silts & Clays (LL greater than 50)	OL	Organic silts and organic silty clays of low plasticity	
		MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, plastic silts	
		CH	Inorganic clays of high plasticity, fat clays	
		OH	Organic clays of medium to high plasticity	
Highly Organic Soil	PEAT	Peat and other highly organic soils		

Coarse Grained Soils

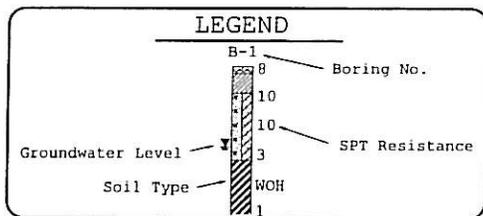
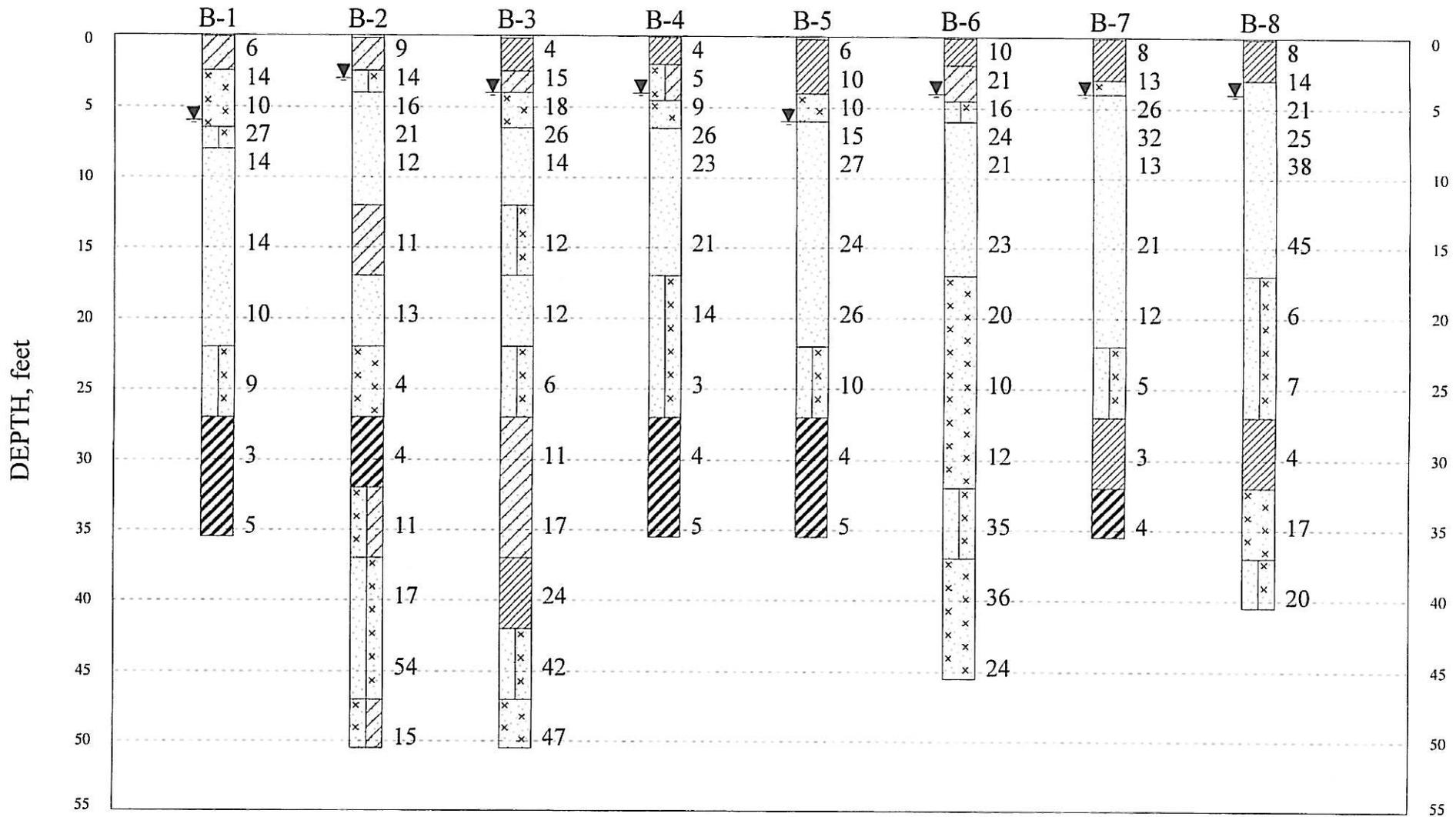
SPT
vs.
Relative Density

Blows/Ft	Relative Density
0-4	Very Loose
5-10	Loose
11-30	Medium Compact
31-50	Compact
Over 50	Very Compact

Fine Grained Soils

SPT
vs.
Consistency

Blows/Ft	Consistency
0-2	Very Soft
3-4	Soft
5-8	Medium Stiff
9-15	Stiff
16-30	Very Stiff
31-50	Hard
Over 50	Very Hard



Subsurface Profile	
Drawing 2	
PROJECT	Proposed Pit
PROJECT NO.	99-7224
McCALLUM TESTING LABORATORIES, INC.	

APPENDIX D

Well Construction Records



Use Permit Application

OFFICIAL USE ONLY:

Case Number: _____
Date Filed: _____
Gate Keeper: _____
Amount Paid: _____

Contact Information**APPLICANT:**

Name: Elbow Road Farm, Inc.
Address: 144 Lazy Corner Road
Moyock, NC 27958
Telephone: (252) 435-6776
E-Mail Address: _____

PROPERTY OWNER:

Name: Moyock Properties, LLC
Address: 1400 Elbow Road
Chesapeake, VA 23320
Telephone: (252) 435-6776
E-Mail Address: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

Physical Street Address: 144 Lazy Corner Road Moyock, NC 27958
Location: West of Lazy corner Road (SR 1222)
Parcel Identification Number(s): 0009-000-053A-0000
Total Parcel(s) Acreage: 311.68
Existing Land Use of Property: Active Mine Operation (Extractive Industry)

Request

Project Name: Thrasher Mine PB 99-20
Proposed Use of the Property: Sand Mine Expansion
Deed Book/Page Number and/or Plat Cabinet/Slide Number: D.B.: 483, PG.: 419
Total square footage of land disturbance activity: 207 Ac. +/-
Total lot coverage: 81,000 s.f. +/- (0.6%) Total vehicular use area: 79,400 s.f. +/-
Existing gross floor area: 1,600 s.f. +/- Proposed gross floor area: 0

Community Meeting

Date Meeting Held: 6/24/2013 Meeting Location: Moyock Library

Purpose of Special Use Permit and Project Narrative (please provide on additional paper if needed): Expansion of existing sand mine from 94 +/- acres (30%) of excavation to 149 +/- acres (48%). Hall roads, screening, recharge ditch, stockpile, etc. will be modified according to plans. Operation of expanded mine will be consistent with the existing operation.

The applicant shall provide a response to each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the special use permit.

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

Mining is permitted in the "AG" district under a use permit. Site will be posted for "No Trespassing" every 250' as noted on mine plan. A water truck will continue to maintain the access road for dust control.

B. 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.

The proposed expansion activities will be consistent with the current mining operation. A minimum 50' undisturbed buffer is provided around the mine perimeter. Visual screening berms are included in the current and proposed mine plans where visible from adjacent roads and residentially developed properties.

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

Land Use Plan classifies land as Rural Area intended to provide agriculture, forestry, and other allied uses traditionally associated with a rural area, such as mining. Mining is a supported use under section 4.2.5 of the new UDO.

D. 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.

The proposed mine expansion will have no impact on schools. Impact on fire, rescue, law enforcement and other County facilities is anticipated to remain negligible.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Donald L. Turner III, PRESIDENT
Property Owner(s)/Applicant*

6/24/13
Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

Use Permit Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Use Permit Submittal Checklist

Date Received: _____ TRC Date: _____

Project Name: Thrasher Mine

Applicant/Property Owner: ELBOW ROAD FARM, INC. c/o DANNY THRASHER

Use Permit Submittal Checklist		
1	Complete Use Permit application	✓
2	Application fee (\$150)	✓
3	Community meeting written summary	✓
4	Site plan, if applicable	✓
5	Landscape plan, if applicable	N/A
6	Exterior lighting plan, if applicable	N/A
7	Stormwater management plan, if applicable	N/A
8	Architectural elevations, if applicable	N/A
9	ARHS Construction Improvements Permit, if applicable	N/A
10	NCDENR, DWQ stormwater permit application (if 10,000sf or more of built upon area).	N/A
11	NCDENR, Land Quality, Erosion and Sedimentation Control permit application (if one acre or more of land disturbance).	N/A
12	NCDOT Street and Driveway Access Permit Application and Encroachment Agreement, if applicable	N/A
13	5 copies of plans	✓
14	5 hard copies of ALL documents	✓
15	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	✓

For Staff Only

Pre-application Conference

Pre-application Conference was held on 6/7/2013 and the following people were present:

Dan Thrasher, Mike Daxey, Eric Weatherly, Brad Schuler, Donna Wolinski

Comments

- Need Va Power/Dominion - approval
- Hydrogeological Report

Thrasher Mine

Community Meeting for Thrasher Mine

Monday, June 24, 2013

Scheduled Time/Place: 6:00pm, Moyock Library, Moyock, NC

Meeting Began: 6:05pm / Meeting Ended: 6:45pm
(Several residents stayed after to talk until 7:00pm)

Attendees:

Community Residents – See attached sign-in sheet
Moyock Properties, LLC and Elbow Road Farm, Inc. - c/o Danny Thrasher
Stacy Smith, Currituck County
David Klebitz, Project Manager, BPG Inc.

Comments from the Community	How Addressed
Charlie Morris asked about impacts to groundwater as it relates to the surrounding farm fields. Has NOT had issues in past 13 years.	Groundwater recharge ditch will continue to be used around expanded mine. Impact not anticipated.
Ralph Jones & Carl Jones spoke on behalf of the Newtown Community who is happy having the Thrashers as part of their community and are in support of the existing and proposed expanded mine operation.	Thank you!
Noted that the occasional truck turns right onto Newtown Road from the mine.	Not addressed at meeting, however, possible resolutions can be provided if necessary.
How long will the mine continue to operate?	Permit will be for another 10 years, though it depends on the market for sand.
How long before subdivision around the former mine is constructed?	Difficult to say. Depends on how long mine operates and several years to design, permit and construct. (When given a range of 5-25 years, the response was probably closer to 20 years).

Summary:

In general, there was overwhelming support for the mine from those in attendance. Questions and comments were minimal as outlined above.

Community Meeting Sign-In Sheet

for

Thrasher Mine

Monday, June 24, 2013

NAME	ADDRESS	TELEPHONE	E-MAIL
Carl Jones	853 Drawbridge Dr	757 485 9211	MONKEYRUNNER@AOL.COM
RALPH JONES	149 Richmondshaw Rd	401-699-2964	
Charlic Morris	320 Caretorette	757.439-0089	CMORRIS@ROSCOEWORKS.COM
Ricky Sawyer	128 NEWTOWN RD	757-714-2413	
EARL JONES	117 NEWTOWN RD	267-4052	
Betty Jones	" "	267-2073	
David Sutton	181 Newtown rd	252-772-4269	
June Sutton	181 Newtown rd	202-1008	
JABROWNING	130 LAZY CORNER	232-6899	N/A
Deputy Bright	181 Newtown	679-6206	
Elijah Griffin		475 6949	
Reyter Runtor Jr	135A Richard	548-9711	
Theresa Song		435 6298	
M. JORDAN	129 NEWTOWN RD	435-0660	LOVEPEGGY@CENTURYLINK.NET
Mollie Spaul	134 New Town Rd	435-2884	
Karen Miggins	Po box 185 Moyock NC	267-3880	
Katoma Harvey	135A Richardshaw Rd	Moyock NC 27958 (252)	435-6007- Kenneth Cr.
Josephina Spaul	134 Richardshaw	Moyock, NC 435-2884	



Currituck County Agenda Item Summary Sheet

Agenda Item Title

PB 13-23 Charles Perry requests a use permit to operate automobile sales in Grandy at 6331, 6333, and 6335 Caratoke Highway, PIN 0094-000-135B-0000, Poplar Branch Township.

Brief Description of Agenda Item

Charles Perry is requesting a use permit for the operation of automobile sales. He has operated the automobile sales from this property for five years but did not realize a use permit was required. The sales operation will include 15 display spaces located on the property.

Planning Board Recommendation:

Mr. Craddock moved to approve PB 13-23 as presented. Ms. Bell seconded the motion and the motion passed unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody

Presenter of Agenda Item

Ben Woody

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: December 2, 2013
PB 13-23 Charles Perry

ITEM: PB 13-23 Charles Perry requests a use permit to operate automobile sales.

LOCATION: Grandy: 6331, 6333, 6335 Caratoke Highway

TAX ID: 0094-0000-135B-0000

ZONING DISTRICT: General Business (GB)

PRESENT USE: Residential/Automobile Sales/Office

OWNER: Charles E. Perry
Lola M. Perry
6335 Caratoke Highway
Grandy, NC 27939

APPLICANT: Charles E. Perry

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Fire Department	GB/AG
SOUTH	Undeveloped	GB/AG
EAST:	Undeveloped	GB/AG
WEST:	Shopping Center	GB

LAND USE PLAN

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

SIZE OF SITE: 1.38 acres

COMMUNITY MEETING: A community meeting was held on September 9, 2013 at 6335 Caratoke Highway.

I. NARRATIVE OF REQUEST:

- The applicant is requesting a use permit for the operation of automobile sales.
- Mr. Perry has operated the automobile sales from this property for five years and did not realize a use permit was required.
- At the community meeting general comments regarding the site plan were discussed. Concerns included making sure the vehicles are located in an area that provides adequate line of site.

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 of fact are outlined as follows:

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

Staff Findings:

- a. The automobile display areas shall be located a minimum of 10 feet from Caratoke Highway right of way and should not endanger the public health or safety.

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. The surrounding land uses include a shopping center, fire station, retail sales, and offices.
- b. The existing approved use of the property is office and residential.

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 Full Service within the Grandy subarea. The Full Service area recommends design criteria be established to ensure the commercial development protects and preserves the existing community in scale, architectural style, materials, landscaping, and site design. The policy emphasis of the Grandy subarea is to evolve as a community center. The proposed use is in keeping with the policies of the plan, such as:

POLICY CA3: LANDSCAPE IMPROVEMENTS at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and absorbing storm water runoff, shall be required.

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 should have no additional impact on the county's ability to provide adequate public facilities, including but not limited to, schools, fire and rescue, law enforcement, and other county facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

1. The display area shall include a Type A bufferyard located between the display area and the street. The shrubs shall be located along the display area.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval of PB 13-23 as presented for a use permit. Motion passed 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

PLANNING BOARD DISCUSSION (11-12-13)

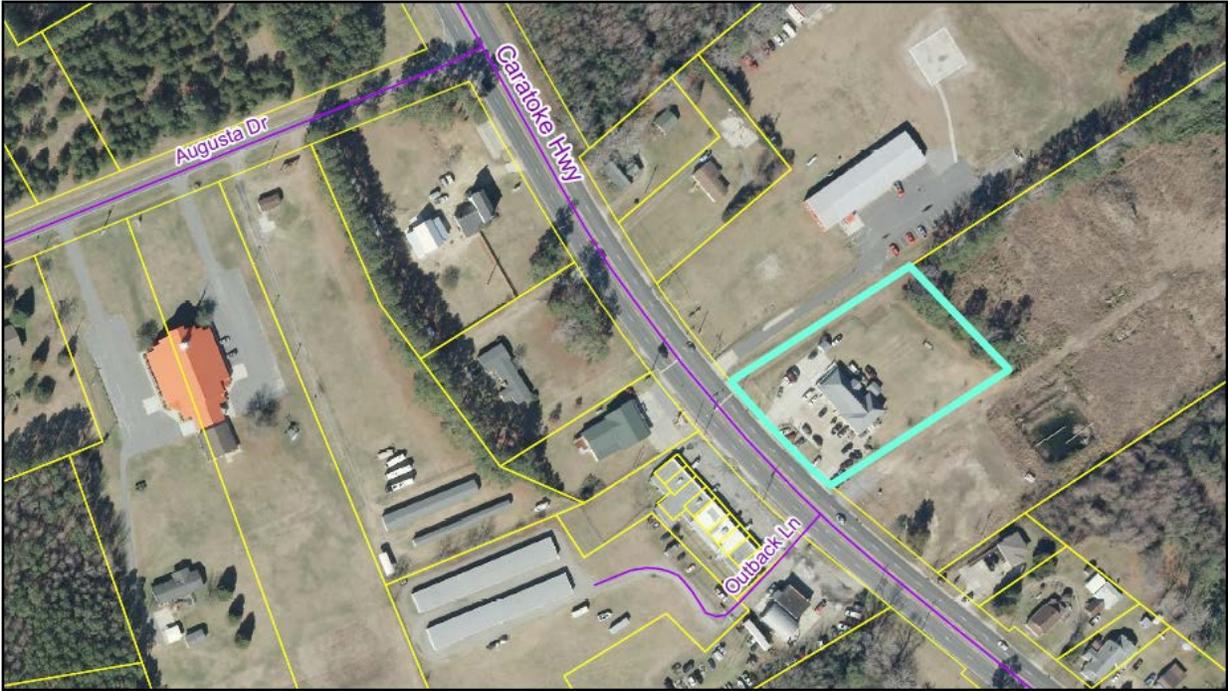
Mr. Bell asked if the required shrubs would present line of sight issues.

Ms. Voliva said the owner is proposing Indian Hawthorn shrubs that do not grow very tall and with proper maintenance, should not be a problem.

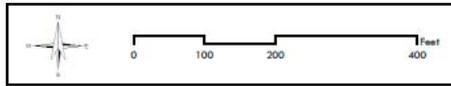
Mr. Perry said he would have gotten a use permit five years ago had he known it was a requirement.

ACTION

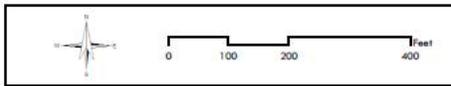
Mr. Craddock moved to approve PB 13-23 as presented. Ms. Bell seconded the motion and the motion passed unanimously.



PB 13-23
Charles Perry
 Use Permit - Aerial

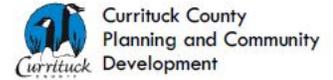
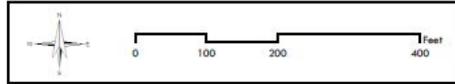


PB 13-23
Charles Perry
 Use Permit - Zoning





PB13-23
Charles Perry
Use Permit - Aerial



MEMORANDUM

To: Charles E. Perry

From: Donna Voliva, Planner

Date: October 16, 2013

Re: Charles Perry Use Permit, TRC Comments

The following comments have been received for the October 16, 2013 TRC meeting. 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 correct the parking calculations and include the 960 sf commercial area.
2. The delivery area is no longer required and may be used for required parking.
3. A 24' drive aisle shall be provided for all parking spaces (general note).
4. The display area shall include a Type A buffer between the display area and the street. The shrubs shall be located along the display area.
5. Will the display area include a new fence or lighting?

Currituck Soil and Water, Mike Doxey

Currituck County Engineer, Eric Weatherly 252-232-6035

Approved with corrections

1. Is there any fill proposed?
2. Are the stormwater detention areas existing or proposed. If they are proposed, do you have permission from the adjoining land owner to discharge stormwater through their property?

Currituck County Utilities, Pat Irwin

Approved

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

No comment.

Currituck County Parks and Recreation

No comment

Currituck County GIS, Harry Lee

Reviewed

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

Approved

NC DENR, Land Quality Section, Pat McClain 252-946-6481

No comment

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

No comment

NC State Archaeology, Lawrence Abbot

No comment

1. No previously recorded archaeological sites noted in the project area. An archaeological survey is not recommended.

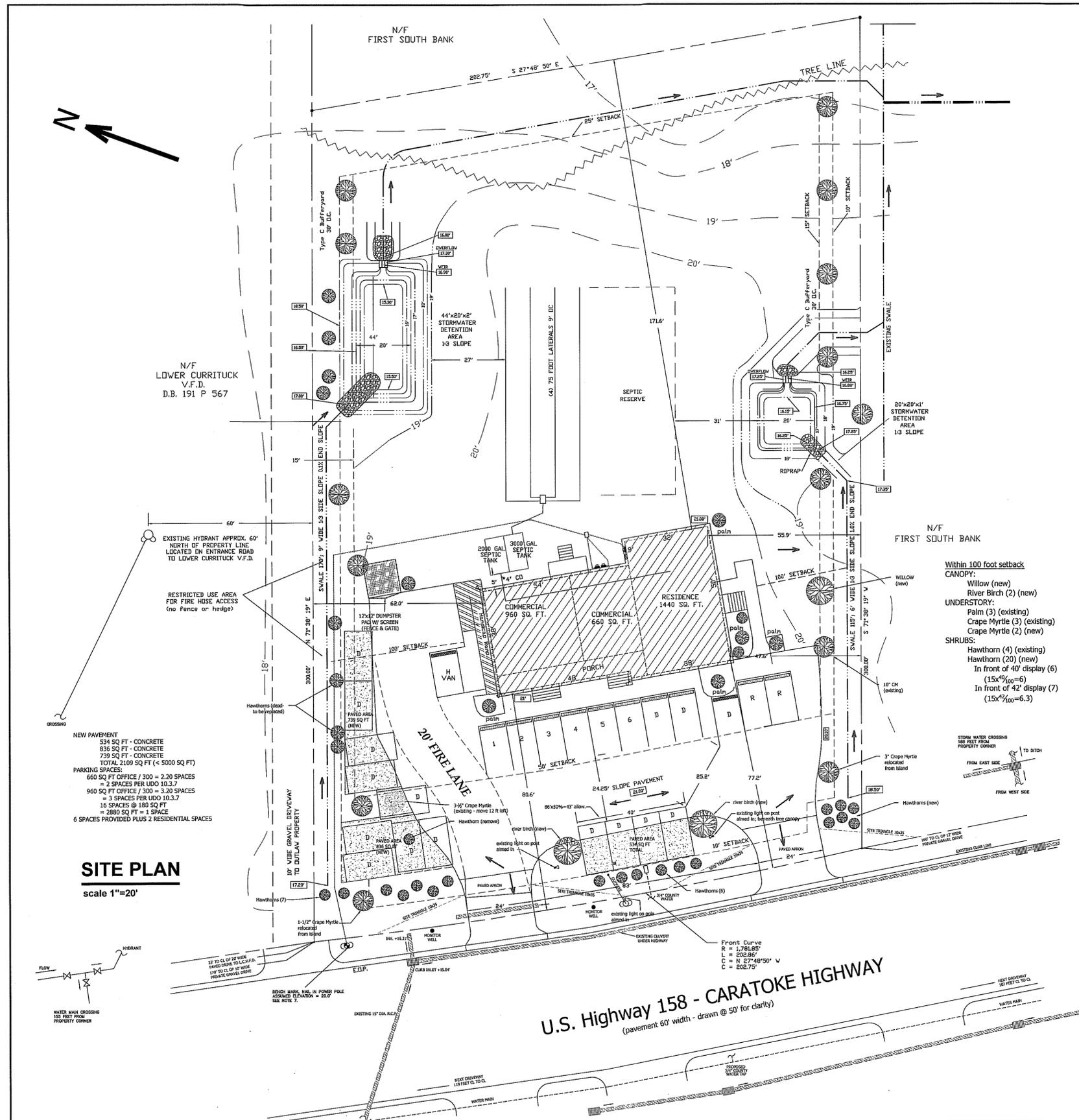
Albemarle Regional Health Services, Joe Hobbs 252-232-6603

Reviewed

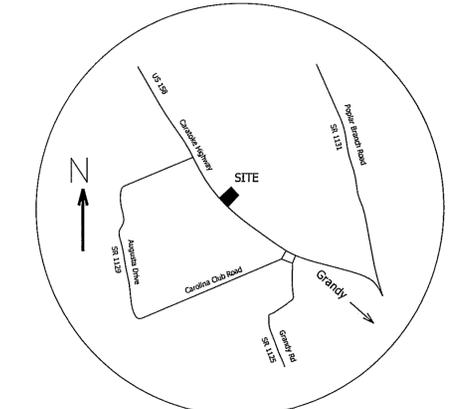
1. Existing building and septic system on property designed for two bedroom home, two businesses with no more than eight employees total. OK to operate auto sales business as long as do not park or drive automobiles on septic area located at rear of building.

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.



SITE PLAN
scale 1"=20'



LOCATION

LEGEND:

- Property Line
- Setback Line
- Contour Line (existing per Hyman Survey)
- Existing Swale
- Finished Grade
- Floodlight

NOTES:

- THIS IS A MAJOR REVISION TO A SITE PLAN COMPLETED FOR MR. PERRY BY J. RYAN ENGINEERING (PROJECT 5016-JSD) UNDER MY PERSONAL DIRECTION AND SEAL DATED APRIL 4, 2005.
- This is not a survey. Dimensions and bearings are excerpts from a site plan by Performance Engineering dated November 10, 1999 for Mr. Perry and referenced to an earlier survey by Edward T. Hyman, P.L.S. This includes property boundary, topographic features, FEMA flood zone, and area calculations. Features across highway (drainage grates and driveway locations) were measured with an odometer for original construction site plan. UPDATE: An as-built survey of pavement and building location was completed by Styons Surveying Service dated July 24, 2013 at Engineer's request.
 - Lot area = 60,274.40 square feet (1.38 acres).
 - Zone GB - General Business
 - Lot coverage:

Building:	Residence:	1440 sq. ft.
	Commercial I:	660 sq. ft.
	Commercial II:	960 sq. ft.
	Porch & Roof:	610 sq. ft.
	Total:	3670 sq. ft.

 Sidewalks: 793 sq. ft. (was 743 sq. ft. on original site plan)
 Parking and Drive Aisles: 11387 sq. ft. (was 10377 sq. ft. on original site plan)
 New Auto Display: 2109 sq. ft.
 Total Coverage: 17959 sq. ft. (was 14790 sq. ft.) (29.8% coverage)
 - Parking calculations are based upon one parking space per 300 sq. ft. of new auto dealer commercial space, one space per 5000 sq. ft. of display space plus two spaces for the residence. Mr. Perry occupies the entire building with office in 660 sq. ft. area.
 - Parking surface and tree shading to be in accordance with the Currituck County Unified Development Ordinance (2013).
 - All elevations shown on this sheet are based upon an assumed elevation for the benchmark provided. No warranty is expressed or implied regarding the elevation of the site with respect to any officially established datum.
 - Swales and retention ponds were designed to handle 5.05 inches of stormwater (10 year 24 hour rainfall per Norfolk NWS Hydro-35) generated by 15530 square feet of pervious surface when site was developed in 2005 and as approved by Currituck County.
 - All work and material within the NCDOT right-of-way met or exceeded the minimum requirements of the "North Carolina Standard Specifications for Roadside Structures" in 2005. No new work is included with this plan.
 - Handicap ramp was inspected and accepted by Currituck County Inspections when constructed.
 - This structure is single story, with approximate building total height from grade of 25' 3-3/4".
 - Mr. Perry signed the original site plan agreeing to maintain the property so that surface waters from such development do not unreasonably collect and are channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. In addition, the development has been and will continue to be maintained so that it will not unreasonably impede the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

REV. A Added shrubs in front of display.
Removed delivery space, reasigned parking spaces

PROJECT NO	13019	DATE	10/20/13
SYN	A	DESIGNED: JR	
		DRAWN: JR	
		CHECKED:	
DATE	09/10/2013		

W, James Rivera, PE
P.O. Box 893
Kitty Hawk, NC 27949
757-287-7441



PERRY OFFICE & RESIDENCE
6331 CARATOKE HIGHWAY
Poplar Branch, Currituck County, NC
AS-BUILT SITE PLAN & CHANGE OF USE
W/ NEW PAVEMENT FOR NEW VEHICLE SALES

SHEET NUMBER
SP

FINAL



Use Permit Application

OFFICIAL USE ONLY:	
Case Number:	_____
Date Filed:	_____
Gate Keeper:	_____
Amount Paid:	_____

★ MAILING ADDRESS
 P.O. BOX 316 GRANDY, NC 27936

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>Charles E Perry</u>	Name: <u>Charles E + hola M Perry</u>
Address: <u>6335 Caratoke Hwy</u>	Address: <u>6335 Caratoke Hwy</u>
<u>Grandy NC 27939</u>	<u>Grandy NC 27939</u>
Telephone: <u>252 202 6655</u>	Telephone: <u>252 202 6655</u>
E-Mail Address: <u>parkchop200333@yahoo.com</u>	E-Mail Address: <u>pollic-wol@yahoo.com</u>
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>Same</u>	

Property Information

Physical Street Address: 6331, 6333, 6335 Caratoke Hwy

Location: Grandy NC 27939

Parcel Identification Number(s): 0094-000-135B-0000

Total Parcel(s) Acreage: 1.38

Existing Land Use of Property: residence office car lot

Request

Project Name: Perry Office Bldg.

Proposed Use of the Property: residence, office, car lot

Deed Book/Page Number and/or Plat Cabinet/Slide Number: Deed Book 121 Page 84

Total square footage of land disturbance activity: ~~2700~~ ~~2719~~ 3,169 SF

Total lot coverage: 17,959 (29.8%)

Total vehicular use area: 14,289 SF

Existing gross floor area: 3670

Proposed gross floor area: 3670

Community Meeting

Date Meeting Held: 5:pm Sept 9, 2013 Meeting Location: Perry Office Bldg

Purpose of Special Use Permit and Project Narrative (please provide on additional paper if needed):

Car lot at existing office bldg which has been in operation for 5 years

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the special use permit.

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

no we will meet all requirements in health & safety as required by the county

B. 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.

no we feel that we have a very attractive piece of property and that it is in harmony with the businesses beside and across from us on

C. The use will be in conformity with the Land Use Plan or other officially adopted plan. the highway
yes whatever is required

D. 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.

N.A. We will not interfere with public facilities, schools, fire & rescue, law enforcement or other county facilities as required by county government.

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

John M. Pender
Property Owner(s)/Applicant*

August 23, 2013
Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

Sept 9, 2013

Community meeting was held at
6335 Caratoke Highway at 5:05 pm
No objections were given.

In attendance were:

1. Steven Craddock, Planning & Zoning
2. Stacey - Planning & Zoning
3. Fire Chief - Lower Currituck Cty
& one other Fireman (name unknown)
- 4 Charles & Lola Perry, Nu Deal ALS

General comments regarding site
plan, also comments making sure
automobiles were back far enough
from the line of site No objections
concerning use permit for a car lot

Charles Perry
6335 Caratoke Hwy
Gandy, N.C. 27939



Currituck County Agenda Item Summary Sheet

Agenda Item Title

PB 13-28 Coinjock Ruritan Club requests a text amendment to the Currituck County Unified Development Ordinance that would exempt the Coinjock Ruritan Club from the special event permit and signage requirements.

Brief Description of Agenda Item

Walton Carter, Coinjock Ruritan Club, is requesting a text amendment to the UDO that would exempt the organization from all special use permitting and special event signage requirements.

Planning Board Recommendation:

Mr. Craddock moved to deny PB 13-28 since it singles out this organization from all others. Mr. Clark seconded the motion and the motion passed. Ayes: Ms. Bell, Mr. Craddock, Mr. Clark, Mr. Cooper and Ms. Wilson. Nays: Mr. Bell, Ms. Newbern, and Mr. Cartwright.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody

Presenter of Agenda Item

Ben Woody



Currituck County

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

To: Board of Commissioners
From: Planning Staff
Date: November 19, 2013
Subject: PB 13-28 Coinjock Ruritan Club

The enclosed text amendment submitted by Walton Carter on behalf of Coinjock Ruritan Club is intended to exempt the Coinjock Ruritan Club from special event requirements including signage.

The UDO requires all temporary use special events including such events as sporting, cultural, musical, charitable, celebrations, festivals, fairs, carnivals, circuses, and communal camping that are held on private property to obtain a temporary use permit. The UDO also includes exemptions to the temporary use permit requirements such as events that occur on grounds of a private residence, sponsored by the county or state, and activities that occur on properties that are typically intended and used for such activities. Special events are limited to a maximum of four occurrences per parcel, per year excluding events held on county or state owned property. In addition, special event signage is limited to the following sign standards:

- (1) The following shall be allowed on the mainland:
 - (a) Up to 40 signs, each with a maximum area of 6 square feet and up to 10 signs, each with a maximum area of 32 square feet; or
 - (b) Up to 60 signs, each with a maximum area of 6 square feet;
- (2) Up to three signs, each with a maximum area of 32 square feet and a maximum height of six feet shall be allowed on the Outer Banks;
- (3) On the mainland, such signs may be erected up to 17 days before the event, and shall be removed within 8 days after the event;
- (4) On the Outer Banks, such signs may be erected up to three days before the event and shall be removed within two days after the event.

Mr. Carter is requesting the board amend the UDO to exempt Coinjock Ruritan Club from the temporary use permitting and signage requirements.

Staff recommends denial of the requested text amendment submitted on behalf of Coinjock Ruritan Club. The application would apply to a specific organization and conflict with the public interest and not be in harmony with the purposes and intent of the Unified Development Ordinance.

The Planning Board recommended denial of PB 13-28 since it singles out this organization from all others. Ayes: Ms. Bell, Mr. Craddock, Mr. Clark, Mr. Cooper, and Ms. Wilson. Nays: Mr. Bell, Ms. Newbern, and Mr. Cartwright.

PLANNING BOARD DISCUSSION (11-12-13)

Ms. Bell asked if the text amendment were amended to apply to all non-profit organization, would staff recommend approval.

Ms. Voliva said there are still Land Use Plan issues that have to be addressed. She also noted that the permit is reviewed by other agencies such as Emergency Services, Fire Marshal, Health Department, Sheriff, etc. to ensure that adequate county resources are available for each event.

Mr. Carter said he had been operating for 41 years without a permit. He said they put their signs up two weeks prior to the event and take them down the next day.

Mr. Cartwright asked what part of the ordinance was the issue.

Mr. Carter said that not being allowed to put signs in the right-of-way is an issue. He asked why he needed a permit after 41 years of not needing one.

Mr. Craddock said that the regulations may have been abused by other organizations.

Ms. Newbern asked if the development of the existing sign ordinance was a county sponsored regulation.

Mr. Woody said staff was directed by the Board of Commissioners to work with non-profits to develop regulations and this language is a reflection of the input from that committee after about a year's worth of study.

Mr. Cooper asked what the problem was with the requirement.

Mr. Carter said there is a fear of what is coming next and that government should not control civic work. He said they donate money to the schools, etc. He said farmers can have signs.

ACTION

Mr. Craddock moved to deny PB 13-28 since it singles out this organization from all others. Mr. Clark seconded the motion and the motion passed. Ayes: Ms. Bell, Mr. Craddock, Mr. Clark, Mr. Cooper and Ms. Wilson. Nays: Mr. Bell, Ms. Newbern, and Mr. Cartwright.

**PB 13-28 COINJOCK RURITAN CLUB
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Chapter 4: Use Standards and Chapter 5: Development Standards to exempt the Coinjock Ruritan Club from Special Event requirements, including signage.

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 4.4.6.l. Special Events is amended by adding the following underlined language:

I. Special Events

(1) Applicability

(c) Exemptions

(i) Events Sponsored by Coinjock Ruritan Club

Any event sponsored in whole or in part by the Coinjock Ruritan Club.

Item 2: That Section 5.12.3 Signs Exempt from Signage Regulations is amended by adding the following underlined language:

J. Temporary signs for special events sponsored by Coinjock Ruritan Club.

Item 3: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 4: This ordinance amendment shall be in effect from and after the day of , 2013.

Board of Commissioners' Chairman
Attest:

Mary S. Gilbert
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS_____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES_____NAYS_____

ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

**RESOLUTION
RECOGNIZING
NICHOLAS MCKENZIE**

WHEREAS, on behalf of all the Citizens of Currituck County, the Board of Commissioners of Currituck County recognizes the attainment of high honor by young Citizens of Currituck County; and

WHEREAS, at a time when this nation's young people face difficult challenges, the Boy Scouts of America is one of this country's finest assets, providing youth with an educational program that contributes to their character development, citizenship training and improved mental and physical fitness; and

WHEREAS, the highest rank a Boy Scout can attain is that of Eagle Scout, and Nicholas McKenzie, after considerable effort and diligent preparation, has joined the prestigious Eagle Court of Honor; and

WHEREAS, Nicholas McKenzie is one of only 4% of overall Scout membership who have claimed the rank of Eagle Scout; and

WHEREAS, Nicholas McKenzie is a member of Scout Troop 169 sponsored by the Moyock Ruritan Club; and

WHEREAS, Nicholas McKenzie's Eagle project greatly contributed to the betterment of his community as he coordinated the building of footbridges on the grounds of Moyock Elementary School; and

WHEREAS, the rank of Eagle Scout is also the culmination of the patriotic concern and devoted efforts of Nicholas McKenzie's numerous adult Scout leaders and caring parents who have worked with him to this end.

NOW, THEREFORE BE IT RESOLVED, the Currituck County Board of Commissioners joins with others in the recognition of Nicholas McKenzie for his outstanding accomplishment, and wishes him continued success in his life's endeavors.

ADOPTED this the 2nd day of December, 2013.

ATTEST:

S. Paul O'Neal
Chairman of the Board of Commissioners

Mary S. Gilbert
Clerk to the Board



James Wesley Liverman, Jr.
President

William E. "Bill" Jones
Chief

LOWER CURRITUCK VOLUNTEER FIRE DEPARTMENT
P. O. Box 207
Grandy, North Carolina 27939

November 19, 2013

Commissioner Butch Petrey
Currituck County Commissioners

On the early morning of November 14, 2013, two young men on their way duck hunting noticed a structure fire at 433 N. Spot Rd. They spotted an elderly invalid, Mrs. Nan Sawyer, attempting to exit the burning structure. They exited their vehicle and assisted the lady from the burning structure. They placed themselves in harm's way without regard to their personal safety. Mrs. Sawyer was led to safe haven. Without their quick actions, Mrs. Sawyer would have been injured or killed.

The Lower Currituck Vol. Fire Department would like to honor these brave individuals who came to the assistance of Mrs. Sawyer.

- 1) Robert Trevilian, age 24, Waves, NC 252-489-6845
- 2) Ethan Owens, age 20, Harbinger, NC 252-267-2447

Respectfully Submitted,


William E. Jones
Fire Chief

Certificate of Recognition

Presented to

Robert Trevilian

*For His Bravery and Quick Action, Without Regard for His
Personal Safety, in Assisting a Currituck County Citizen
from Her Burning Home to a Safe Haven.*

Presented this 2nd day of December, 2013.

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

Certificate of Recognition

Presented to

Ethan Owens

*For His Bravery and Quick Action, Without Regard for His
Personal Safety, in Assisting a Currituck County Citizen
from Her Burning Home to a Safe Haven.*

Presented this 2nd day of December, 2013.

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



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Amendment to Section 7 of the Currituck County Personnel Policy

Brief Description of Agenda Item

Under the Affordable Care Act, starting in 2015, employers that employ more than fifty employees, in order to avoid penalties, must provide health care coverage to full-time employees and to their dependent children. The Act includes a modification of the definition of a full-time employee to one that works, on average, more than thirty hours per work week. The proposed amendment will place us in compliance with this requirement.

Board Action Requested

Action

Person Submitting Agenda Item

Dan Scanlon

Presenter of Agenda Item

Dan Scanlon

BOARD OF ADJUSTMENT

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Donna McCloud-Alternate	District 1		Vance Aydlett	6/17/2013	Unexpired Term 12/31/2014
Shay Ballance-Alternate	District 2		David Griggs	2/18/2013	1st Term 12/31/2015
Theresa Dozier*	District 3		Butch Petrey	3/7/2011	1st Term 12/31/2013
David Palmer*	District 4		Kevin McCord	4/18/2011	1st Term 12/31/2013
Cameron Tabor*	District 5		Marion Gilbert	2/21/2011	1st Term 12/31/2013
Mike Painter	At Large		Paul Martin	8/20/12	1st Term 12/31/2014
Vivian Simpson	At-Large		Paul O'Neal	1/17/2012	1st Term 12/31/2014

* May Be Reappointed

TOURISM ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Petrina Ramey*	District 1		Vance Aydlett	Reappointed 4/4/2011	2nd Term November 2013
Wanda Beasley	District 2		David Griggs	Appointed 2/18/2013	1st Term November 2015
Ted Jagucki	District 3		Butch Petrey	Appointed 11/21/11	1st Term November 2014
Paul Robinson	District 4		Kevin McCord	Reappointed 11/21/11	2nd Term November 2014
Janice Farr	District 5		Marion Gilbert	Appointed 7/2/12	1st Term June 2015
Mike Martine	At-Large		Paul Martin	Appointed 12/3/12	1st term November 2015
Leslie Daughtry	At-Large		Paul O'Neal	Appointed 1/3/2012	1st Term January 2015

* To Be Replaced

Commissioner O'Neal

PLANNING BOARD
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
James Clark	District 1		Vance Aydlett	January 2012	2nd Term 12/31/2014
Steven Craddock	District 2		David Griggs	January 2013	Unexpired Term 12/31/2014
John Cooper	District 3		Butch Petrey	January 2012	1st Term 12/31/2014
Daniel Cartwright	District 4		Kevin McCord	January 2012	1st Term 12/31/2014
Carol Bell	District 5		Marion Gilbert	January 2013	1st Term 12/31/2015
Fannie Newbern	At-Large		Paul Martin	January 2012	2nd Term 12/31/2014
John Wright	At-Large		Paul O'Neal	January 2013	2nd Term 12/31/2015
Lynne Wilson*	Outer Banks Alternate		Vance Aydlett	January 2012	2nd Term 12/31/2014
Bobby Bell	Mainland Alternate		Paul O'Neal	January 2012	1st Term 12/31/2014

***Resigned-To Be Replaced**

CURRITUCK COUNTY
NORTH CAROLINA
November 18, 2013

The Board of Commissioners met at 6:00 p.m. in the Historic Courthouse Conference Room with members of the Agriculture Advisory Board for Farmland Preservation Harvey Roberts, Sidney Garrett and Wade Morgan, as well as Manly West, regarding the dissolution of the Farmland Preservation board effective December 31, 2013. Mr. Roberts presented the merits of keeping land in agriculture production, thus saving the County from providing services required by residential development. He requested to keep the board and funding in place.

The Board of Commissioners met at 6:30 p.m. in the Historic Courthouse Conference Room with Peter Bishop, Economic Development Director, who provided an update on the Foreign Trade Zone.

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, Griggs, and Petrey. Commissioners Gilbert and McCord were absent.

Chairman O'Neal called the meeting to order at 7:00 PM and announced the Board of Commissioners had met in a work sessions regarding Farmland Preservation and Foreign Trade Zone.

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

Reverend Eric Rainwater, Currituck Bible Baptist Church, gave the invocation and led the Pledge of Allegiance.

- C) Approval of Agenda**

Commissioner Aydlett moved to approve the Agenda. Commissioner Martin seconded the motion. Motion carried unanimously.

APPROVED AGENDA

Work Sessions

6:00 PM Farmland Preservation

6:30 PM Foreign Trade Zone

7:00 pm Call to Order

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

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

Administrative Reports

- A) **Janie Mercer, Economic Improvement Council, to Present 2014 Anti-Poverty Plan**

Public Hearings

- A) **Public Hearing and Action:** PB 13-19 Ginger Morris: Request to amend the Unified Development Ordinance Chapter 2: Administration to revise the standards regulating family subdivisions to allow for additional family subdivisions to be permitted on the same parent parcel provided a certain amount of time has passed.
- B) **Public Hearing and Action:** PB 13-15 Water Supply Standards: Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to the county water supply system.

New Business

- A) **Board Appointments:**
1. Appointment of At-Large Member to Albemarle Commission
- B) **Consent Agenda:**
1. Approval of November 4, 2013 Minutes
 2. Resolution to Amend the Biggert-Waters Flood Insurance Reform Act of 2012
 3. Resolution to Declare Surplus the Guard Shack at Entrance to Whalehead at Historic Corolla
 4. Fire-EMS Personnel Amendments
- C) **Commissioner's Report**
- D) **County Manager's Report**

Special Meeting

Tourism Development Authority

- A) **Budget Amendments**

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 since 2011. She was thankful for all those who were opposed to a junkyard in her neighborhood, and thankful for the judge who ruled in her family's favor.

Ray Meiggs, Southern Shores, reported on Whalehead's Christmas in Corolla which would include a reading challenge. All Currituck County schools (2613 students) were participating in the literacy challenge. He invited everyone to visit Whalehead at Historic Corolla to see the decorations.

Commissioners questioned the advertisement which included a \$1 donation from each ticket to Dare County Education to which Mr. Meiggs responded.

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

Administrative Reports

A) Janie Mercer, Economic Improvement Council, to Present 2014 Anti-Poverty Plan

Ms. Mercer reported that the total grant was for \$281,576 and would help 56 families to become more self-sufficient.

Public Hearings

A) Public Hearing and Action: PB 13-19 Ginger Morris: Request to amend the Unified Development Ordinance Chapter 2: Administration to revise the standards regulating family subdivisions to allow for additional family subdivisions to be permitted on the same parent parcel provided a certain amount of time has passed.

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

The following text amendment submitted by Ginger Morris is intended to allow additional family subdivisions to be permitted provided a certain amount of time has passed. Family subdivisions are a type of minor subdivision in which the lots created are deeded to a family member within two degree of kinship of the property owner.

Currently, only the first five lots created from a parent parcel as it existed on April 2, 1989 can be approved as a minor subdivision. Once a subdivision creates more than five lots, including past divisions, it is subject to the major subdivision standards.

This may present some difficulties on families owning only a part of a once large parcel of land. This is because the maximum five lot requirement is administered to the *parent parcel as it existed on April 2, 1989*. For example, in 1990 a 100 acre parcel of land was divided among two separate families, Family A and Family B. Family A then develops a minor 5 lot subdivision on its parcel in 1992. Family B then wants to create one lot for a family member out of its parcel in 2013, but in order to do so; it must meet the major subdivision standards because it would be the sixth lot created from the parent parcel as it existed on April 2, 1989.

The Unified Development Ordinance (UDO) contains the "April 2, 1989" language in order to prevent the creation of a series of multiple minor subdivisions that do not have to provide the amenities required for major subdivisions, like open space, park land dedication, and waterline extension.

This amendment request will allow for the maximum five lot requirement to be reset every 10 years for family subdivisions. Basically, five family subdivisions lots can be created every 10 years on the same parcel. This request does not modify the standard as it pertains to conventional minor subdivisions (those in which the lots are not deeded to family members), and they would continue to be administered as explained above.

Staff realizes that the "April 2, 1989" language will eventually need to be modified to continue to allow for minor subdivisions in the county. Staff also realizes that family subdivisions are not

typically used to bypass ordinance requirements. With that being said, staff is supportive of this request as it allows for additional family subdivisions in a manner which does not create possible circumvention of the UDO and that it:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of the UDO or the County Code of Ordinances;
3. Addresses a demonstrated community need;
4. Is consistent with the purpose and intent of the zoning districts in the UDO;
5. Would not result in significantly 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.

Staff is also taking this opportunity to slightly modify the family subdivision standards. Text has been added to clarify the number of lots that can be conveyed to an individual family member (one lot), and the provision to only allow one family subdivision lot to be created each year has been removed.

At their October 8, 2013 meeting, the Planning Board recommended unanimous **approval** as presented with the removal of the following language:

- *A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.*

PLANNING BOARD DISCUSSION (10-8-13)

Mr. Cooper asked for clarification on the proposed language that limits a family member to a maximum of one lot.

Mr. Schuler stated an example is if somebody creates a family subdivision in Moyock and deeds the property to three family members, they cannot then come in the next day to create another family subdivision for the same three family members in Point Harbor.

Mr. Woody stated this is to try to make it easy to give a lot to a family member.

Ms. Morris stated if you want to give more than ten acres this text amendment does not apply. Ms. Morris explained they purchased 10 acres and they want to give their son some acreage and have ties to the property themselves.

The Planning Board discussed the difference between giving a lot and the creation of a lot in a family subdivision, and recording a deed.

Mr. Craddock stated in 2, A, #5 the word "Figure" should be changed to "Section".

Mr. Cartwright asked the applicant if this amendment is the way they want it.

Ms. Morris stated yes.

PLANNING BOARD ACTION

Mr. Cooper moved to approved PB 13-19 as presented and to remove the following language:

- A maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.

Mr. Cartwright seconded the motion. Motion carried unanimously.

**PB 13-19 Morris – Family Subdivisions
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 2: Administration to revise the standards regulating family subdivisions to allow for additional family subdivisions to be permitted on the same parent parcel provided a certain amount of time has passed.

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 2.4.8.D Minor Subdivision is amended by adding the following underlined language and deleting the strikethrough language:

(2) Minor Subdivision Review Standards

(a) General Standards

A minor subdivision shall be approved on a finding that:

- (i) It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.b; and all other applicable standards in this Ordinance;
- (ii) It will result in lots that are at least 40,000 square feet in size (except in the SFR district, where lots shall be at least 120,000 square feet in size);
- (iii) It will result in five or fewer lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.B Additional Standards for Family Subdivisions);
- (iv) It does not create a private access street serving more than two lots unless it is a family subdivision; and
- (v) Any private access street created complies with Figure Section 6.2.1.B.1 Private Access Street Standards.

(b) Additional Standards for Family Subdivisions

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

- (i) Lots shall be conveyed solely to family members within two degrees of kinship (e.g., child, grandchild). A maximum of

one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels.

- ~~(ii)~~ All lots created from the original parent tract shall be at least 40,000 square feet in area, unless located in the SFR district, where the minimum lot area shall be 120,000 square feet.
- (iii) No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal. No more than one lot shall be created per year.
- (iv) Ingress and egress to a lot shall not be from a major arterial street.
- (v) Private access streets created shall not serve more than five lots.
- (vi) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

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

Chairman O'Neal opened the Public Hearing.

Ginger Morris, Barco, applicant, noted this ordinance had been in place since 1989 and needed to be looked at. She agreed with the 10 year time frame.

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

Commissioner Petrey moved to approve PB 13-19 as presented by staff due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest. Commissioner Griggs seconded the motion. Motion carried unanimously.

B) Public Hearing and Action: PB 13-15 Water Supply Standards: Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to the county water supply system.

Ben Woody, Planning and Community Development Director, reviewed the request, as well as Technical Review Committee and Planning Board recommendations.

The following text amendment submitted by Mr. Eugene White is intended to amend the county's water supply standards to exempt subdivisions located more than one mile from a county water main from connecting to the system. Under the current ordinance major subdivisions are required to connect to the county water system (or provide a cash deposit for future connection) based on a formula included in the ordinance.

The connection requirement has generally been successful in managing growth of the county water system; however, low density subdivisions that are located a long distance from an existing county water main are required to provide a cash deposit at a rate of cost plus 15 percent for future water system improvements. To date, subdivisions that have provided cash deposits have not connected to the county water system due to the lack of waterline extensions. Staff recognizes the current ordinance structure is not practicable for low-density subdivisions in rural areas of the county that are located more than one mile from the county water supply system. While the amendment creates a narrow exemption for outlying subdivisions, it maintains a reasonable connection distance for existing developed areas and tracts of land already zoned for higher densities.

The Technical Review Committee (TRC) reviewed this request and is recommending minor revisions to the original text amendment. Based on an analysis of the county water system, the TRC is recommending the exemption be for major subdivisions located one mile from an existing 6-inch or larger water main. Enclosed find exhibits illustrating general water main locations and connection distances, as well as approximate cost estimates.

The proposed amendment also includes minor text changes recommended by the Technical Review Committee and is intended to clarify terminology, remove the requirement to convert cash deposits to letters of credit, and provide consistency with the NC Fire Code. Revisions recommended by the TRC that are beyond the scope of the original text amendment are indicated in italics.

At the September 16 Board of Commissioners meeting, staff was directed to perform additional due diligence on the text amendment for discussion at a future Board meeting. Planning staff held additional discussions with members of the Technical Review Committee and it was agreed that the text amendment is reasonable and in the public interest. Minor modifications to the wording of the text are included to more clearly demonstrate the ordinance intent. Additionally, staff followed up with the Fire Marshal regarding the TRC recommendation to amend the UDO fire protection standards to provide greater consistency with the NC Fire Code. The Fire Marshal agrees that exempting minor subdivisions not served by county water from fire protection standards is consistent with the intent of the NC Fire Code.

Planning staff recommends **approval** because the proposed text amendment is consistent with the land use plan; because it focuses water service in existing developed areas and in nearby targeted growth areas (POLICY WS3); and results in a logical and orderly development pattern.

The Planning Board recommended unanimous approval at their August 13, 2013 meeting.

BOARD OF COMMISSIONER DISCUSSION (9/16/13)

Commissioner Petrey asked for clarification that the cash deposits were not for a bond and that the deposits would be held for three years. He also verified that a homeowner was not required to hook up even if central water were later provided.

Commissioner Aydlett questioned whether funds were for bringing water to site or for infrastructure within the subdivision.

Mr. Woody responded the funds were for water mains within the subdivision.

Chairman O'Neal asked if a developer requested rezoning outside the 1 mile radius, how the county would treat that request.

Mr. Woody responded, by either denying the rezoning or requiring it be served by county water.

Commissioner Aydlett verified that after three years, if water were provided to the subdivision, the onus for the infrastructure within the subdivision would fall on the County. He was concerned about pipe size sufficient for fire flow.

Chairman O'Neal confirmed with Mr. Woody that the Board is not required to follow the staff's recommendation on a rezoning.

Chairman O'Neal opened the Public Hearing.

Eddie Hyman, representing the applicant, Mr. White, supported the request since developers currently were having to put up thousands of dollars when the County's long term plan did not include providing water to those developers' sites. He pointed out that also in the text amendment was the requirement to provide fire protection in all developments of two lots or more. He requested that be changed to exempt minor subdivisions.

Chairman O'Neal questioned the use of minor subdivisions as a way to circumvent the ordinance while planning to develop many more lots; and, if that were the case, how the first five lots should be treated when further development occurs.

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

Commissioner Martin remarked the County was attempting to perform due diligence for future homeowners. All deserve fire protection. He felt further study was needed.

BOARD OF COMMISSIONERS ACTION

Commissioner Martin moved to continue for further discussion. Commissioner McCord seconded the motion. Motion carried unanimously.

PLANNING BOARD DISCUSSION (8/13/13)

Mr. Hyman stated he is representing Mr. Eugene White. Mr. Hyman stated this is a good idea for low-density subdivisions in rural areas of the county that are located more than one mile from the county water supply system.

The Planning Board discussed if a developer pays for a water line extension that there is some type of reimbursement for the developer.

Mr. Hyman stated this is a good idea, but not to amend this request.

PLANNING BOARD ACTION

Mr. Clark moved to request staff to develop a text amendment that will address reimbursement to the developer anytime they extend a county water line and the interconnectivity aspect. Mr. Craddock seconded the motion. Motion carried unanimously.

Mr. Cooper moved to approve PB 13-15 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. Cartwright seconded the motion. Motion carried unanimously.

**PB 13-15
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to the county water supply system.

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:

Water Supply Standards

~~Except where exempted by Section 6.2.3.D.1, Exemptions, All~~ development shall incorporate a water supply system in accordance with these standards.

Water Supply System Required

Every principal use and every buildable lot in a subdivision shall be served by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.

All buildable lots within a planned unit development or planned development shall be connected and serviced by a centralized water supply system.

All multi-family development ~~and townhouse units~~ shall be connected to and serviced by a centralized water supply system.

~~The developer shall submit whatever information the Planning Director determines necessary to ensure the developer or a successor in interest will be able to comply with this section.~~

Connection to Public County Water Supply System

Whenever it is legally possible and practicable in terms of topography and the County Engineer determines service is available the following development shall to connect development to the county's water supply system: ~~the developer or subdivider shall install the pipes and accessories necessary to provide water service to all lots or~~

~~units in a development. (Staff Note: this subsection was previously listed as exemptions)~~

~~Lots in a family subdivision (see Section 2.4.8) Minor subdivision lots (except family subdivisions) abutting an existing water main;~~

~~Subdivisions in the Fruitville and Moyock Gibbs Woods Townships; and;~~

~~Major Subdivisions and multi-family development abutting an where the distance to an existing water main or meeting the formula requirements in subsection (b) below exceeds the formula in Section 6.2.3.D.3 Connection to Public Water Supply System; and~~

~~Major site plans abutting an existing water main or meeting the requirements in subsection (f) below.~~

~~Connection of individual lots to the future water main within an existing subdivision shall be the responsibility of the individual lot owners.~~

Connection to the county's water supply system shall be ~~considered impractical~~ required if the distance between the closest existing six-inch or larger ~~county~~ water main and the proposed development as measured along the probable route of the service line exceeds a is within the following formula distance: equivalent to 100 feet for each of the first ten units plus 20 feet for each additional unit.

Example: a proposed subdivision with 30 single-family residential lots ~~would have to be located over 1,400 feet or less~~ from an existing water main ~~to be considered impractical for connection~~ shall connect $(10 \text{ units} \times 100) + (20 \text{ units} \times 20)$.

However, Where the distance to an existing six-inch or larger water main exceeds the formula above but is less than one mile, the ~~subdivider~~ developer shall submit a performance guarantee in the form of a cash deposit for the water improvements (including, but not limited to: fire hydrants, laterals, service lines, meter boxes, and yokes) at a rate of cost plus 15 percent. In the event the water supply infrastructure is not constructed within three years of the approval date, the Planning Director shall release the

performance guarantee ~~shall automatically convert to an evergreen letter of credit.~~ In no instance shall a performance guarantee be required for a development located more than one mile to an existing six-inch or larger water main.

The total number of units in a development shall be determined by calculating the maximum number of units allowable for each proposed lot.

In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.

Each individual dwelling unit shall be counted as one residential unit for the purposes of determining the maximum distance requirements for multi-family developments.

The maximum connection distance for nonresidential development shall be determined by converting projected water demand from the development into an equivalent number of residential units and applying the formula in (b) above. For the purposes of this section, an individual residential dwelling unit uses 250 gallons of water per day. A nonresidential use anticipated to use 1,000 gallons per day shall be equivalent to four residential dwelling units.

Example: a proposed nonresidential development is anticipated to use 7,500 gallons of water per day. This is equivalent to 30 homes ($7,500/250 = 30$), and the development would have to be located over 1,400 feet from an existing water main to be considered impractical for connection ($10 \text{ units} \times 100$) + ($20 \text{ units} \times 20$).

Water lines owned by the Ocean Sands Water and Sewer District shall not be considered part of the county's water supply system for the purposes of this section.

Centralized Water Supply System Configuration

The A new centralized water supply system, or proposed connection to an existing centralized water supply system, shall comply with the following requirements:

The ~~subdivider~~ developer shall install water mains in a subdivision or development so that all lots and uses to be developed will be able to connect to the centralized water supply system.

Water mains shall be installed within street right-of-ways or dedicated utility easements.

The ~~subdivider~~ developer shall be required to submit detail drawings with the construction drawings associated with a subdivision, prepared and stamped by a certified and licensed engineer, showing the installation of the required water mains.

All materials and pipes shall meet or exceed the requirements established for the county water supply system.

~~A community water system may be located within an open space set-aside.~~

Connection Fees

All connection fees shall be paid for each residential lot or use that is required to be connected to the county water system at the time of issuance of the building permit authorizing construction to begin.

All connection fees shall be paid for each nonresidential lot or use required to be connected to the county water system at the time of issuance of the building permit authorizing construction to begin.

Item 2: That Section 6.2.4 Fire Protection Standards is amended by adding the following underlined language and deleting the strikethrough language:

B. Water Supply for Fire Protection when not Served by Public Centralized Water Supply System

~~Major subdivisions Residential development containing 20 or more dwelling units and every nonresidential subdivision containing 10 or more lots and not served by a public centralized water supply system shall provide a supply of water for fire-fighting purposes in accordance with the following standards:~~

Item 3: That Section 10.5: Definitions is amended by adding the following underlined language, deleting the strikethrough language, and reordering alphabetically:

CENTRALIZED WATER SUPPLY SYSTEM

A system for the provision to the public of water for human consumption through pipes and other constructed conveyances if the system serves 15 or more service connections or which regularly serves 25 or more individuals. A centralized water supply system includes any collection, treatment, storage or distribution facility used primarily in connection with the system.

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.

There was discussion among the Commissioners and staff regarding the need for a comprehensive plan for county water expansion before action was taken on the requested text amendment, which would affect the entire county.

Chairman O'Neal opened the Public Hearing.

Eddie Hyman, Hyman and Robey, supported the amendment and noted the expense involved for his client if the amendment is denied.

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

Commissioner Aydlett moved to table PB 13-15 Water Supply Standards text amendment until the first meeting in February in order for county staff to develop a 10 year comprehensive water supply study for presentation to and adoption by the Board; and that upon adoption of the comprehensive water supply study, county staff draft and process for consideration by the Board a UDO text amendment to provide that proposed subdivisions within the water supply study area be required to connect to the county water system or provide a cash deposit for future connections and that proposed subdivisions outside the water supply study area be exempt from connections to the county water system or requirement to provide a cash deposit for future connections. Commissioner Martin seconded the motion. Motion carried unanimously.

New Business

A) Board Appointments:

1. Appointment of At-Large Member to Albemarle Commission

Commissioner Martin nominated Diane Bray who was unanimously appointed.

Request by Crawford Volunteer Fire Department

Prior to the next item, Commissioner Aydlett moved to allow Chris Dailey, Fire Chief, Crawford Volunteer Fire Department, to speak. Commissioner Petrey seconded the motion. Motion carried.

Mr. Dailey noted there were additional expenses for their station expansion project in Sligo. The contractor was owed \$26,071. The overruns were due to septic problems and cost of ADA compliance. He requested the construction agreement be amended to increase the amount by \$39,000.

Commissioner Martin moved to have the County Attorney amend the construction agreement, to

advance the funds from the fire department's contracted monthly payments, and ratify/execute the amended construction agreement at the next meeting. Commissioner Petrey seconded the motion. Motion carried.

B) Consent Agenda:

1. Approval of November 4, 2013 Minutes
2. Resolution to Amend the Biggert-Waters Flood Insurance Reform Act of 2012
3. Resolution to Declare Surplus the Guard Shack at Entrance to Whalehead at Historic Corolla
4. Fire-EMS Personnel Amendments

Commissioner Aydlett moved to approve the Consent Agenda. Commissioner Petrey seconded the motion. Motion carried unanimously.

**RESOLUTION
TO AMEND THE BIGGERT-WATERS
FLOOD INSURANCE REFORM ACT OF 2012**

WHEREAS, the home building and real estate industries are major economic drivers throughout the State as well as Northeastern North Carolina; and

WHEREAS, Congress passed the National Flood Insurance Act of 1968 specifically to ensure flood insurance coverage was available on reasonable terms and conditions to citizens who have a need for such protections; and

WHEREAS, the National Flood Insurance Program (NFIP) plays a critical role in the location, placement, and construction of homes and structures within a community, and provides for an estimated 5.68 million National Flood Insurance Program (NFIP) policies nationwide; and

WHEREAS, under the National Flood Insurance Program (NFIP), participating communities with structures located and built in the Special Flood Hazard Areas (Flood Zones A and V), that are backed by federal lender institutions, are required to purchase mandatory flood insurance policies; and

WHEREAS, on July 6, 2012, the President signed into law the Surface Transportation Bill (R.R. 4348), which included the Biggert-Waters Flood Insurance Reform Act (BW-12); and

WHEREAS, the Biggert-Waters Flood Insurance Reform Act re-authorizes the National Flood Insurance Program (NFIP) through 2017, but also puts into place many significant reforms as a result of the high losses incurred by the program in 2005 from Hurricane Katrina and in 2012 from Super Storm Sandy to restore the program's financial solvency; and

WHEREAS, these reforms outlined below include dramatic and in many cases immediate changes for structures built Pre-Firm (Section 205 of the Act), and structures that were built Post-Firm (Section 207 of the Act), as well as, lowering the threshold for what is deemed to be a substantial improvement; and

WHEREAS, the Biggert-Waters Flood Insurance Reform Act will implement actuary insurance rates for homeowners, business owners, and prospective buyers upon the sale or purchase of real property or a lapse in insurance coverage after July 1, 2012; and

WHEREAS, Section 205 of the Biggert-Waters Flood Insurance Reform Act removes historical subsidized insurance rates for all non-primary residences and business properties that were lawfully constructed prior to the first Flood Insurance Rate Maps (Pre-Firm) and are now subject to receive "Full Risk Rates" at a rate increase of twenty-five percent (25%) per year until the "Full Risk Rate" is achieved; and

WHEREAS, Section 207 of the Biggert-Waters Flood Insurance Reform Act removes historical subsidies for any structure (formerly grandfathered or non-subsidized) that is affected by a FIRM designation to a Special Flood Hazard Area and will be subject to receive "Full Risk Rates" at a rate increase of twenty percent (20%) per year until the "Full Risk Rate" is achieved; and

WHEREAS, the Biggert -Waters Flood Insurance Reform Act redefines the term "substantial improvement," thereby discouraging the remodeling and renovation of existing structures by lowering the threshold for "substantial improvement" from fifty percent (50%) of the value of the structure to thirty percent (30%); and

WHEREAS, nationwide the National Oceanic and Atmospheric Administration (NOAA) data shows that fifty-two percent (52%) of the United States population lives in a coastal watershed county, and more than fifty percent (50%) of the United States population lives near a river, creek, bay, sound, lake, stream, or ocean; and

WHEREAS, Currituck County is extremely concerned that the Biggert-Waters Flood Insurance Reform Act will financially impact home and business owners, negatively affect property values, discourage construction activities, hinder real estate transactions, and may result in foreclosures to owners who have lawfully constructed their homes and businesses in accordance with National Flood Insurance Program (NFIP) requirements and the North Carolina State Building Code.

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners urges Congress to amend the Biggert-Waters Flood Insurance Reform Act to:

- Provide a slower rate of increase to flood insurance rates for policy holders required to meet "Full Risk Rates."
- Extend the grandfathering provisions for all existing policy holders who lawfully constructed their homes per the National Flood Insurance Program (NFIP) requirements and the North Carolina State Building Code (in affect at the time of construction).
- Reinstate the substantial improvement threshold at the historical limit of fifty percent (50%) of the value of the structure.
- Address the cost savings that could be incurred through the rate-making processes by participating National Flood Insurance Program (NFIP) communities that engage in Federal Storm Damage Reduction projects, or have specific State building codes, or utilize enhanced construction standards that would further limit flood loss and decrease the likelihood of widespread damage.

BE IT FURTHER RESOLVED that the Currituck County Board of Commissioners urges Congress to direct an independent examination to:

- Review the National Flood Insurance Program's (NFIP) proposed actuarial rates, issues and alternative solutions regarding the National Flood Insurance Program's (NFIP) solvency, and assess the burden that the Biggert-Waters Flood Insurance Reform Act of 2012 will impose on insurance policy holders.

RESOLUTION
SURPLUS PROPERTY

WHEREAS, the Board of Commissioners of Currituck County, North Carolina, during its regular meeting held on November 18, 2013, authorized the following property listed below be declared surplus and disposed of:

Guard Shack at the entrance to Whalehead in Historic Corolla

CURRITUCK COUNTY
CLASSIFICATION BY SALARY GRADE
FOR THE FISCAL YEAR ENDING JUNE 30, 2014

SALARY GRADE	SALARY RANGE	CLASSIFICATION
50	\$22,440	Custodian Human Resource Aide Senior Center Asst. Coordinator
51	\$24,261	Maintenance Helper Park Attendant SOS Assistant
52	\$26,082	4H-SOS Associate Accounting Clerk I Community Social Services Asst. DCI CP/Clerk Deputy Register of Deeds Library Assistant I Line Maint Mechanic Helper Meter Reader Permit Officer Processing/Public Information Assistant IV Recreation Assistant Secretary I Tax Clerk Visitor Relations Coordinator
53	\$27,904	Detention Officer EMT Basic/Firefighter Library Assistant II Maintenance/Repair Worker Public Info Asst V Rural Center Manager Sales & Market Associate Tax Clerk II Utilities Customer Serv Rep

54	\$31,547	4H Program Assistant Accounting Clerk II Administrative Secretary Agricultural Technician Control Officer Asst Register of Deeds Deputy Director of Elections District Administrator F&C Sciences Associate Income Main Caseworker I Intake Officer Library Associate I Recreation SpecialistII Supervisor Visitor Centers Telecommunication Trainee
55	\$31,547	*Library Associate II Accounting Clerk III Administrative Assist I Deputy Tax Collector Emerg Mgt Program Asst EMT Intermediate FF Line Maint. Mechanic Maintenance/Repair Worker Electrician Promo Coordinator Superintendent of Parks Telecommunicator I Tourism Event Coordinator Utiities Customer Serv Supervisor
56	\$33,370	Animal Control Supervisor Deputy Trainee Income Maint Caseworker II Planner Technician Sergeant Detention Officer Sergeant Detention Officer Support Technician Telecommunicator II Video Production Assistant Wastewater ORC Trainee Water Plant Operator Trainee

57	\$35,190	*Administrative Assistant II Accounting Technician Building Inspector I Deputy Emerg Management Coord Deputy Sheriff I Development Code Enforcement Officer Human Resources Asst Maintenance Supervisor Rural Center Director Social Worker I Wastewater ORC Water Plant Operator Water Plant Operator/Lab Technician
58	\$37,011	Deputy Sheriff II Income Maint Caseworker III Income Maint Investigator II Tax Appraiser Training Officer
59	\$38,833	Building Inspector II probationary/FQ Inspect I Deputy Sheriff III Detective I EMT Paramedic/Firefighter Financial & Budget Asst Legal Assistant *Lieutenant Detention Officer Marketing Program Mgr Planner I
60	\$40,655	*Communications Supervisor Detective II E-Marketing/Web Development Specialist Fire Marshal GIS Coordinator GIS Tax Mapper *Income Maint Supervisor II Information and Communicator Officer Lieutenant - EMS Risk Manager Social Worker II Soil & Water Technician Sr Center Coordinator Web/AV Specialist

61	\$42,477	Building Inspector III probationary/FQ BI II Detective Sergeant Director of Elections Paralegal Patrol Sergeant Planner II Water Distribution Supervisor
62	\$44,298	*Building Superintendent *Jail Superintendent Social Worker III Social Worker Invest/Assess Treatment
63	\$46,118	*Administrative Lieutenant Building Inspector III FQ *Captain Shift Supervisor *Captain Training Engineering Technician *Patrol Lieutenant *Recreation Director *Social Work Supervisor II *Water Treatment Plant Supervisor
64	\$47,941	*Chief Building Inspector *Senior Planner *Sheriff Captain
65	\$50,153	*Admin Assistant/Clerk to Board *Airport Manager Captain - EMS *Chief Deputy Sheriff Dept *Deputy Chief Fire and EMS
66	\$51,585	*Public Utilities Superintendent *Social Worker Supv III *Tourism Director
67	\$53,404	*Emerg Mgmt Director
68	\$55,226	*Human Resources Director *IT Director *Tax Administrator
69	\$57,047	
70	\$58,924	
71	\$60,690	
72	\$62,512	
73	\$64,333	*Director of Social Services *Chief of EMS *Economic Development Director *Finance Director
74	\$66,155	

75	\$67,975	Chief of EMS
76	\$69,798	*Public Utilities Director
77	\$71,618	
78	\$73,441	*Planning Director
79	\$75,262	
80	\$76,860	

*indicates exempt status

- Board determined *County Manager's salary
- Board determined *Sheriff's salary
- Board determined *Register of Deeds' salary
- Board determined *Attorney's salary

C) Commissioner’s Report

Commissioner Martin wished everyone a Happy Thanksgiving and encouraged attendance of Christmas in Corolla.

Commissioner Aydlett requested DOT be contacted regarding delivery date of the Hunt ferry. Commissioner Petrey noted he had been informed it should be back by November 21.

Commissioner Petrey also wished everyone a Happy Thanksgiving.

Commissioner O’Neal noted the coming season of thanksgiving, a time to think of others more than ourselves, and wished everyone a Happy Thanksgiving.

Commissioner Aydlett also wished a Happy Thanksgiving to everyone.

D) County Manager’s Report

No report.

Special Meeting

Commissioner Petrey moved to recess the regular meeting and re-convene as the Tourism Development Authority. Commissioner Martin seconded the motion. Motion carried.

Tourism Development Authority

A) Budget Amendments

County Manager Dan Scanlon reviewed the TDA Budget Amendments and responded affirmatively to Chairman O’Neal’s question regarding funding coming from excess collections of Occupancy Tax, a reflection of an increase in tourism over the last couple of years.

Commissioner Martin moved to approve the TDA Budget Amendments. Commissioner Griggs seconded the motion. Motion carried unanimously.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-554000	Insurance & Bonds	\$ 835	
15320-415000	Occupancy Tax		\$ 835
		\$ 835	\$ 835

Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations for increase in flood insurance for the Whalehead Club.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$835.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-590000	Capital Outlay	\$ 147,604	
15380-482000	Miscellaneous		\$ 72,500
10320-415000	Occupancy Tax		\$ 75,104
		\$ 147,604	\$ 147,604

Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations to purchase property for Corolla Village Beach Access Facility.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$147,604.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-592001	Whalehead Construction	\$ 200,000	
15380-482000	Miscellaneous		\$ 100,000
10320-415000	Occupancy Tax		\$ 100,000
		\$ 200,000	\$ 200,000

Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations for construction project at the Whalehead Club. This will be a joint project with \$100,000 County funding and \$100,000 from the Whalehead Preservation Trust.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$200,000.

Adjourn

There being no further business, Commissioner Petrey moved to adjourn the Tourism Development Authority meeting as well as the regular meeting. Commissioner Griggs seconded the motion. The meeting was adjourned.

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December, 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>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10330	449900	Miscellaneous Grants	
		\$ 42,700	
10390	499900	Fund Balance Appropriated	
		\$ 13,650	
10510	590000	Capital Outlay	
			\$ 56,350
		<u>\$ 56,350</u>	<u>\$ 56,350</u>

Explanation: Sheriff (10510) - Adjust Highway Safety grant from \$89,750 to actual award of \$33,400 for radar equipment.

Net Budget Effect: Operating Fund (10) - Reduced by \$56,350.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December, 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>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750 561000	Professional Services	\$ 6,000	
10380 482000	Miscellaneous Revenue		\$ 6,000
		\$ 6,000	\$ 6,000

Explanation: *SOCIAL SERVICES ADMIN (750)* - Previously the physician at Kids First was grant funded and the medical services were provided at no charge. Kids First is in the process of recruiting for the medical services. In the meantime, we must have a medical provider in place so that forensic medical can be arranged and completed timely. There was nothing budgeted for this as we did not learn of the end of these services until much later. We must have provider willing to do these forensic exams, and testify in court.

Net Budget Effect: Operating Fund (10) - Increased by \$6,000.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December, 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>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818	545000	Contracted Services	
		\$ 15,000	
61818	557100	Software License Fee	
		\$ 595	
61818	514000	Travel	\$ 1,897
61818	514500	Training and Education	\$ 1,021
61818	516200	Vehicle Maintenance	\$ 2,000
61818	526000	Advertizing	\$ 425
61818	536000	Uniforms	\$ 970
61818	561000	Profesional Services	\$ 5,000
61818	590000	Capital Outlay	\$ 1,767
61818	533800	Chemicals	\$ 2,515
		<u>\$ 15,595</u>	<u>\$ -</u>

Explanation: *Mainland Water (61818) - Transfer funds due to unanticipated repairs needed for the Mainland Water communication equipment.*

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

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December, 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 Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
67878	545000	Contracted Services	
		\$ 2,500	
67878	532000	Supplies	
		\$ 2,500	
67878	561000	Professional Services	
			\$ 5,000
		<u>\$ 5,000</u>	<u>\$ -</u>

Explanation: *Moyock Central Sewer System (67878) - Transfer funds anticipated for operations for the remainder of this fiscal year.*

Net Budget Effect: Moyock Central Sewer System (67) - No change.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December, 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 Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
66868	553000	Dues and Subscriptions	
		\$ 600	
66868	557100	Software License Fees	
		\$ 200	
66868	545000	Contracted Services	
			\$ 800
		<u>\$ 800</u>	<u>\$ -</u>

Explanation: *Southern Outer Banks Water System (66868) - Transfer funds needed for increased costs for this fiscal year in dues and software licensing fees.*

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

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December, 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 Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808	436000	Uniforms	
		\$ 1,000	
60808	557101	Software Licencse Fee	
		\$ 108	
60808	590000	Capital Outlay	
		\$ 2,876	
60808	516000	Repairs & Maintenance	\$ 1,000
60808	590001	Capital Outlay	\$ 2,984
		<u>\$ 3,984</u>	<u>\$ 3,984</u>

Explanation: *Ocean Sands Water and Sewer District Fund (60808) - Transfer funds for replacement parts to repair equipment at the Oceans Sands plant and for uniforms for the Ocean Sands staff.*

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

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BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 2nd day of December, 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>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
56868	596100 Professional Services	\$ 2,554	
56868	588000 Contingency		\$ 2,554
		\$ 2,554	\$ 2,554

Explanation: *Southern Outer Banks Water System Construction (56868)* - Transfer funds from contingency for additional engineering due to additional work associated with well and water line modifications.

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

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Clerk to the Board



Eric T. Weatherly, P.E.
County Engineer

Currituck County

153 Courthouse Road, Suite 302
Currituck, North Carolina 27929
252-232-6035
FAX 252-232-3298

Eric.Weatherly@CurrituckCountyNC.Gov

MEMORANDUM

Date: November 25, 2013

To: Board of Commissioners
Daniel F. Scanlon, II, County Manager

From: Eric T. Weatherly

RE: Recommendation of Award
Shallow Raw Water Pipeline
Southern Outer Banks Water System

Background:

The Southern Outer Banks Water System (SOBWS) is being expanded as a result of the purchases of the water systems in Corolla Light, Monterey Shores, Currituck Club and Pine Island. The improvements include:

- 1 million gallon/day expansion to the treatment process including building expansion (project currently 75% complete)
- 1.5 million gallon finished water storage tank to be located on the treatment plant site (project complete)
- 2 new deep wells (project not started)
- Raw water piping for the 2 new deep wells (project not started) and raw water piping for the swallow wells along Hwy 12 recently acquired in the Monterey Shores system purchase (this bid)
- Finished water piping connecting SOBWS to Currituck Club and Pine Island (project complete)

Analysis:

Bids were received for the Shallow Raw Water Pipeline on November 14, 2013. The low bid was received from Geo. Raper & Son, Inc. The bid amount was \$377,511.00. Attached is a Recommendation of Award letter from the design engineers which includes a summary of the bids.

Recommendation:

Staff requests Board of Commissioner approval for the recommendation of award of the Shallow Raw Water Pipeline in the amount of \$377,511.00. With Commissioner approval, staff will move forward with contract execution and construction of the project.

November 22, 2013

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

Re: Southern Outer Banks Water System
Shallow Raw Water Pipeline
Recommendation of Award

Dear Mr. Weatherly:

On November 14, 2013, the Currituck County received five bids for the Shallow Raw Water Pipeline project for the Southern Outer Banks Water System. All bids are believed to be both responsive and competitive as set forth in the attached Bid Tabulation.

The lowest responsive bid submitted for the Total Base Bid was submitted by Geo. Raper & Son, Inc. in the amount of \$384,432.80. Bid amounts were also submitted for two bid alternates, as shown on the enclosed certified Bid Tabulation. There are two bid alternates for installation of finished water interconnections between the Southern Outer Banks Water System and the former Currituck Club and Corolla Light water systems. In addition, the Base Bid included additional work at the former Carolina Water Services NC 12 wellfield related to flow metering and controls. In order to proceed with needed additional work and remain within budget, the SRW Meter Vault (Base Bid Line item 14) has been eliminated from the scope of work. In addition, the SRW Meter Vault Instrumentation and SCADA allowance (Base Bid Line 15) has been revised to \$40,450 to reflect a change in the scope of work. With these modifications, the total amount for the revised Total Base Bid plus Bid Alternates 1 and 2 is \$377,511.00.

We have reviewed the documentation submitted by Geo. Raper & Son, Inc. and have personal knowledge of the character of their work as well as their capacity to perform. Based on this, we recommend that Currituck County award the project to Geo. Raper & Son, Inc. contingent upon regulatory approval from the NC Public Water Supply Section in the amount of \$377,511.00.

If you have any questions or need any additional information from us, please do not hesitate to contact us.

Very truly yours,

HAZEN AND SAWYER, P.C.



David S. Briley, P.E.
Associate

Copies: Patrick Irwin, Currituck County
Maggie H. Pierce, Hazen and Sawyer

BID TABULATION
SOUTHERN OUTER BANKS WATER SYSTEM
SHALLOW WELL RAW WATER PIPELINE
Bid Opening: Thursday, November 14, 2013 at 2:00 pm

				George Raper & Son, Inc. P.O. Box 1247 Elizabeth City, NC 27906		Hatchel Concrete Inc. P.O. Box 2405 Maneo, NC 27954		Carolina Marine Structures, Inc. 8443 Caratoke Highway, Suite A Powells Point, NC 27966		Enviro-Tech Unlimited Construction Services, LLC P.O. Box 69 Harbinger, NC 27941		T.A. Loving Company P.O. Box 919 Goldboro, NC 27533	
Bid Bond				5%		5%		5%		5%		5%	
Addenda Acknowledged				1		1		1		1		no	
BASE BID													
No.	Description	Unit	QTY	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	12" SRW Line (SDR 21 PVC)	LF	4720	\$31.86	\$150,951.20	\$41.72	\$196,918.40	\$56.00	\$264,320.00	\$75.00	\$354,000.00	\$90.00	\$424,800.00
2	12" PVC 45 degree bend	EA	8	\$1,494.10	\$11,952.80	\$2,750.65	\$22,005.20	\$2,865.00	\$22,920.00	\$2,650.00	\$21,200.00	\$2,300.00	\$18,400.00
3	12" PVC 90 degree bend	EA	6	\$1,804.15	\$10,824.90	\$3,031.79	\$18,190.74	\$3,191.00	\$19,146.00	\$2,950.00	\$17,700.00	\$2,500.00	\$15,000.00
4	12" PVC 22.5 degree bend	EA	6	\$1,494.10	\$8,964.60	\$2,750.76	\$16,504.56	\$2,865.00	\$17,190.00	\$2,650.00	\$15,900.00	\$2,300.00	\$13,800.00
5	12"x8" PVC Reducer	EA	1	\$1,587.30	\$1,587.30	\$2,116.63	\$2,116.63	\$2,025.00	\$2,025.00	\$1,825.00	\$1,825.00	\$2,200.00	\$2,200.00
6	12"x12" Tapping Sleeve	EA	1	\$3,960.00	\$3,960.00	\$2,866.13	\$2,866.13	\$5,774.00	\$5,774.00	\$4,700.00	\$4,700.00	\$11,200.00	\$11,200.00
7	8"x8" Tapping Sleeve	EA	1	\$2,890.00	\$2,890.00	\$1,279.12	\$1,279.12	\$2,876.00	\$2,876.00	\$2,500.00	\$2,500.00	\$8,600.00	\$8,600.00
8	12" Gate Valve	EA	1	\$3,170.00	\$3,170.00	\$5,031.13	\$5,031.13	\$3,598.00	\$3,598.00	\$3,650.00	\$3,650.00	\$3,000.00	\$3,000.00
9	8" Gate Valve	EA	1	\$1,860.00	\$1,860.00	\$2,635.53	\$2,635.53	\$1,882.00	\$1,882.00	\$1,825.00	\$1,825.00	\$1,600.00	\$1,600.00
10	Roadway Bore	LF	193	\$210.00	\$40,530.00	\$221.02	\$42,656.86	\$370.00	\$71,410.00	\$465.00	\$89,745.00	\$380.00	\$73,340.00
11	Curb and Gutter Repair	LF	110	\$41.00	\$4,510.00	\$35.33	\$3,886.30	\$43.00	\$4,730.00	\$50.00	\$5,500.00	\$57.00	\$6,270.00
12	Asphalt Roadway Repairs	SY	220	\$112.00	\$24,640.00	\$100.88	\$22,193.60	\$121.00	\$26,620.00	\$75.00	\$16,500.00	\$170.00	\$37,400.00
13	Concrete Driveway Repairs	SY	275	\$55.00	\$15,125.00	\$52.14	\$14,338.50	\$70.00	\$19,250.00	\$61.00	\$16,775.00	\$100.00	\$27,500.00
14	SRW Meter Vault Installation	LS	1	\$23,467.00	\$23,467.00	\$19,840.41	\$19,840.41	\$16,920.00	\$16,920.00	\$24,000.00	\$24,000.00	\$35,000.00	\$35,000.00
15	SRW Meter Vault Instrumentation and SCADA	LS	1	\$71,900.00	\$71,900.00	\$71,900.00	\$71,900.00	\$71,900.00	\$71,900.00	\$71,900.00	\$71,900.00	\$71,900.00	\$71,900.00
16	Offsite Fill Material	CY	100	\$25.00	\$2,500.00	\$32.13	\$3,213.00	\$24.00	\$2,400.00	\$25.00	\$2,500.00	\$28.00	\$2,800.00
17	Mobilization	LS	1	\$5,700.00	\$5,700.00	\$7,184.48	\$7,184.48	\$3,600.00	\$3,600.00	\$5,500.00	\$5,500.00	\$11,000.00	\$11,000.00
TOTAL BASE BID				\$384,432.80		\$452,760.59		\$556,561.00		\$655,920.00		\$763,810.00	

				George Raper & Son, Inc. P.O. Box 1247 Elizabeth City, NC 27906		Hatchel Concrete Inc. P.O. Box 2405 Maneo, NC 27954		Carolina Marine Structures, Inc. 8443 Caratoke Highway, Suite A Powells Point, NC 27966		Enviro-Tech Unlimited Construction Services, LLC P.O. Box 69 Harbinger, NC 27941		T.A. Loving Company P.O. Box 919 Goldboro, NC 27533	
BID ALTERNATE NO. 1 - FINISHED WATER INTERCONNECT AT CURRITUCK CLUB													
No.	Description	Unit	QTY	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	12" Finished Water Main (SDR 21 PVC)	LF	380	\$31.96	\$11,506.60	\$39.94	\$14,378.40	\$30.00	\$10,800.00	\$88.00	\$31,680.00	\$100.00	\$36,000.00
2	12" DIP 11.25 degree bend	EA	4	\$855.00	\$2,620.00	\$658.33	\$2,633.32	\$869.00	\$3,476.00	\$1,100.00	\$4,400.00	\$1,100.00	\$4,400.00
3	12" DIP 90 degree bend	EA	1	\$1,500.00	\$1,500.00	\$703.60	\$703.60	\$922.00	\$922.00	\$1,200.00	\$1,200.00	\$1,100.00	\$1,100.00
4	12" DIP Tee	EA	1	\$1,210.00	\$1,210.00	\$1,013.00	\$1,013.00	\$1,676.00	\$1,676.00	\$1,700.00	\$1,700.00	\$8,300.00	\$8,300.00
5	12" Sleeve	EA	1	\$784.00	\$784.00	\$1,105.29	\$1,105.29	\$1,111.00	\$1,111.00	\$1,700.00	\$1,700.00	\$1,100.00	\$1,100.00
6	12" Gate Valve	EA	2	\$3,170.00	\$6,340.00	\$4,835.74	\$9,671.48	\$3,245.00	\$6,490.00	\$3,500.00	\$7,000.00	\$3,250.00	\$6,500.00
7	16"x12" Tapping Sleeve	EA	1	\$5,466.00	\$5,466.00	\$3,844.78	\$3,844.78	\$6,534.00	\$6,534.00	\$5,500.00	\$5,500.00	\$12,500.00	\$12,500.00
8	Concrete Sidewalk Repair	SY	75	\$50.00	\$3,750.00	\$43.07	\$3,230.25	\$50.00	\$3,750.00	\$81.00	\$4,575.00	\$65.00	\$4,875.00
TOTAL BID ALTERNATE NO. 1				\$33,175.60		\$36,580.12		\$34,759.00		\$57,755.00		\$74,775.00	
BID ALTERNATE NO. 2 - FINISHED WATER INTERCONNECT AT SHAD STREET													
No.	Description	Unit	QTY	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	12" Finished Water Main (SDR 21 PVC)	LF	10	\$31.96	\$319.60	\$39.32	\$393.20	\$51.00	\$510.00	\$100.00	\$1,000.00	\$100.00	\$1,000.00
2	6" Finished Water Main (SDR 21 PVC)	LF	10	\$18.00	\$180.00	\$12.40	\$124.00	\$22.00	\$220.00	\$40.00	\$400.00	\$75.00	\$750.00
3	12" DIP 90 degree bend	EA	1	\$1,500.00	\$1,500.00	\$1,013.81	\$1,013.81	\$922.00	\$922.00	\$1,200.00	\$1,200.00	\$1,100.00	\$1,100.00
4	12"x6" PVC Reducer	EA	1	\$875.00	\$875.00	\$656.19	\$656.19	\$782.00	\$782.00	\$800.00	\$800.00	\$1,100.00	\$1,100.00
5	12"x12" Tapping Sleeve	EA	1	\$3,975.00	\$3,975.00	\$2,866.13	\$2,866.13	\$5,414.00	\$5,414.00	\$4,175.00	\$4,175.00	\$12,000.00	\$12,000.00
6	12" Gate Valve	EA	1	\$3,170.00	\$3,170.00	\$5,031.13	\$5,031.13	\$3,245.00	\$3,245.00	\$3,775.00	\$3,775.00	\$3,250.00	\$3,250.00
7	6" DIP Tee	EA	1	\$590.00	\$590.00	\$483.42	\$483.42	\$566.00	\$566.00	\$1,025.00	\$1,025.00	\$7,700.00	\$7,700.00
8	6" Sleeve Coupling	EA	1	\$480.00	\$480.00	\$583.41	\$583.41	\$511.00	\$511.00	\$1,075.00	\$1,075.00	\$800.00	\$800.00
9	Asphalt Roadway Repairs	SY	25	\$150.00	\$3,750.00	\$162.76	\$4,069.00	\$116.00	\$2,900.00	\$75.00	\$1,875.00	\$200.00	\$5,000.00
TOTAL BID ALTERNATE NO. 2				\$14,819.60		\$15,220.29		\$15,070.00		\$15,325.00		\$32,700.00	

NOTES:

CERTIFICATION

The Bids tabulated herein were opened and read aloud at 2:00 p.m. on the 14th day of November 2013, at the office of Currituck County, 153 Courthouse Road, Currituck, NC 27929. The tabulation is correct in that it contains the bid prices as presented on the original Bid Form of each Bidder.

HAZEN AND SAWYER
Environmental Engineers & Scientists

HAZEN AND SAWYER, P.C.
David S. Briley, P.E.
Associate





Eric T. Weatherly, P.E.
County Engineer

Currituck County

153 Courthouse Road, Suite 302
Currituck, North Carolina 27929
252-232-6035
FAX 252-232-3298

Eric.Weatherly@CurrituckCountyNC.Gov

MEMORANDUM

Date: November 25, 2013

To: County of Currituck Board of Commissioners
Daniel F. Scanlon, II, County Manager

From: Eric Weatherly, P.E., County Engineer

RE: Change Order # 2
Reverse Osmosis Water Treatment Plant Expansion (SOBWS)
Southern Outer Banks Water System

The Reverse Osmosis (RO) Water Plant located at SOBWS is currently being expanded to serve the recently acquired water systems in Corolla Light, Currituck Club, Monterey Shores and Pine Island. This project includes the construction of new 0.75 mgd RO treatment housed in a new building addition and new 0.25 mgd of conventional treatment housed in the existing building. The project is being constructed by Geo. Raper & Son, Inc. of Elizabeth City in the amount of \$3,648,963. The project is approximately 75% complete.

Tight working conditions and underground utilities have been the biggest challenge for the project. Change Order # 1 was approved on October 6, 2013 in the amount of \$11,070.00 for piping modifications to the 16" finished water line tie-in. At this time we are requesting approval for the attached Change Order # 2 in the amount of \$13,249. The change order lists the requested changes, with the primary changes being the need to modify underground piping tie-ins.

Staff recommends approval of Change Order # 2 for the SOBWS RO water plant expansion to Geo. Raper & Son in the amount of \$13,249. With Board of Commissioner approval, staff will move forward with making the necessary changes.

CHANGE ORDER
No. 2

PROJECT Southern Outer Banks WTP Phase 1 Expansion

DATE OF ISSUANCE November 12, 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:

1. Install (2) 4" gate valves at the location of the backflow preventer. (+\$1113.00)
2. Install sample sink in the membrane room of the new building. (+\$180.00)
3. Install additional 16" MJ fittings with accessories to make the final tie-in on the 16" finished water line. A vertical offset was required due to existing utility conflicts. (+\$8990.00)
4. Install a 16" MJ BFV in lieu of the (2) caps on the existing Finished Water Line. (+\$2440.00)
5. Credit for utilizing existing piping for Fluoride Line. (-\$183.00)
6. Install 230 gal Vertical IMFO Tank as requested in RFP #2. (+\$5909.00)
7. Credit from Harn R/O for changes from FRP Tank to Poly CIP Tank and from Stainless Steel to PVC manifolds. (-\$5200.00)

Attachments: Proposals by George Raper and Son, Inc. (Numbers match those listed above)

COST: ADD \$13,249.00

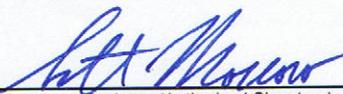
TIME EXTENSION – 0 CALENDAR DAYS

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price \$ <u>3,648,963.00</u>	Original Contract Times Start Date: <u>February 11, 2013</u> Final Completion: <u>February 11, 2014</u> <small>Days or dates</small>
Net changes from previous Change Orders No. <u>0</u> to No. <u>1</u> \$ <u>11,070.00</u>	Net Change from previous Change Orders No. <u>0</u> to No. <u>1</u> <u>0</u> <small>Days</small>
Contract Price prior to this Change Order \$ <u>3,660,033.00</u>	Contract Times prior to this Change Order Start Date: <u>February 11, 2013</u> Final Completion: <u>February 11, 2014</u> <small>Days or dates</small>
Net Increase (decrease) of this Change Order \$ <u>13,249.00</u>	Net Increase (decrease) of this Change Order <u>0 Calendar Days</u> <small>Days</small>
Contract Price with all approved Change Orders \$ <u>3,673,282.00</u>	Contract times with all approved Change Orders Final Completion: <u>February 11, 2014</u> <small>days or dates</small>

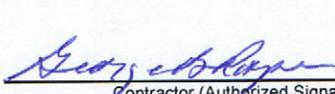
RECOMMENDED:

APPROVED:

ACCEPTED:

By: 
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: 
Contractor (Authorized Signature)

Date: 11/12/13

Date: _____

Date: 11/13/13

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

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



Geo. Raper & Son, Inc.

October 30, 2013

Southern Outer Banks Water Treatment Plant

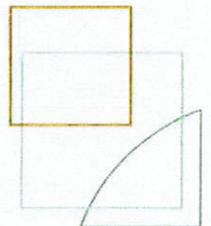
PROPOSAL (1)

The following is an extra for adding (2) valves at the location of the backflow preventer. By adding the valves we were able to put in service the NPW line during construction as well as future isolation for repairs:

(2) 4" gate valves @ \$312.00 ea.	\$ 624.00
(4) 4" grip ring kits @42.64 ea.	\$ 170.56
(2) Valve boxes @\$69.00 ea.	\$ 138.00
(2) concrete collars @\$15.00	\$ 30.00
Subtotal	\$ 962.56
5%OH	\$ 48.13
Subtotal	\$1010.69
8% Profit	\$ 80.86
Subtotal	\$1091.55
Bond Cost	\$ 21.45
Total Cost	\$1113.00

George Raper

A handwritten signature in black ink that reads 'George Raper'.





Geo. Raper & Son, Inc.

October 30, 2013

Southern Outer Banks Water Treatment Plant

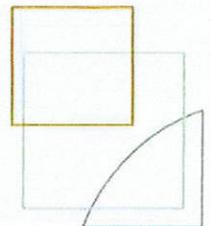
PROPOSAL (2)

The following is an extra for adding Sample sink in Membrane Room:

Mustee 19F Utilatub	\$ 96.72
Freight	\$ 13.27
Facuet	\$ 46.16
Subtotal	\$156.15
5% OH	\$ 7.81
Subtotal	\$163.96
8% Profit	\$ 13.12
Subtotal	\$177.08
Bond	\$ 2.92
Total Cost	\$180.00

George Raper

A handwritten signature in black ink that reads 'George Raper'.





Geo. Raper & Son, Inc.

October 30, 2013

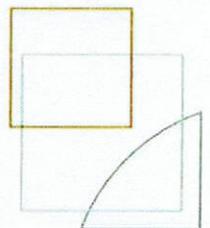
Southern Outer Banks Water Treatment Plant

PROPOSAL (3)

The following is an extra for adding 16" MJ fitting with accessories to make final tie-in on 16" Finish Water Line:

(3) 16" MJ 45 degree fittings @\$814.00	\$2442.00
(1) 16" MJ 90 degree fitting @ \$1053.33	\$1053.33
(8) 16" Roma Grips @241.83	\$1934.64
(1.5) cy Class "B" concrete kickers	\$ 241.52
(1.5) cy Class "B" concrete slab remove and reinstall	\$ 241.52
Sales tax	\$ 399.13
Well Point/Dewater system	\$ 500.00
Additional Labor	\$ 960.00
Subtotal	\$7772.14
5% OH	\$ 388.61
Subtotal	\$8160.75
8% Profit	\$ 652.86
Subtotal	\$8813.61
Bond	\$ 176.39
Total Cost	\$8990.00

George Raper





Geo. Raper & Son, Inc.

October 30, 2013

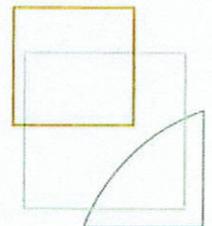
Southern Outer Banks Water Treatment Plant

PROPOSAL (4)

The following is an extra for adding 16" MJ BFV in lieu of (2) caps on Finish Water Line:

(1) 16" MJ Butterfly Valve		\$1587.50
(1) Valve Box		\$ 72.50
(1) 16" MJ Sleeve @\$510.00		\$ 510.00
(4) 16" Roma Kits @\$241.83		\$ 967.32
(2) 16" MJ Caps @\$338.67ea.	Credit	(\$ 677.34)
(2) 16" Roma Kits @\$241.83	Credit	(\$ 483.66)
Sales Tax		\$ 133.39
Subtotal		\$2109.71
5% OH		\$ 105.49
Subtotal		\$2215.20
8% Profit		\$ 177.22
Subtotal		\$2392.42
Bond		\$ 47.58
Total Cost		\$2440.00

George Raper





Geo. Raper & Son, Inc.

October 30, 2013

Southern Outer Banks Water Treatment Plant

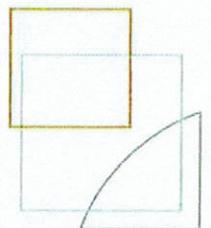
PROPOSAL (5)

The following is a Credit for Fluoride Line:

70 feet of 1" Sch 80 PVC @.88	\$ 61.60
4 ea. 1" 90 degree fittings @3.57	14.28
15 ea. 1" SS pipe clamps	72.75
Subtotal	\$148.63
OH, Profit, Tax, Bond	\$ 34.37
Total Credit	(\$183.00)

George Raper

A handwritten signature in black ink that reads 'George Raper'.





Geo. Raper & Son, Inc.

October 30, 2013

Southern Outer Banks Water Treatment Plant

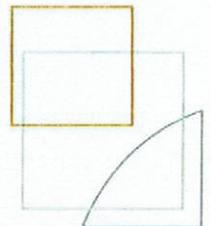
PROPOSAL (6)

The following is an extra for adding a 230 gal Vertical IMFO Tank :

230gal Chemical tank	\$2882.00
Piping Material	\$ 236.61
Tax	\$ 210.51
Electrical/SCADA Budget to remove and reinstall	\$1000.00
Labor to remove tank, install new tank, piping	\$ 780.00
Subtotal	\$5109.12
5% OH	\$ 255.46
Subtotal	\$5364.58
8% Profit	\$ 429.17
Subtotal	\$5793.75
Bond	\$ 115.25
Total Cost	\$5909.00

George Raper

A handwritten signature in black ink that reads 'George Raper'.





Geo. Raper & Son, Inc.

October 31, 2013

Southern Outer Banks Water Treatment Plant

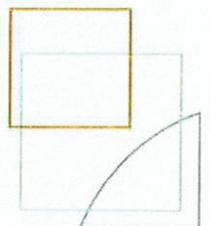
PROPOSAL (7)

The following is a Credit for items deducted from Harn R/O :

Change from FRP Tank to Poly CIP Tank	(\$2,000.00)
Change from Stainless Steel to PVC Manifold	(\$3,200.00)
Total Credits	(\$5,200.00)

George Raper

A handwritten signature in black ink that reads 'George Raper'.



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 _____ authorized the following, pursuant to GS 160A and 270(b), that the property listed below, be disposed of:

Asset		
4046	PRINTER - LEXMARK 24 OPTRA LXI+	4049LM1
5520	DETECTIVE SOFTWARE- LEO AGENCY PRGM	
6090	2005 KODIAK YAMAHA ATV	5Y4AJ15YX5A008718
3915	BASE STATION - KENWOOD	
3359	TRANSCEIVERS - MOTOROLA UHF	
3360	TRANSCEIVERS - MOTOROLA UHF	
3361	TRANSCEIVERS - MOTOROLA UHF	
3362	TRANSCEIVERS - MOTOROLA UHF	
3357	TRANSCEIVERS - MOTOROLA MARATRAC	
3358	TRANSCEIVERS - MOTOROLA MARATRAC	
4038	LIGHTBAR - WHELEN EDGE STROBE	
4039	LIGHTBAR - WHELEN EDGE STROBE	
4040	LIGHTBAR - WHELEN EDGE STROBE	
5360	GLOCK 40 CALIBAR PISTOLS	DVK022US- SEE TEXT
5536	4- GLOCK 23, .40CAL S/A PISTOLS W/SIGHTS	ELE606US - ELE609US
2215	MOBILE RADIO EQUIPMENT	776HPW0728
2216	MOBILE RADIO EQUIPMENT	776HPW0729
2220	MORATRAC 99 CHANNEL RADIO	776HP20453
2221	MORATRAC 99 CHANNEL RADIO	776HP20454
2228	MOBILE RADIO W/SIREN - MOTOROLA	776HPS0495
2229	MOBILE RADIO W/SIREN - MOTOROLA	776HPS0496
2318	MARATAC UHF MOBILE RADIO	776HQG0904
2319	MOBILE RADIO - UHF MARATRAC	776HQG0902
2320	MOBILE RADIO - UHF MARATRAC	776HQG0903
2447	CAR RADIO	776ARA0513
2448	CAR RADIO	776ARA0513
2454	MOBILE RADIO - M400	776ARA1197
2600	MARATRAC ""A7"" PACKAGE	776ASJ0094
2601	MARATRAC ""A7"" PACKAGE	776ASJ0095
2602	MARATRAC ""A7"" PACKAGE	776ASJ0096
2750	MOBILE RADIO - MARATRAC UHF	776ATC0775

2918	MOBILE RADIO - UHF MARATRAC	776ATN1665
2919	MOBILE RADIO - MARATRAC UHF	776ATN1666
2920	PORTABLE RADIO	402ATQ2839
2921	PORTABLE RADIO	402ATQ2840
2922	PORTABLE RADIO	402ATQ2841
3237	MOBILE RADIO - MARATRAC	776TVC1575
3238	RADIO W/MIKE - HT1000 HAND HELD	402AVJ7967
3239	RADIO W/MIKE - HT1000 HAND HELD	402AVJ7966
3240	RADIO W/MIKE - HT1000 HAND HELD	402AVJ7965
3241	RADIO W/MIKE - HT1000 HAND HELD	402AVJ7964
3853	RADIO - MOTOROLA MARATRAC UHF	
3854	RADIO - MOTOROLA MARATRAC UHF	
3855	RADIO - MOTOROLA MARATRAC UHF	
3856	RADIO - MOTOROLA MARATRAC UHF	
3902	RADIO BODY - KENWOOD 110 WATT FM	TK-730HGBK
3903	RADIO BODY - KENWOOD HIGH POWER	TK-830HGBK
3916	RADIO - MARATRAC 100 UHF MOBILE	
3917	RADIO - MARATRAC 100 UHF MOBILE	
3918	RADIO - MARATRAC 100 UHF MOBILE	
3919	RADIO - MARATRAC 100 UHF MOBILE	
4256	MARATRAC 99 CHANNEL UHF W/A7 HEAD	
4257	MARATRAC 99 CHANNEL UHF W/A7 HEAD	
4258	MARATRAC 99 CHANNEL UHF W/A7 HEAD	
4259	MARATRAC 99 CHANNEL UHF W/A7 HEAD	
4260	MARATRAC 99 CHANNEL UHF W/A7 HEAD	
4261	MARATRAC 99 CHANNEL UHF W/A7 HEAD	
4262	RADIO - MOTOROLA MARATRAC RADIO TK-830	
4263	RADIO - MOTOROLA MARATRAC TK-830	
4264	RADIO - MOTOROLA MARATRAC TK-830	
4265	RADIO - MOTOROLA MARATRAC TK-830	
5635	5 UHF 4W 250 CH PORTABLE RADIO	40402181*
		50300681 50300683 50300684/
5749	5- 4 W 250 CH PORTABLE RADIOS	50300685/5030068
5750	3- 250 CH 5 W PORTABLE RADIOS 50302424	50302425 & 50302429
5762	3- KENWOOD PORTABLE RADIOS *CRIME CONTRO	50302421 50302658 59
		61104724:61104725/61104729/61104730
5967	4 HAND HELD KENWOOD RADIOS W/CHARGERS	/
	3- KENWOOD PORTABLE RADIOS: ANIMAL	
5869	CONTROL	50101297 50100794

ADOPTED, this _____ day of _____, 2013.

S. Paul O'Neal
Currituck County Board of
Commissioners

ATTEST:

Mary S. Gilbert
Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Consent Agenda: October 2013 CDBG Progress Report

Brief Description of Agenda Item

October 2013 monthly status report for the Community Development Block Grant (CDBG).

Board Action Requested

Action

Person Submitting Agenda Item

Tammy Glave

Presenter of Agenda Item

Ben Woody

	PLANNING AND COMMUNITY DEVELOPMENT	
	SUBJECT: Building Permit Refund Policy	
	EFFECTIVE DATE:	APPROVED BY: Director of Planning & Community Development

PURPOSE

To establish a departmental policy for the refund of building permit fees.

GENERAL

On occasion request are received to refund permit fees. A policy should be in place to prevent unfair distribution of these refunds and to make a policy which is fair to the applicant and county.

PROCEDURES

1. A completed application for a refund must be submitted to a permit officer.
2. Refunds will not be given for any building permit that has expired by General Statutes, or has been revoked by a building official for cause.
 - o When a replacement permit has to be issued all fees must be paid in full.
 - o Replacement permits are subject to any new codes or ordinances and are not grandfathered unless approved by the Building or Zoning Official respectively.
 - o Funds cannot be transferred from one permit to another
3. Any refund request involving a permit involved in a contractor / owner dispute, divorce, bankruptcy, or death must be approved by the BOC. The BOC can refund all or part of the fees as determined by the Board.
4. Refunds may be issued to the original applicant (person who paid for the permit, either by check, credit card or cash) only. A receipt may be required. Currituck County takes no responsibility for the origin of the funds used to pay for the permit.
5. An administration fee will be deducted from the permit fee and the remainder will be refunded
 - o The administration fee will be a minimum of \$25 and a maximum of \$50.
6. Permit fees for permits issued for less than six months for which work has not commenced may be refunded for any reason with the approval of the Chief Building Inspector

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

Currituck County Finance Officer

FIRST AMENDMENT TO CONSTRUCTION FUNDING AGREEMENT
BY AND BETWEEN THE COUNTY OF CURRITUCK AND
CRAWFORD TOWNSHIP V.F.D., INC.

THIS FIRST AMENDMENT to Construction Funding Agreement between the County of Currituck and Crawford Township V.F.D., Inc. made and entered into this 2nd day of December, 2013 by and between the County of Currituck, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (the "Grantor") and Crawford Township V.F.D., Inc., a non-profit corporation existing and organized pursuant to the laws of the State of North Carolina, (the "Grantee").

W I T N E S S E T H:

WHEREAS, Grantor and Grantee entered into an agreement effective February 6, 2013, (the "Agreement"), for Grantor to provide Grantee with funds to expand Grantee's fire station in Sligo, North Carolina; and

WHEREAS, due to an unanticipated increase in the cost to construct the improvements to Grantee's fire station Grantee has requested additional advancement of funds; and

WHEREAS, pursuant to N. C. Gen. Stat. §153A-233 a county may provide financial assistance to an incorporated volunteer fire department and contract with an incorporated volunteer fire department for fire-fighting or prevention services.

NOW, THEREFORE it is mutually agreed as follow

1. Section 1. The Construction Funding. of the Agreement, attached to and incorporated herein by reference as Exhibit A, is rewritten to read as follows:

In accordance with the terms of this Agreement the Grantor will provide funding to Grantee up to the sum of ONE HUNDRED ~~TWENTY-FIFTY-NINE~~ THOUSAND AND NO/100 DOLLARS (~~\$120,000.00~~ 159,000.00) or a sum equivalent to the actual cost to expand the structure for use as a fire station, (the "expansion"), on Grantee's land located at 121 Shawboro Road, Sligo, North Carolina, (the "Premises"), whichever amount is less.

2. Section 13. Repayment of Funding. of the Agreement, attached hereto and incorporated herein by reference as Exhibit A, is rewritten to read as follows:

Beginning with Grantor's 2013-2014 Fiscal Year Budget, Grantor shall deduct from funds allocated annually to Grantee for fire and rescue services ~~\$8,000.00~~ \$10,656.93 and a like amount every fiscal year thereafter until the full amount of funding provided Grantee under this Agreement is retained by Grantor. If for any reason Grantor or any of its designees does not fund Grantee for any one 90 day period the Construction Funding Grant is to be considered paid in full immediately. This will release Grantee from any further obligation to repay any remaining amount owed.

3. Except as amended herein, the terms and conditions of the Agreement shall remain in effect.

In Testimony Whereof, the parties have executed this First Amendment to Construction Funding Agreement Between the County of Currituck and Crawford Township V.F.D., Inc. in duplicate originals the date first above written.

COUNTY OF CURRITUCK

By: _____
Chairman, Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

CRAWFORD TOWNSHIP V.F.D., INC.

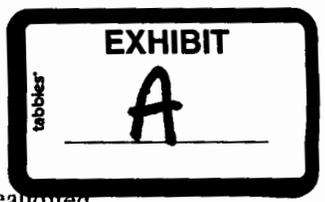
ATTEST:

Secretary

President

(CORPORATE SEAL)

20131287
50544-590000



This instrument has been prepared
in the manner required by the Local
Government Budget and Fiscal Control
Act
Sandra
Finance Officer

CONSTRUCTION FUNDING AGREEMENT

THIS CONSTRUCTION FUNDING AGREEMENT (the "Agreement"), made this 6th
day of February, 2013 by and between the COUNTY OF CURRITUCK, NORTH
CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North
Carolina, (hereinafter called the "Grantor"), and CRAWFORD TOWNSHIP V.F.D., INC., a
North Carolina nonprofit corporation, (hereinafter called the "Grantee");

WITNESSETH:

WHEREAS, pursuant to N.C. Gen. Stat. §153A-449 a county may contract with and
appropriate money to any corporation in order to carry out any public purpose that the county is
authorized by law to engage in; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-233 a county may provide financial
assistance to incorporated volunteer fire departments and contract with incorporated volunteer
fire departments for fire-fighting or prevention services; and

WHEREAS, Grantor and Grantee have entered into a contractual relationship for
Grantee to provide fire protection and rescue services for the health, safety and welfare of
Grantor's citizens and the protection of property within Grantor's boundaries; and

WHEREAS, Grantee is in need of financial assistance for the expansion of its fire station
located in Sligo, North Carolina in order to provide timely and enhanced fire and rescue services
under its agreement with Grantor.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and
valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the
Grantor and Grantee covenant and agree as follows:

Section 1. The Construction Funding. In accordance with the terms of this Agreement,
the Grantor will provide funding to the Grantee up to the sum of ONE HUNDRED TWENTY
THOUSAND AND NO/100 DOLLARS (\$120,000.00) or a sum equivalent to the actual cost to
expand the structure for use as a fire station, (the "expansion"), on Grantee's land located at 121
Shawboro Road in Sligo, North Carolina, (the "Premises"), whichever amount is less.

Section 2. Disbursement of Grant Proceeds. So long as there exists no default (as herein
defined), the Grantor will disburse the proceeds of the funding as to construction costs in
proportion to progress of construction (less applicable retainage) and as to costs other than

construction costs as such costs are incurred, provided (a) the obligation of the Grantor to disburse proceeds shall be subject to the Grantor's reservation of the right to retain at all times funds that the Grantor deems sufficient to complete and pay for the expansion and to pay for the other costs shown on the cost breakdown approved by the Grantor and attached hereto as Exhibit A (the "Cost Breakdown") and (b) the Grantor shall be given at least five (5) business days' advance notice of each request for disbursement. Disbursements, which shall be limited to one (1) per month, shall be made by wiring or depositing the same to the Grantee's general contractor. As a condition to its obligation to make the initial and each and every other disbursement of funds hereunder, the Grantor may require satisfactory evidence of the payment of all debts owing contractors, surveyors, engineers, architects, materialmen and the like for labor done or professional design or surveying services, or material furnished pursuant to any contract with respect to the rehab/refurbishment. Moreover, the Grantor shall have the right, but shall not be obligated, to disburse the proceeds of the funding directly to any contractor, subcontractor, materialman, surveyor, engineer, architect or other person performing labor or services or delivering materials to the Premises if such labor, services or materials could form the basis for a lien against the Premises. To that end, the Grantee does hereby constitute and appoint the Grantor its attorney-in-fact to make such disbursements and to receipt therefor on behalf of the Grantee.

Section 3. Use of Funding Proceeds. The proceeds of the funding are to be used only for (a) the direct and indirect costs of the expansion, which shall be constructed pursuant to a construction contract submitted to and approved by the Grantor (the "Contract"); and (b) for other costs shown on the Cost Breakdown. Any changes in the Contract or the final plans and specifications for the expansion (the "Plans and Specifications") submitted at any time, whether before or after the execution of this Agreement, to the Grantor shall require the prior written approval of the Grantor.

Prior to any disbursement hereunder and in addition to other requirements set forth in this Agreement, the Grantor shall receive the Cost Breakdown in a form acceptable to Grantor, certified by the Grantee to be correct to the best of the Grantee's knowledge, showing the costs of the expansion and the sources for the payment of such costs. The costs on such Cost Breakdown shall be verified by fixed cost contracts and subcontracts as to those items of cost which can be so verified, and, as to those costs not capable of such verification, by reasonable estimates. The Cost Breakdown shall also include a "contingency" amount satisfactory to the Grantor.

Section 4. Requests for Disbursements. Each request for disbursement for work performed under the Contract shall be accompanied by a written request of the Grantor stating the amount of request and signed by the general contractor for the project (the "General Contractor") and the Grantee (or other similar documentation satisfactory to the Grantor).

Each request for disbursement shall in all cases be limited to items and certifiable costs set forth in the Cost Breakdown, and, if required by Grantor shall be accompanied by appropriate invoices detailing the services rendered with specific reference to the expansion and specifically identified with reference to the appropriate items on the Cost Breakdown, or by receipts showing the amounts of payments made for expenses directly involved in the construction and/or development of the project, such receipts also to be specifically identified with reference to the appropriate items on the Cost Breakdown. All requests for disbursement of any sums in respect of hazard insurance premiums, title insurance premiums, bond premiums, permits, utility connection charges or other charges imposed by any public utility or governmental unit shall be accompanied by a statement or invoice setting forth such charges or premiums.

Section 5. Mutuality of Obligation. The Grantee will accept all disbursements made by the Grantor pursuant to this Agreement up to the full amount of the funding.

Section 6. Completion of Project. The Grantee will begin construction no later than January, 2013 and will continually prosecute the work and will complete the Improvements on or before December 31, 2013. The work shall be performed in conformity with the Plans and Specifications whether or not submitted to the Grantor and in compliance with building and zoning codes and all other applicable legal requirements and restrictions. The Grantee will keep the Premises and the expansion free from all liens for services, labor and materials until the funding has been paid in full.

Section 7. Inspections; Independent Inspecting Representative. The Grantor shall have the right, during construction, to inspect the Premises and the expansion (or to cause the construction to be inspected by an Independent Inspecting Representative as described in this section) and to reject and require being replaced any material or work that does not comply with the Plans and Specifications. Should there occur any discrepancy in quantity or quality of workmanship in connection with the construction of the expansion, the Grantor shall be relieved of the obligation to advance any undisbursed Grant proceeds until such time as the discrepancy shall have been corrected to the satisfaction of the Grantor (and any Independent Inspecting Representative appointed by the Grantor pursuant to this Section).

The Grantor may appoint an independent inspecting representative who shall be an engineer or architect (the "Independent Inspecting Representative"), for the purposes of reviewing invoices for amounts shown on monthly disbursement requests, making monthly inspections of the progress of the work and reporting to the Grantor the accuracy of such monthly invoices, the percentage of completion thereof and the quality of construction and compliance with the Plans and Specifications. The Grantor shall have the right, but shall not be required, to rely conclusively upon the report of the Independent Inspecting Representative as to the percentage of work completed and the amount to be disbursed in connection with any request for disbursement. The costs and expenses incurred in connection with the use of the Independent Inspecting Representative shall be paid by the Grantor.

Section 8. Conditions to Disbursement. Prior to any disbursement of the funding, the Grantor must have received the following:

(a) Evidence satisfactory to the Grantor that the Plans and Specifications have been approved by the Grantee, the General Contractor and all government agencies having jurisdiction that require approval.

(b) Copies of the grading, building and any other governmental permits and approvals required for construction of the rehab/refurbishment if requested by the Grantor.

(c) Written evidence from the appropriate governmental authority(ies) that the Premises and its intended use are in compliance with all applicable zoning ordinances and land use laws and regulations if requested by the Grantor.

(d) A certificate from the record engineer that the expansion if constructed and completed in substantial accordance with the Plans and Specifications, (i) will

comply with the applicable ANSI Standard under the Fair Housing Act (as amended) and applicable regulations, if applicable; (ii) that all required licenses, permits and other governmental approvals for the construction of the expansion have been issued; (iii) that the Premises, if and when the expansion is completed in accordance with the final Plans and Specifications, will comply with all zoning, fire and building code, etc. statutes and regulations to which the Premises is subject; and (iv) that the recommendations contained in any subsoil report have been included in the final plans and specifications.

Section 9. Additional Information. The Grantee will furnish from time to time, whenever requested, statements showing itemization of prospective expenditures, expenditures to date, items due and unpaid, and items necessary for completion. The Grantee will support such statements with receipted bills, affidavits, waivers of liens, and other evidence satisfactory to the Grantor.

Each request for disbursement by the Grantee shall constitute an acknowledgment by the Grantee that the amount of the disbursement is and representations by the Grantee that the materials or labor on which the disbursement is based have been paid for and that there is no default under this funding agreement.

Section 10. Stored Materials. Disbursements in respect of any application for payment to the General Contractor for stored materials shall be permitted only if such stored materials have been delivered to and stored on the Premises or if such materials have been stored in a local bonded warehouse and insured to the satisfaction of the Grantor. The Grantor, at its option, may require a security agreement and Uniform Commercial Code financing statements specifically covering such materials and granting to the Grantor a first security interest therein. The Grantor shall have the right, in its sole discretion, to limit the aggregate amount of disbursements with respect to stored materials. At no time shall the aggregate amount of such disbursements exceed fifteen percent (15%) of the total amount of the Contract.

Section 11. Required Equity. Prior to the disbursement by the Grantor of any of the proceeds of the Grant, the Grantee will submit evidence satisfactory to the Grantor that funds have been expended by the Grantee in a sum equal to the difference, if any, between the amount of the funding and the amount of the total cost of the expansion as set forth on the Cost Breakdown. If at any time the Grantor shall determine that the undisbursed proceeds of the Grant are insufficient to pay the costs of completing construction of the expansion, the Grantee shall promptly furnish such funds as will be sufficient, together with the undisbursed proceeds of the Grant, to pay the costs of completing construction of the expansion.

Section 12. Requirements for Final Disbursement. The Grantor shall be under no obligation to make a disbursement of funds under this agreement for payment to the General Contractor in excess of 95% of the amount due under the Contract unless, in addition to all other requirements set forth herein, the Grantor shall have first received the following:

(a) Evidence satisfactory to the Grantor that all labor and materials supplied in connection with the Premises and the Improvements have been (or will with such final disbursement be) fully paid for and that no rights exist on the part of any party to claim a lien against the Premises, the expansion or any portion thereof.

(b) A certificate from the record architect that the expansion has been constructed and completed in substantial accordance with the Plans and Specifications if requested by the Grantor.

(c) A copy of the Certificate of Occupancy or other document from appropriate governmental authority evidencing that all the expansion has been completed in accordance with the applicable governmental requirements if requested by the Grantor.

Section 13. Repayment of Funding. Beginning with Grantor's 2013-2014 Fiscal Year Budget, Grantor shall deduct from funds allocated annually to Grantee for fire and rescue services \$8,000.00 and a like amount every fiscal year thereafter until the full amount of funding provided Grantee under this Agreement is retained by Grantor. If for any reason Grantor or any of its designees does not fund Grantee for any one 90 day time period the Construction Funding Grant is to be considered paid in full immediately. This will release Grantee from any further obligation to repay any remaining amount owed.

Section 14. No Third-Party Beneficiary; No Warranties. All conditions precedent to the obligation of the Grantor to make disbursements hereunder are imposed solely and exclusively for the benefit of the Grantor and its assigns. No other person shall have standing to require satisfaction of such conditions in accordance with their terms or be entitled to assume that the Grantor will refuse to make disbursements in the absence of strict compliance with any or all thereof. No person other than the Grantee shall, under any circumstances, be deemed to be a beneficiary of this Agreement, or any of the terms or conditions hereof, any or all of which may be freely waived in whole or in part by the Grantor at any time if in its sole discretion it deems it advisable to do so.

Neither the Grantor's (or any Independent Inspecting Representative's) receipt or review of the Plans and Specifications or of any subsoils report or of any environmental report, nor any action or inaction by the Grantor (or any Independent Inspecting Representative) with respect thereto, nor any inspections or approvals of the expansion, shall constitute a warranty or representation by the Grantor or any of its employees, agents or representatives, including its Independent Inspecting Representative (if any) as to the sufficiency, adequacy or safety of the structure(s), any component parts thereof or any other physical condition or feature pertaining to the expansion or the Premises. All acts (including any failure to act) relating to the Premises or the Grant by any employee, agent, representative or designee of the Grantor shall be performed solely for the benefit of the Grantor and are not for the benefit of the Grantee or of any other person (including, without limitation, purchasers, tenants, guarantors or other occupants).

Section 15. Incorporation by Reference. The terms, conditions, warranties, representations and agreements contained in any document executed in connection with the Grant are incorporated herein by reference and made a part hereof as fully and completely as if set out herein verbatim and any default therein shall constitute a default hereunder.

Section 16. Events of Default. The following shall constitute defaults (each a "default") hereunder:

(a) The failure of the Grantee to keep, perform or observe any covenant, agreement, term or condition herein required to be kept, performed or observed by the Grantee.

(b) If the progress of the work shall be discontinued for any cause for a period in excess of ten (10) calendar days (excluding natural disasters including, but not limited to, hurricane, nor'easter, or tornado).

(c) If any representation or certification given or at any time hereafter required to be given hereunder shall be false or erroneous in any material respect when made.

Section 17. Remedies. Upon the occurrence of a default by the Grantee, the Grantor may, at its option and in lieu of resorting to any other remedy available to it, enter the Premises and the expansion. Grantor may use all materials, tools, machinery and other equipment on the Premises and the expansion, or in possession of the Grantee, that are being used in connection with and in the construction of the expansion, and, in the name of and for the account of the Grantee, may complete the expansion either in accordance with the Plans and Specifications or in accordance with such change or changes in the Plans and Specifications as may be considered necessary or desirable by the Grantor and may take such other and further action as may be required to achieve completion of the expansion. For such purposes, the Grantor may use any funds of the Grantee at any time in the hands of the Grantor by deposit or otherwise, including the undisbursed proceeds of the funding. The Grantor, however, shall be under no obligation to complete the expansion, and the Grantor's action in this respect shall be wholly at its option.

Section 18. Agreement to Survive. This Agreement shall survive the initial disbursement of funds and shall remain in full force and effect until such time as the funding shall have been paid in full.

Section 19. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute but one and the same instrument.

Section 20. Successors and Assigns. The covenants, terms and conditions herein contained shall bind (and the benefits and powers shall inure to) the respective heirs, executors, administrators, successors and assigns of the parties hereto. The Grantee, however, shall not assign its rights or obligations under this Agreement unless such assignment has been consented to by the Grantor in writing. Whenever used herein, the singular number shall include the plural, the plural the singular, and the term the "Grantor" shall include any transferee or assignee thereof, whether by operation of law or otherwise.

Section 21. Governing Law. This Agreement shall be governed by and construed in all respects under the laws of the State of North Carolina without regard to principles of conflict of laws.

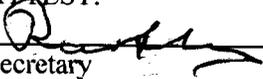
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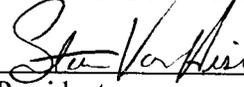
IN TESTIMONY WHEREOF, this Agreement has been executed under seal by the parties hereto.

GRANTEE:

CRAWFORD TOWNSHIP V.F.D., INC.

ATTEST:


Secretary

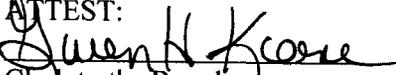
By: 
President

(CORPORATE SEAL)

GRANTOR:

COUNTY OF CURRITUCK

ATTEST:


Clerk to the Board

By: 
S. Paul O'Neal, Chairman
Board of Commissioners

(COUNTY SEAL)

Exhibit A

Cost Breakdown

Plans	\$5,650.00
Replace 2 HVAC units	9,950.00
Site prep	7,412.25
General Building	47,678.25
Masonry Walls	10,960.75
Concrete	13,919.00
Fire Suppression	9,983.25
Waste and Disposal	2,225.00
	<hr/>
TOTAL	\$107,778.50

Note: May be additional cost when plans are done. Final pricing to be given after final set of plans are done.



Doc ID: 002487930002 Type: CAP
 Recorded: 03/08/2013 at 12:57:44 PM
 Fee Amt: \$585.00 Page 1 of 2
 Excise Tax: \$95.00
 Currituck County, NC
 Denise A. Hall Register of Deeds
 BK 1231 PG 325-326

1108

Tax Collector Certification that
 No Delinquent Taxes Are Due
 Date 1/8/13 By RLS
 Certification expires Jan. 6th of the
 year following certification date.

TRANSFER TAX AMOUNT \$474.00 RLS NORTH CAROLINA EXCISE STAMPS
 DATE/COLLECTOR 1-8-2013 BAH ATTACHED AND CANCELLED \$ 95.00

Prepared by and return to:
 William Brumsey, IV Parcel No. 0032-000-060A-0000
 BRUMSEY AND BRUMSEY, PLLC
 PO Box 100
 Currituck, NC 27929

This deed was prepared by William Brumsey, IV, a North Carolina licensed attorney.
 Delinquent taxes, if any, are to be paid by the closing attorney upon disbursement of
 closing proceeds.

NORTH CAROLINA GENERAL WARRANTY DEED
CURRITUCK COUNTY

THIS DEED made this the 29th day of March, 2012, by and between
ELIZABETH COWELL GIBBS, unmarried, Grantor, to **CRAWFORD TOWNSHIP**
V.F.D., INC., Grantee, whose address is 121 Shawboro Rd., Moyock, NC 27958.

The designation of Grantor and Grantee as used herein shall include said parties,
 their heirs, and successors and assigns, and shall include singular, plural, masculine,
 feminine or neuter as required by context.

WITNESSETH:

THAT the Grantor, for a valuable consideration paid by the Grantee, the receipt
 of which is hereby acknowledged, have and by these presents do grant, bargain, sell and
 convey, unto the Grantee a fee simple interest, in and to all that certain lot or parcel of
 land situated in Crawford Township, Currituck County, North Carolina, and more
 particularly described as follows:

**That certain parcel of land shown and delineated as "4.6 ACRES +/-" on that
 survey prepared by Ronnie L. Spivey, Registered Land Surveyor, L-2820,
 dated March 28, 1992 and recorded with the Lease Purchase Agreement in
 Deed Book 304, Page 480 of the Currituck County Registry.**

The property was acquired by Elizabeth Cowell Gibbs under the will of M. P. Cowell of record in Currituck County Clerk of Court Will Book 8, Page 57. M. P. Cowell died on January 24, 1953. Susan Cowell died on December 2, 1970.

The property is being conveyed pursuant to the Lease-Purchase Agreement recorded in Deed Book 304, Page 480 of the Currituck County Registry.

All or a portion of the property herein conveyed does not include the primary residence of a grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee and his heirs and assigns forever.

And the said Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple and has the right to convey the same in fee simple; that title is marketable and free and clear from all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whatsoever except for the exceptions herein stated.

Title to the property hereinabove described is subject to:

- 1. Easements, reservations and restrictions of record.

IN TESTIMONY WHEREOF, the said Grantor has hereunto set their hand and official seal, or if Corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Grantor: Elizabeth Cowell Gibbs (SEAL)
Elizabeth Cowell Gibbs

State of NC
County/City of Currituck

I, a Notary Public of the County and State aforesaid, certify that **Elizabeth Cowell Gibbs** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this the 2 day of April, 2013, 2012.

(AFFIX SEAL)

Margith W. Mansfield
Margith W. Mansfield Notary Public
Notary's Printed or Typed Name

My commission expires: Nov. 19, 2017

