



**BOARD OF COMMISSIONERS
AGENDA**

FEBRUARY 4, 2013

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REVISED

Currituck County
Board of Commissioners Agenda
Historic Currituck County Courthouse

Date: Monday, February 04, 2013 Time: 7:00 PM

7:00 pm Call to Order

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

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

Public Hearings

- A) **Public Hearing and Action:** PB 12-25 Corolla Light PUD, Phase 13:
Request for a special use permit for an office/warehouse. The property is located at Lot 2, Phase 13, NC 12 (Ocean Trail), Tax Map 115B, Parcel 2, Section 13, Poplar Branch Beach Township.

New Business

- A) **Consideration of amendment to Ordinance regulating Outdoor Tour Operators**
- B) **Consideration of Ordinance to provide that a member of the Board of Commissioners shall serve on the Currituck County ABC Board without compensation**
- C) **Consideration of Trash Removal Service on Beach Strand**
- D) **Board Appointments:**
 - 1. Re-appointment of Daniel Clements and George Mears to the Whalehead Drainage Service District
 - 2. Appointments to ABC Board
 - 3. Appointment to Planning Board
- E) **Consent Agenda:**

4. Resolution approving McCord Contract
5. Surplus Resolution for Sheriff to dispose of seized weapons
6. Report of unpaid 2012 Real Estate Taxes & order advertisement of Tax Liens

F) Commissioner's Report

G) County Manager's Report

Closed Session

According to GS 143-318.11(4) to discuss matters relating to the location or expansion of industries or other businesses

Adjourn

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: February 4, 2013

PB 12-25 Corolla Light, Phase 13, Special Use Permit (Office/Warehouse)

ITEM: PB 12-25 Corolla Light, Phase 13, Special Use Permit (Office/Warehouse)
LOCATION: Lot 2, Phase 13, NC 12 (Ocean Trail), Corolla, NC
TAX ID: 115B-000-0002-0013
ZONING DISTRICT: General Business (GB)
PRESENT USE: Vacant
OWNER: TFP, LLC
PO Box 369, 1142 Ocean Trail
Corolla, NC 27927
APPLICANT: Same as Owner

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	2012 Zoning
NORTH:	Real Estate Office/Sewage Plant	GB
SOUTH	Utilities/Vacant	RO1
EAST:	Residential	RO1
WEST:	Utilities	GB

LAND USE PLAN

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

SIZE OF SITE: 2.50 acres

NUMBER OF UNITS: 4

PROJECT DENSITY: 0.625 units per acre

UTILITIES: Water: Currituck County.
Sewer: Carolina Water Service (3,535 gpd)

PUD ALLOCATION: 267.05 acres total land area, 131.83 acres total open space, 26.7 acres commercial allocation

I. NARRATIVE OF REQUEST:

The applicant proposes to construct three office/warehouse buildings.

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special use permits (SUP) are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the SUP procedure, property uses which would otherwise be considered undesirable in certain districts can be developed subject to conditions of approval to minimize any negative effects they might have on surrounding properties.

In order to approve a SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. Completeness of application.

Suggested Findings:

- a. The application is complete

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

Suggested Findings:

- a. Office/Warehouse use is among those listed in the Table of Permissible Uses.

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

Suggested Findings:

- a. The conditions proposed appear to meet the minimum requirements of the UDO.

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

Suggested Findings:

- a. The use will not endanger the public health or safety.

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

Suggested Findings:

- a. The project site adjoins several developed residential properties to the east. Considering the scale of the proposed development, and given that the proposed buildings do not share the architectural features typical of the area, buffering of adjacent residential properties is important to ensure protection of property values and to remain in harmony with the surrounding area. Buffering is best achieved by preserving existing vegetation which, in this case, is dense and well established. In areas where existing vegetation cannot be preserved, the newly planted buffer yard shall incorporate healthy, large caliper, native trees in order to speed the return of an adequate buffer.

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

Suggested Findings:

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

POLICY CD7: Attractive, environmentally beneficial LANDSCAPING shall be provided by new commercial or office developments, and in the rehabilitation and upgrading of existing developments. Appropriate BUFFERING or other effective DESIGN FEATURES may

be employed to allow less intensive forms of commercial and office development to adjoin existing or planned residential uses.

POLICY ID5: WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity, and shall be appropriately designed and/or visually buffered according to the visibility of their location.

7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

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

III. Staff Review and Action:

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

1. Buffering along the east property line shall be a top priority and shall be achieved via existing vegetation where possible. Newly planted vegetation in this area shall include appropriately spaced, healthy, large caliper, native trees to quickly reestablish a sufficient buffer.
2. After grading of the site is complete, a detailed landscaping plan shall be submitted for staff review to ensure an adequate bufferyard is installed where existing vegetation has been removed. The plan shall include the species, caliper, and typical mature height of proposed trees.

IV. Planning Board Recommendation:

The Planning Board recommended approval of the special use permit for an office/warehouse as presented. Motion carried unanimously.

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

Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm

PLANNING BOARD DISCUSSION (1-8-13)

Mr. Strader stated he is available to answer any questions the board may have.

Mr. Eddus provided a brief overview of the request.

Ms. Wilson asked how the wastewater will be handled.

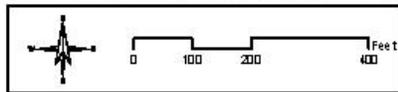
Mr. Eddus stated they are working with Eric Weatherly, County Engineer and the majority will be going to Monterey Shores.

ACTION

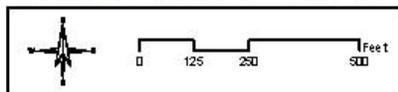
Mr. Cartwright moved to approve PB 12-25 as presented. Mr. Cooper seconded the motion. Motion carried unanimously.



PB 12-25
Corolla Light Phase 13 - SUP
Aerial

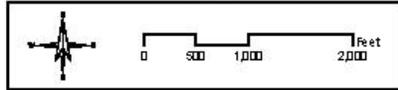


PB 12-25
Corolla Light Phase 13 - SUP
Zoning





PB 12-25
Corolla Light Phase 13 - SUP
LUP



Currituck County
Planning & Community
Development

MEMORANDUM

To: TFP, LLC, Doug Twiddy
Michael Strader, Quible and Associates

From: Planning Staff

Date: December 13, 2012

Re: PB 12-25 Corolla Light, Phase 13, Special Use Permit (Office/Warehouse)

The following comments have been received for the December 19, 2012 TRC meeting. In order to be scheduled for the January 8, 2012 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on December 21, 2012. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jason Litteral

Approved with comments

1. Please provide information regarding protection of existing trees within the 25' rear buffer yard in accordance with Chapter 5 of the current UDO. The grading plan appears to indicate extensive grading in this area and contradicts the plan note concerning retention of existing vegetation.
2. The stormwater basin in the front along NC12 is within 10 feet of the property line. Although this can be approved by the County Engineer, it poses a problem with installation of the required type C bufferyard along the NC12. Staff feels this should be addressed now even if existing vegetation will be used in place of the type C buffer. It is our understanding the applicant will be developing the front of the property at a later date. If this holds true, the location of the proposed basin may interfere with installation of the required type C buffer in the future.

Currituck County Engineer, Eric Weatherly

1. Sewer
 - a) Provide sewer extension permit from DWQ
 - b) Provide flow calculations for the 4000 gpd
 - c) Indicate where the force main connects to another system
 - d) Provide CWS willingness to provide sewer letter
 - e) Where does the effluent get treated and justify its treatment capacity
 - f) Provide concurrence from DPH and DWQ on treatment capacity for this project
2. Stormwater
 - a) Provide Erosion Control and Stormwater permits

Currituck County Utilities, Pat Irwin

Approval with corrections:

1. If separate meters are desired for the three buildings they will be placed on NC 12.
2. Install an 8" x 6" tapping sleeve and valve not an 8" x 4" tapping sleeve and valve for the

fire hydrant line.

Currituck County Emergency Management, James Mims

Approval with corrections

Parking is not allowed within 15' of fire hydrants.

Currituck County Local Volunteer Fire Department (Rick Galganski)

Approval with corrections

Can a hydrant be added at NC12 going into the driveway?

Currituck County GIS, Harry Lee

Reviewed:

Addresses:

4,900 square foot office/warehouse = 1005 Ocean Trl

5,000 sf office/warehouse = 1009-B Ocean Trl

2,000 sf office/warehouse = 1009-A Ocean Trl

3,400 sf office/warehouse = 1013 Ocean Trl

NCDENR, Land Quality, Pat McClain

Reviewed:

An erosion and sedimentation control plan must be submitted to the LQS, and approved, prior to initiating any land disturbance associated with this project. As of date of comment, 11/27/2012, no plan has been received.

Albemarle Regional Health Services, Joe Hobbs

Reviewed

*NOTE: SINCE PART OF LPP DRAINFIELD SYSTEM HAS BEEN REMOVED FROM COROLLA LIGHT #2 WASTEWATER SYSTEM IN ORDER TO CONSTRUCT PROPOSED OFFICE/WAREHOUSE FACILITY THE FOLLOWING COMMENTS APPLY:

(1) THERE IS NO WASTEWATER CAPACITY ON COROLLA LIGHT #2 WASTEWATER PLANT AND COROLLA LIGHT #1 WASTEWATER PLANT FOR ANY ADDITIONAL WASTEWATER FLOW FOR SUB-SURFACE DISPOSAL.

(2) CONSULTING ENGINEER FOR PROJECT NEEDS TO PROVIDE A LETTER OF CERTIFICATION TO (ISHWAR DEVKOTA PE-OSWP AND ARHS/CURRITUCK) TO CERTIFY THAT LPP DRAINFIELD HAS BEEN REMOVED AS APPROVED BY OSWP.

(3) WILL NEED TO CONSULT WITH NC DIVISION OF WATER QUALITY (WASHINGTON REGIONAL OFFICE) AT (252)946-6481 FOR ANY WASTEWATER SYSTEM APPROVAL FOR THIS PROJECT AND SEND COPY OF APPROVAL LETTER TO OSWP AND ARHS/CURRITUCK FOR REVIEW. THANK YOU

JOSEPH F. HOBBS RS
ENV. HEALTH SPECIALIST
ARHS/CURRITUCK
(252)232-1913

The following items are necessary for resubmittal:

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

Attach site plan (pdf) – In Agenda Manager

Attach Application and Narrative (pdf) – In Agenda Manager



Non-Residential Site Plan Application

OFFICIAL USE ONLY:

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

Contact Information**APPLICANT:**

Name: TFP, LLC
 Address: P.O. Box 369, 1142 Ocean Trail
Corolla, NC 27927
 Telephone: (252) 202-3907
 Fax Number: (252) 457-1177
 E-Mail Address: dtwiddy@twiddy.com

PROPERTY OWNER:

Name: TFP, LLC
 Address: P.O. Box 369, 1142 Ocean Trail
Corolla, NC 27927
 Telephone: (252) 202-3907
 Fax Number: (252) 457-1177
 E-Mail Address: dtwiddy@twiddy.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

Physical Street Address: Lot 2, Phase 13, NC 12 (Ocean Trail)
 Location: Corolla Light PUD
 Parcel Identification Number(s): 115B00000020013
 Total Parcel(s) Acreage: 2.50 Acres
 Existing Land Use of Property: Vacant

Request

Project Name: Commercial Lot 2 – Phase 13 Corolla Light PUD
 Proposed Use of the Property: Office/Warehouse
 Deed Book/Page Number and/or Plat Cabinet/Slide Number: P.C. M. SL 114
 Total square footage of land disturbance activity: 2.6 acres
 Total lot coverage: 41.7% Total vehicular area: 30,149 sf
 Existing gross floor area: 0 Proposed gross floor area: 15,300 sf

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

[Signature]
 Applicant
11/20/12
 Date

[Signature]
 Owner
11/20/12
 Date

the natural flow of water from higher or adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

Date: 20 Nov 12 Owner/Agent: J. A. Harney

- Curb and gutter alignment, including street widening and storm drainage, if necessary.
- Bufferyard/Landscape plan, including the following information:
 - Existing and proposed buildings, drives, parking areas, exterior storage areas, dumpsters, stormwater detention areas (if applicable) and accessory structures;
 - All existing and proposed planting areas and vegetation that will be used to comply with the bufferyard requirements, including the species, height, caliper (for single stem trees only) and spacing of all vegetation;
 - Existing and proposed physical barriers to be used to comply with the bufferyard requirements;
 - All surrounding existing land uses; and,
 - Adjoining property lines and names and address of adjoining property owners.
- Site distance triangles of 10' x 70' shall be indicated at the intersection of all public right-of-way lines, and site distance triangles of 10' x 35' shall be indicated at the intersection of a right-of-way and driveway.
- Comparison of how the proposed development relates to the maritime forest guide, if applicable.
- The flood zone(s), including boundary lines and finished floor elevations, where applicable.
- A lighting plan compliant with the Currituck County Unified Development Ordinance.
- A copy of an executed NCDOT Street and Driveway Access Permit Application and Encroachment Agreement, if necessary.
- Any additional information as may be required by the reviewing agents.
- NCDENR, DWQ, stormwater permit application for projects with 10,000 square feet or more of built upon area proposed.
- NCDENR, Land Quality, Erosion and Sedimentation Control permit application for projects with one acre or more of land disturbance proposed.
- Number of Copies Submitted
 - 5 Copies of conceptual site plans
 - 5 Hard copies of ALL documents
 - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

NOTE: NCDENR PERMITS AND APPROVED PLANS ARE REQUIRED PRIOR TO BUILDING PERMIT APPLICATION OR COMMENCEMENT OF PROPOSED USE IF A BUILDING PERMIT IS NOT REQUIRED.

Step 3 Technical Review Committee Review and Recommendation

The planning staff will submit the plan to the TRC and prepare a written report that will include any outstanding concerns with the proposed request or layout of the plan. After the TRC meeting, the planning staff will prepare the staff report and recommendation. A copy of the report will be provided to the applicant in advance of the Planning Board meeting.

Step 4 Adjoining Property Owner Notification

It is the planning staff's responsibility to mail a notice to all adjacent property owners within 200 feet of the subject property at least 10 days but not more than 25 days prior to the Planning Board meeting date.

Step 5 Planning Board Meeting

The Planning staff will present the request to the Planning Board. The applicant must attend the Planning Board meeting to answer any questions the board or public may have about the proposed project. The Planning Board may recommend approval, denial, or may defer their decision for two months. The Planning Board may recommend reasonable and appropriate conditions be attached to the approval of the application. Such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and buffers, phasing of development, infrastructure improvements, and other matters that the board may find appropriate or the applicant may propose.



Special Use Permit Application

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

Contact Information

APPLICANT:

Name: TFP, LLC
 Address: P.O. Box 369, 1142 Ocean Trail
Corolla, NC 27927
 Telephone: (252) 202-3907
 Fax Number: (252) 457-1177
 E-Mail Address: dtwiddy@twiddy.com

PROPERTY OWNER:

Name: TFP, LLC
 Address: P.O. Box 369, 1142 Ocean Trail
Corolla, NC 27927
 Telephone: (252) 202-3907
 Fax Number: (252) 457-1177
 E-Mail Address: dtwiddy@twiddy.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

Physical Street Address: Lot 2, Phase 13, NC 12 (Ocean Trail)
 Location: Corolla Light PUD
 Parcel Identification Number(s): 115B00000020013
 Total Parcel(s) Acreage: 2.50 Acres
 Existing Land Use of Property: Vacant

Request

Proposed Use of the Property: Office/Warehouse
 Total square footage of land disturbance activity: _____
 Total structure coverage: 15,300 sf Total vehicular area: 30,149 sf
 Total square footage of all existing and proposed buildings: 15,300 sf
 Existing gross floor area: 0 Proposed gross floor area: 15,300 sf

Purpose of Special Use Permit and Project Narrative: TFP, LLC proposes to construct office/warehouse structures on the referenced tract of land in Corolla known as Commercial Lot 2 – Phase 13 Corolla Light PUD. The subject site is a 2.5 acre commercial parcel that was formerly used for wastewater disposal drainfields until the recent rerouting of wastewater disposal to another facility and the removal of the on site drainfields. The parcel is within the Corolla Light PUD, and does not contain any open space area. The parcel was previously approved for commercial development in the latest approved Sketch Plan. The proposed project is in general conformance with the approved Sketch Plan. The current proposed submittal is for three office/warehouse buildings totaling 15,300 sf while leaving the remaining area available for future development.

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 materially endanger the public health or safety.

The proposed use will not materially endanger the public health or safety and conforms to adjacent
land uses.

B. The use will not substantially injure the value of adjoining or abutting property.

The proposed use is the same as northern adjoining properties and is in general conformance with
the County's land use plan and the approved Sketch Plan. The proposed use will not injure the
values of adjoining or abutting properties.

C. The use will be in harmony with the particular neighborhood or area in which it is to be located (even though the proposed use and surrounding uses are generally permissible in the same district and therefore usually compatible).

The proposed office/warehouse use is permitted without conditions within the GB zoning designation
within the PUD and is the same use as properties located within the immediate area also within the PUD.
The use will be in harmony with the particular neighborhood and buffered from adjacent residences.

D. The use will be in general conformity with the Land Use Plan or other plan officially adopted by the board.

The site is located in the Corolla full service area according to the County's Land Use Plan map. The
office/warehouse use is in general conformity with the County's Land Use Plan.

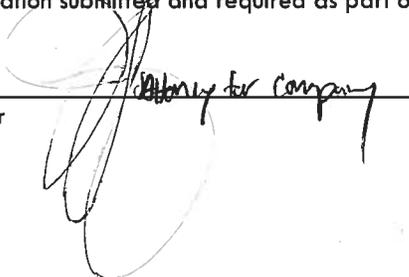
E. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, and law enforcement.

The use will not exceed the County's ability to provide adequate public facilities. Adequate public
facilities and services are available to the property within the Corolla full service area.

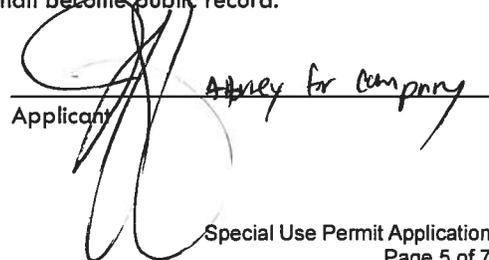
I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

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.

Owner



Applicant



Special Use Permit Application
Page 5 of 7
9/10

**Project Narrative – Special Use Permit & Commercial Site Plan
Commercial Lot 2 – Phase 13 Corolla Light PUD
November 21, 2012**



SCOPE OF WORK

TFP, LLC is proposing to construct an Office/Warehouse facility on a 2.5 acre parcel of land located in Phase 13 of the Corolla Light PUD in Corolla, Currituck County, NC, referred to herein as Commercial Lot 2 – Phase 13 Corolla Light PUD.

The Commercial Lot 2 – Phase 13 Corolla Light PUD consists of three (3) Office/Warehouse structures located in the rear of the parcel with the front portion of the parcel being reserved for future commercial development. The subject parcel is currently undeveloped and was previously utilized for wastewater disposal drainfields until the recent rerouting of wastewater disposal to another facility and the removal of the on site drainfields. The parcel is within the Corolla Light PUD, and does not contain any designated open space. The parcel was previously approved for commercial development in the latest approved Sketch Plan.

The proposed structures are 4,900 sf, 7,000 sf, and 3,400 sf representatively. New infrastructure (road, water, and sewer) will require extension to the existing NC 12 and associated utilities. Stormwater management for the proposed development will be provided via dry infiltrations.

ACCESS

The proposed facility will access NC 12 via a 24' wide commercial driveway entrance. The commercial entrance is proposed to be located along the southern property line and access NC 12. The entrance will require a driveway entrance permit from NCDOT. The proposed entrance will provide access, including emergency vehicle access, to the Office/Warehouse facility.

PARKING AND LOADING

In accordance with the current UDO, the proposed gravel drive and parking area are proposed to be delineated with a 2' wide concrete ribbon. A total of 39 parking spaces are proposed to be provided for the facility, with 6 ADA parking spaces (all of which are van accessible) proposed to be provided among the proposed structures. Each Office/Warehouse is proposed to include at least one loading space.

STORMWATER MANAGEMENT

The proposed stormwater management method to serve the subdivision will consist of a dry infiltration basins with enough temporary storage capacity to store the runoff generated by a rainfall event in excess of 6 inches. The following is a summary demonstrating that the design provides an effective stormwater management system in full compliance with local and state regulations. Please refer to the Stormwater Management Plan Narrative enclosed with the submittal package for more detail.

Stormwater management improvements will be needed to control the runoff from the proposed impervious construction. Runoff from all new impervious areas is proposed to be collected via storm sewer / infiltration swales and conveyed to five (5) proposed dry infiltration basins located within the site. Each of the five separate dry infiltration basins provide storage in excess of a 6 inch storm event. The total storage available on site will exceed the runoff produced by a 5.94 inch rainfall event as required by Currituck County.

The stormwater runoff will be collected and directed via site grading, drop inlets and storm sewer, and a roadside infiltration swale which will convey runoff to the representative dry infiltration basin located within the drainage area. Runoff from developed areas will enter the infiltration basins via infiltration swales and underlying storm sewer.

UTILITIES

Water: Fire and domestic water service will be provided by the Currituck County's Southern Outer Banks Water System via the existing 8" diameter water main located along the eastern shoulder of NC 12. A commitment to serve letter from the Currituck County's Southern Outer Banks Water System is attached to this project narrative. The water service is proposed to be split into 3 separate water meters for the associated structures. The fire line and associated hydrants are proposed to be privately maintained.

Sewer: Sewage treatment and disposal will be provided via an extension to the existing wastewater collection and conveyance system. Wastewater treatment service will be provided by the Corolla Light Wastewater System. A willingness to serve, capacity commitment letter, from Carolina Water Service, Inc. of NC is attached to this project narrative.

Power: Power will be supplied via Dominion North Carolina Power.

COUNTY OF Currituck
Maple, NORTH CAROLINA 27956



PATRICK IRWIN
Public Utilities Director

444 Maple Road
Phone: (252) 232-6061
Fax: (252) 453-3721
E-mail: pat.irwin@currituckcountync.gov

November 16, 2012

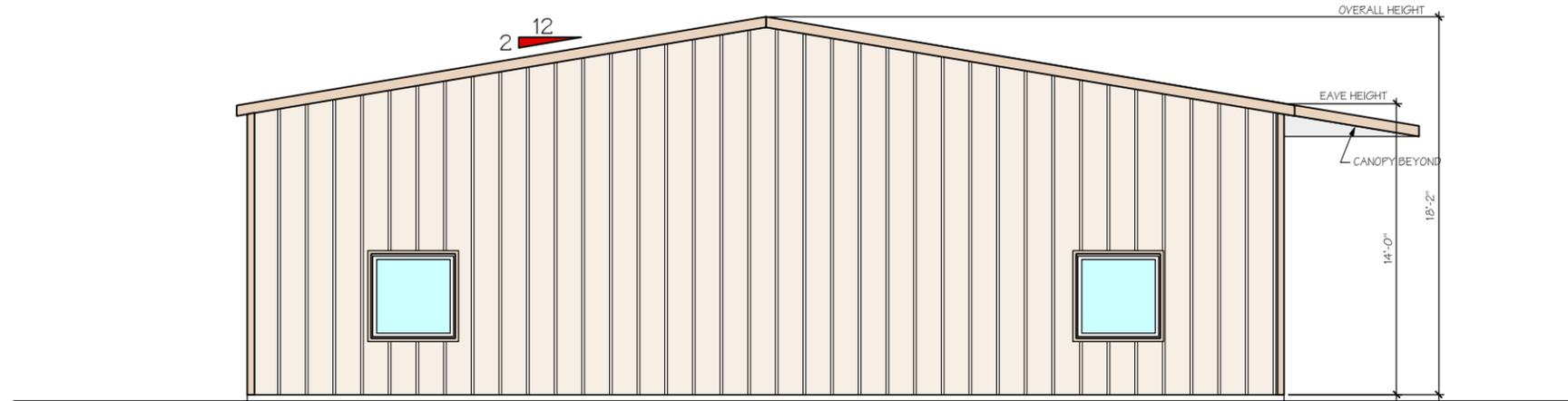
Mr. Michael Strader, Jr., P.E.
Quible & Associates, P.C.
PO Box 870
Kitty Hawk, NC 27949

Mr. Strader:

The Southern Outer Banks Water System will commit to serve the Commercial Lot 2 Phase 13 Corolla Light Project when the infrastructure receives final approval from the water department; NCDENR Public Water Supply Section and the tap on fees are paid.

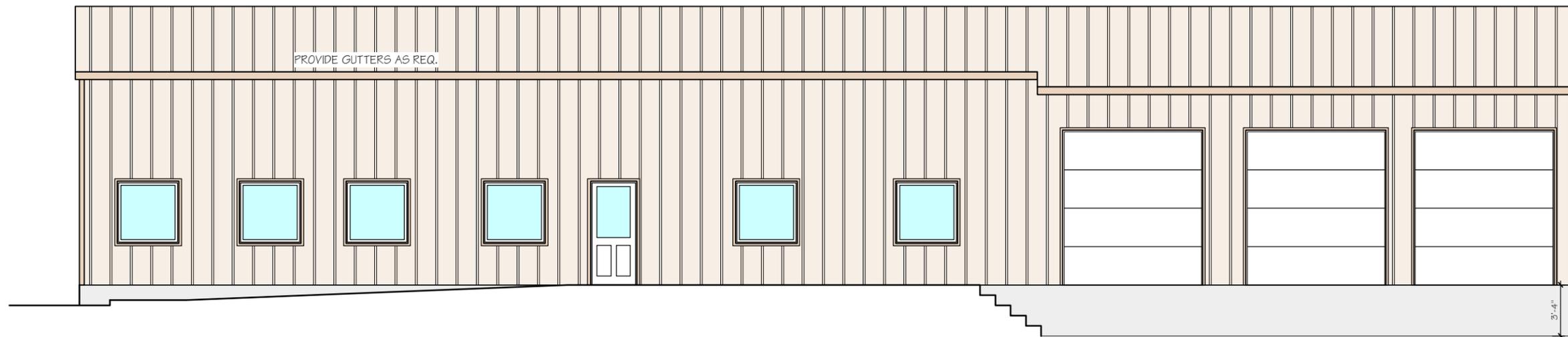
Sincerely,

Patrick Irwin
Public Utilities Director
Currituck County



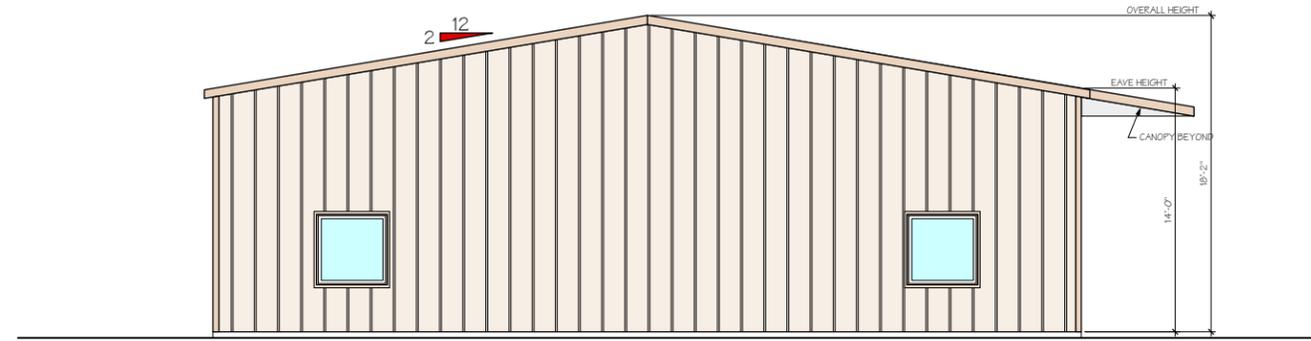
END ELEVATION

SCALE: 1/4"=1'-0"



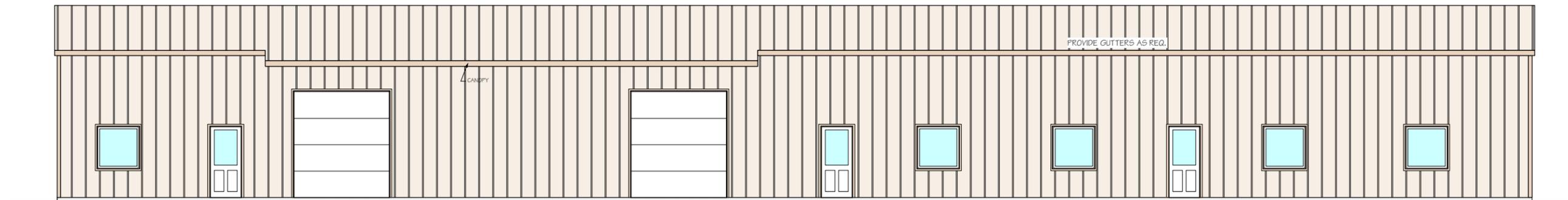
SIDE ELEVATION

SCALE: 1/4"=1'-0"



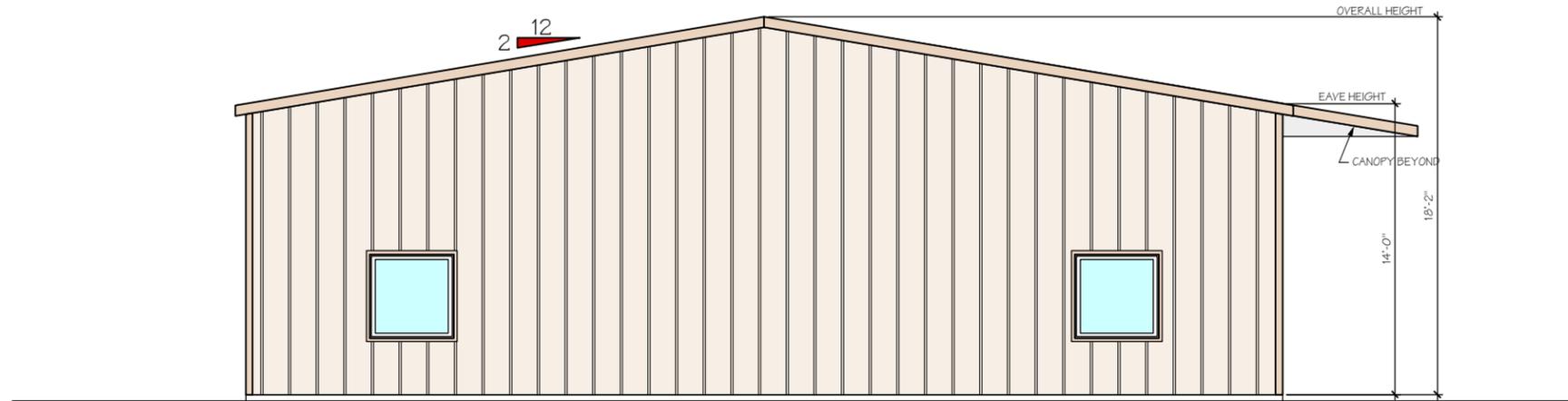
END ELEVATION

SCALE: 1/4"=1'-0"



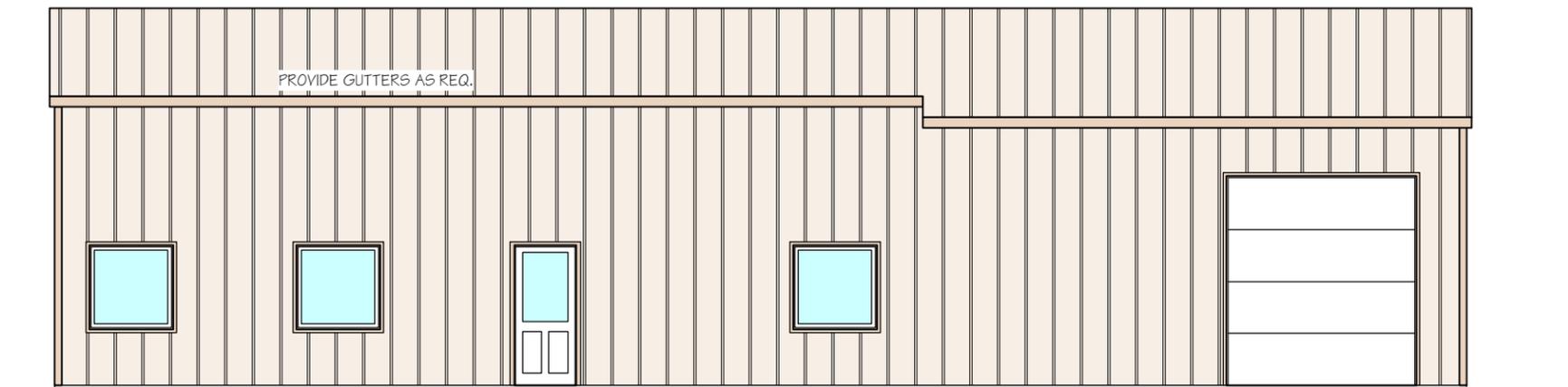
SIDE ELEVATION

SCALE: 1/4"=1'-0"



END ELEVATION

SCALE: 1/4"=1'-0"



SIDE ELEVATION

SCALE: 1/4"=1'-0"

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING SECTION 8-87 AND SECTION 8-92 OF THE CURRITUCK COUNTY**
3 **CODE OF ORDINANCES AND ORDINANCE TO REGULATE OUTDOOR TOUR**
4 **OPERATORS**

5
6 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
7 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
8 welfare of its citizens and the peace and dignity of the county; and

9 WHEREAS, pursuant to N.C. Gen. Stat. §153A-134 a county may by ordinance regulate
10 and license occupations, businesses, trades, and professions; and

11 WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws, as amended
12 by Session Law 1998-64 and Session Law 2001-33 Currituck County may by ordinance regulate,
13 restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any
14 other form of power-driven vehicle specified by the Board of Commissioners on the foreshore,
15 beach strand, and the barrier dune system; and

16 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
17 County of Currituck, North Carolina as follows:

18 PART I. Section 8-87 of the Code of Ordinances, Currituck County, North Carolina is amended
19 by to read as follows:

20 **Sec. 8-87. Definitions.**

21 *Bus* shall mean a vehicle with chassis not greater than one (1) ton and larger than a
22 private passenger vehicle, but with a wheelbase greater than nineteen (19) feet in overall length
23 not more than 25 feet, seats typically accessed by side or center aisle, intended to carry more
24 than 15 passengers and used for the purpose of touring for hire.

25 *Designated area* shall mean that area of the county on the Outer Banks from the terminus
26 of the paved portion of N.C. Highway 12 to the Virginia state line

27 *Outdoor tour operator* shall mean a company or individual that arranges travel tours by
28 outdoor tour vehicle.

29 *Outdoor tour vehicle* shall mean a vehicle with maximum passenger capacity of 15
30 persons engaged in the business of carrying passengers for hire or offering to carry passengers
31 for hire, when the primary purpose for riding in such vehicle is not transportation but touring and
32 sight-seeing. A bus may not be used as an outdoor tour vehicle.

1 PART II. Section 8-92 of the Code of Ordinances, Currituck County, North Carolina is
2 amended by to read as follows:

3 **Sec. 8-92. Identification and marking generally.**

4 (a) Every outdoor tour vehicle shall have a sign in plain view on each side of the vehicle,
5 legible at a distance of 50 feet in letters not less than three inches high, containing the full name
6 of the outdoor tour operator company operating the vehicle.

7 (b) There shall be on each side and on the rear of each outdoor tour vehicle a number no
8 less than ~~at least six~~ three inches high, such number to be separate and distinct number from that
9 on any other outdoor tour operator vehicle in the county. The numbers must be permanently
10 affixed to the vehicle. The number shall be assigned to the outdoor tour vehicle and the owner
11 thereof by the county manager or manager's designee and shall not be altered or changed without
12 consent of the county manager or manager's designee.

13 PART III. **Conflicts.** All ordinances or parts of ordinances in conflict with this ordinance are
14 hereby repealed.

15 PART IV. **Severability.** In the event one or more of the provisions contained in this ordinance
16 shall for any reason by held by a court to be invalid, illegal or unenforceable in any respect, such
17 invalidity, illegality or unenforceability shall not affect the remaining provisions of this
18 ordinance, and this ordinance shall be construed as if such invalid, illegal or unenforceable
19 provision or provisions had never been contained herein.

20 PART III. This ordinance is effective on _____, 2013.

21

22 ADOPTED this _____ day of _____, 2013.

23

24

25

S. Paul O'Neal, Chairman

26 ATTEST:

27

28 _____
Gwen H. Keene, Clerk to the Board

29

30

31 APPROVED AS TO FORM:

32

33 _____
Donald I. McRee, Jr., County Attorney

34

35

36

1 Date adopted: _____
2
3 Motion to adopt by Commissioner _____
4 Second by Commissioner _____
5 Vote: _____ AYES _____ NAYS
6

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING CHAPTER 2, ARTICLE III OF THE CURRITUCK COUNTY CODE OF**
3 **ORDINANCES TO PROVIDE THAT A MEMBER OF THE BOARD OF**
4 **COMMISSIONERS SHALL SERVE ON THE CURRITUCK COUNTY ABC BOARD**
5 **WITHOUT COMPENSATION**

6
7 WHEREAS, pursuant to N.C. Gen. Stat. §153A-76 a board of commissioners may
8 change the composition and manner of selection of boards, commissions, and agencies, and may
9 generally organize and reorganize the county government in order to promote orderly and
10 efficient administration of county affairs; and

11 WHEREAS, pursuant to N.C. Gen. Stat. §153A-77 a board of commissioners may
12 appoint advisory boards, committees, councils and agencies composed of qualified and interested
13 county residents to study, interpret and develop community support and cooperation in activities
14 conducted by or under the authority of the board of commissioners; and

15 WHEREAS, pursuant to N.C. Gen. Stat. §18B-700(c) county ABC board members shall
16 be appointed by the board of county commissioners.

17 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
18 County of Currituck, North Carolina as follows:

19 PART I. Chapter 2, Article III, Division 1 of the Currituck County Code of Ordinances is
20 amended by adding a new section to read as follows

21 **Sec. 2-99. County commissioner to serve as county ABC board member without**
22 **compensation.**

23 A county commissioner shall be appointed by the board of commissioners to serve as a
24 member of the county ABC board. The county commissioner member of the county ABC board
25 shall not receive compensation for service on the county ABC board.

26 PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby
27 repealed.

28 PART III. This ordinance is effective upon its adoption.
29
30

31 ADOPTED this _____ day of _____, 2013.
32
33

34 _____
35 S. Paul O'Neal, Chairman

36 ATTEST:
37 _____

38 Gwen H. Keene
39 Clerk to the Board

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APPROVED AS TO FORM:

Donald I. McRee, Jr.

County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS

S:\Legal\Ordinances\

Corolla Surf Shop Corporation
PO Box 308
Corolla, NC 27927
FAX 888 452 8682

January 21, 2013

Dan Scanlon
 County Manager
 Currituck County

Please find an adjusted price for adding an extra day of trash pick-up for the months of July and August.

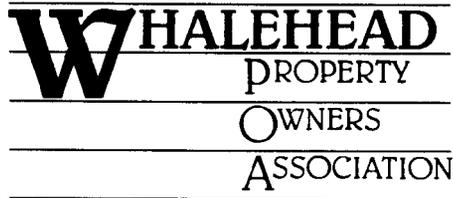
Fuel & Oil	\$250.00
Vehicle Expenses	\$5,000.00
Labor	\$9,500.00
Vehicle Insurance	\$1,300.00
Business Liability	\$500.00
Workman's Comp	\$250.00
Tools & Supplies	\$500.00
July & August 3 rd Pick-Up	\$4,500

Administrative Costs 20%	\$4,360
Total Cost	\$26,160.00

Please call me if you have any questions:

Gary Michael Smith
 President
 Corolla Surf Shop Corporation
 Cell: 252 202 2465

cc/Adam Grigas, Corolla Beach Company



October 25, 2012

The Honorable John D. Rorer
Currituck County Board of Commissioners
P.O. Box 39
Currituck NC 27929

RE: WPOA Nominees to the
County's Advisory Board for the
Whalehead Stormwater Drainage Service District

Dear Chairman Rorer:

In January 2013, the terms of two members of the Whalehead Drainage Service District Advisory Board will expire, and each has agreed to serve a second term. County Engineer Eric Weatherly and the County Soil and Water Conservation staff have requested that the Whalehead Property Owners Association submit the names of the members who have volunteered to renew their service on this Advisory Board.

Accordingly, I am pleased to nominate the following Whalehead property owners whose 3-year term will synchronize with other members' staggered terms allowing Advisory Board continuity:

- **3-year term, to expire January 2016**
George H. Mears (owner 1008 Corolla Drive)
4304 Ainslie Ct. S.
Suffolk, VA 23434
757.255.2215
George.H.Mears@usace.army.mil
- **3-year term, to expire January 2016**
Daniel J Clements III (owner 1007 Corolla Drive)
1249 Harrison Avenue
Columbus, OH 43201
614.299.7575
d3clements@aol.com

The above-named Advisory Board nominees stand ready to assist the County in policy and execution of work required for the Whalehead Stormwater Drainage Service District. For your information, the other Advisory Board members are:

- **Term to expire January 2014**
Jack Riggle (owner)
839 Corolla Drive
P.O. Box 550
Corolla, NC 27927
252.453.8806
jack@jackandcaroleriggle.com

WHALEHEAD
PROPERTY
OWNERS
ASSOCIATION

- Term to expire January 2015
Robert P. Collins (owner)
1024 Lighthouse Drive
Corolla, NC 27927
252.453.4060
robertpcollins@charter.net
- Term to expire January 2015
Richard Donica (owner 1055 Whalehead Drive)
2 Tea Olive Circle
Pooler, GA 31322
912.748.2662
DacAce@aol.com

Sincerely,



Terry Ruggles
President of WPOA
122 Rockingham Rd.
Cherry Hill, NJ 08034

- cc: Honorable H.M. "Butch" Petrey, County Commissioner Representative, Whalehead Drainage Board
Mr. Dan Scanlon, County Manager
Mr. Eric Weatherly, County Engineer
Mr. Mike Doxey, District Technician, Soil & Water Conservation
George H. Mears, Advisory Board Nominee
Daniel J. Clements III, Advisory Board Nominee and current Chair

Whalehead Drainage Service District – Citizen Advisory Board *(effective 1/1/12)*

3-year term, to expire **January 2013**

Daniel J. Clements III, Chair *(owner 1007 Corolla Drive)*

1249 Harrison Avenue

Columbus, OH 43201

614.299.7575

D3Clements@aol.com

3-year term, to expire **January 2015** – prior 2-year term, expired January 2012

Robert P. Collins

1024 Lighthouse Drive

Corolla, NC 27927

252.453.4060

RobertPCollins@charter.net

3-year term, to expire **January 2015** – prior 2-year term, expired January 2012

Richard B. Donica *(owner 1055 Whalehead Drive)*

2 Tea Olive Circle

Pooler, GA 31322

912.748.2662

DacAce@aol.com

3-year term, to expire **January 2013**

George H. Mears *(owner 1008 Corolla Drive)*

4304 Ainslie Ct. S.

Suffolk, VA 23434

757.255.2215

George.H.Mears@usace.army.mil

3-year term, to expire **January 2014**

Jack Riggle *(owner 839 Corolla Drive)*

P.O. Box 550

Corolla, NC 27927

252.453.8806

jack@jackandcarolriggle.com

**ABC BOARD
3 Year Terms**

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Harold Capps				9/2010	9/1/2013
Owen Etheridge				1/2010	1/1/2013
David Myers				7/2012	3rd 5/4/2014
Horace Bell, III				7/2012	3rd 6/15/2014
Gene Gregory				1/2010	1/1/2013

RESOLUTION

IN SUPPORT OF LEGISLATIVE GOALS ADOPTED BY THE MEMBERSHIP OF THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS

WHEREAS, the North Carolina Association of County Commissioners was founded in 1908 as a membership organization to represent the interests of counties before the General Assembly;

WHEREAS, all 100 counties are voluntary members of the North Carolina Association of County Commissioners, making the NCACC the official voice of North Carolina counties;

WHEREAS, every two years, the membership of the NCACC develops and approves a package of legislative proposals designed to protect and enhance the interests of county governments and the citizens who live in our 100 counties;

WHEREAS, the process to generate this package of legislative goals is deliberate and inclusive and provides extensive opportunities for counties to be involved;

WHEREAS, Currituck County is an active participant within the NCACC and participated in the process to develop these legislative proposals;

WHEREAS, more than 200 county officials representing 88 counties gathered in Durham County on Jan. 24-25, 2013, and debated and ultimately approved 60 proposals submitted by counties to be included in the legislative goals package;

WHEREAS, the attached proposals represent the collective wishes of all 100 counties;

NOW, THEREFORE, BE IT RESOLVED that the Currituck County Board of Commissioners adopts this resolution in support of the legislative proposals adopted by the NCACC membership at its 2013 Legislative Goals Conference;

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly representing Currituck County to let them know of our support for these issues.

Adopted this the 4th day of February, 2013

ATTEST:

Gwen H. Keene, CMC

Clerk to the Board

S. Paul O'Neal

Chairman

**RESOLUTION AFFIRMING AND SUPPORTING THE SECOND AMENDMENT TO
THE CONSTITUTION OF THE UNITED STATES AND ARTICLE I, SECTION 30 OF
THE CONSTITUTION OF NORTH CAROLINA**

WHEREAS, the Second Amendment to the Constitution of the United States provides that “[A] well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”, and;

WHEREAS, the Article I, Section 30 of the Constitution of North Carolina provides that “A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.”: and;

WHEREAS, the United States Supreme Court in District of Columbia v. Heller, 128 S. Ct. 2783, 171 L.Ed.2d 637, 554 U.S. 570 (2008), an opinion authored by Justice Scalia, held that although the Second Amendment to the Constitution of the United States does not provide the right to keep and carry any weapon in any manner for any purpose, the Second Amendment protects an individual right to possess a firearm unconnected with service in a militia and to use that arm for traditionally lawful purposes, such as self-defense within a home; and

WHEREAS, the United States Supreme Court in McDonald v. City of Chicago, 130 S. Ct. 3020, 177 L.Ed.2d 894 (2010), an opinion authored by Justice Alito, held that the Fourteenth Amendment to the Constitution of the United States incorporates the Second Amendment right to keep and bear arms for self-defense and is fully applicable to the States as fundamental to the Nation’s scheme of ordered liberty, and;

WHEREAS, the North Carolina Supreme Court in State v. Dawson, 272 N.C. 535, 159 S.E.2d 1 (1968) held that the right to bear arms, which is protected and safeguarded by the federal and State Constitutions, is subject to the authority of the General Assembly, in the exercise of the police power, to regulate, but the regulation must be reasonable and not prohibitive, and must bear a fair relation to the preservation of the public peace and safety; and

WHEREAS, it is reported that the President of the United States is proposing, and the United States Congress may consider, adoption of laws or regulations that may have the effect of infringing upon an individual’s constitutional right to possess a firearm as determined by the United States Supreme Court and North Carolina Supreme Court.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Currituck, North Carolina that:

- Section 1. The North Carolina delegation to the United States Congress adamantly oppose the enactment of any law, rule or regulation that may have the effect of infringing upon an individual’s constitutional right to possess a firearm as determined by the United States Supreme Court and North Carolina Supreme Court.

- Section 2. The county's legislative delegation to the North Carolina General Assembly North Carolina General Assembly adamantly oppose the enactment of any law, rule or regulation that may have the effect of infringing upon an individual's constitutional right to possess a firearm as determined by the United States Supreme Court and North Carolina Supreme Court.
- Section 3. The Clerk to the Board of Commissioners forward a copy of this resolution to each member of the North Carolina delegation to the United States Congress and county's delegation to the North Carolina General Assembly.
- Section 4. This resolution shall be effective upon its adoption.

ADOPTED this 4th day of February, 2013.

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

ATTEST:

Gwen H. Keene, Clerk to the Board

(COUNTY SEAL)

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of February, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10650-545000	Contract Services	\$ 18,720	
10390-495015	T F - Occupancy Tax		\$ 18,720
		<u>\$ 18,720</u>	<u>\$ 18,720</u>

Explanation: Economic Development (10650) - Increase appropriations for lawn maintenance in the Maple Commerce Park for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$18,720.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of February, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10430-532000	Ballots/Imprinting	\$ 2,152	
10430-514801	Fees Paid to Precint Officials	\$ 262	
10430-590000	Capital Outlay	\$ 16	
10430-511000	Telephone & Postage	\$ 2,666	
10330-445200	Elections Grants		\$ 5,096
		<u>\$ 5,096</u>	<u>\$ 5,096</u>

Explanation: Elections (10430) - To record HAVA grant for ballot printing and to transfer funds final expenses for the November election and additional mailings for this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$5,096.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of February, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10480-514500	Training & Education	\$ 300	
10480-516000	Maintenance & Repair	\$ 342	
10480-545200	Records Management	\$ 400	
10480-532000	Supplies		\$ 1,042
		<u>\$ 1,042</u>	<u>\$ 1,042</u>

Explanation: Register of Deeds (10480) - Transfer budgeted funds for additional training, maintenance associated with changing templates for the Register of Deeds and records management.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of February, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
25607-545000	Contract Services	\$ 10,000	
25390-499900	Appropriated Fund Balance		\$ 10,000
		\$ 10,000	\$ 10,000

Explanation: Guinea Mill Watershed Service District (25607) - Increase appropriations for watershed improvements in the Guinea Mill watershed service district.

Net Budget Effect: Guinea Mill Watershed Improvement Sewer District (25) - Increased by \$10,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of February, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10795-545000	Contract Service	\$ 440	
10795-576003	Youth Flag Football		\$ 440
		<u>\$ 440</u>	<u>\$ 440</u>

Explanation: Parks & Recreation (10795) - Transfer funds for increase in contracts for the remainder of this fiscal year.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

**RESOLUTION RATIFYING CONTRACTS BY AND BETWEEN McCORD'S
LANDSCAPING AND COUNTY OF CURRITUCK**

WHEREAS, in 2011 the County of Currituck solicited bids for lawn maintenance services on certain county property; and

WHEREAS, McCord's Landscaping submitted the lowest responsible bids for lawn maintenance of certain county property identified as Northern Mainland Properties and Knotts Island Properties; and

WHEREAS, contracts dated January 27, 2012 were entered into between McCord's Landscaping and the county; and

WHEREAS, on December 3, 2012 Kevin McCord was sworn into office as a Currituck County Commissioner; and

WHEREAS, Kevin McCord has more than a ten percent (10%) ownership interest in McCord's Landscaping; and

WHEREAS, N.C. Gen. Stat. §14-234 provides that a public officer may not enter into a contract with the county the public officer serves except in a county with no town or city with population of more than 15,000 persons; and

WHEREAS, the County of Currituck has no towns or cities; and

WHEREAS, McCord's Landscaping has been performing under its contracts with the county and the county has determined that it is in the county's best interest for such contracts to continue.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Currituck that:

- Section 1. The contracts entered into between McCord's Landscaping and the county dated January 27, 2012 in the aggregate amount of \$37,800.00 are hereby ratified and affirmed.
- Section 2. This resolution shall be recorded in the official minutes of the Board of Commissioners for Currituck County stating that Kevin McCord did not vote or otherwise participate in the adoption of this resolution.
- Section 3. The Clerk to the Board of Commissioners and Finance Officer are directed to comply with the posting and reporting requirements set forth in N.C. Gen. Stat. §14-234 with respect to this resolution and contracts described herein.

Section 4. This resolution shall be effective upon adoption

ADOPTED the 4th day of February, 2013.

S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

COUNTY OF CURRITUCK

Tax Department
P.O. Box 9
Currituck, North Carolina 27929

Tracy Sample, Tax Administrator
(252) 232-3005
(252) 232-3568 (FAX)

As of January 28th 2013, there is \$1,663,935.83 in unpaid taxes that are a lien on real estate for fiscal year 2012-2013.

North Carolina General Statute 105-369 requires that unpaid real estate tax liens be advertised in one or more newspapers having a general circulation in the county and by posting a notice of the tax liens at the county courthouse. This statute requires that the Board of Commissioners order the tax collector to advertise the tax liens.