



**BOARD OF COMMISSIONERS
AGENDA**

JANUARY 7, 2013

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REVISED

Currituck County Board of Commissioners Agenda Historic Currituck County Courthouse

Date: Monday, January 07, 2013

Time: 7:00 PM

Work Sessions

6:00 p.m. Airport Advisory Board

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 on proposed Tax schedules, standards and rules for the 2013 reassessment**
- B) **Public Hearing and Action:** PB 05-38 Bonney Bright Mine: Request for a special use permit modification to expand an existing sand mining operation from 29.2 acres to 49 acres. The property is located at 101 Marsh Causeway on Knotts Island, Tax Map 55, Parcels 1, 2, and 3, Fruitville Township.
- C) **Public Hearing and Action:** PB 12-19 Barry Nelms: Request to amend the new Unified Development Ordinance Chapter 5: Development Standards to allow off-premise directional signs.

Administrative Reports

A) **Moyock Women's Club, Presentation and donation to Back Pack for Kids**

B) **Update on the Moyock Small Area Plan**

Old Business

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

B) **Consideration and action on an ordinance amending the Code of Ordinances to regulate Outdoor Tour Operators**

New Business

A) **Consideration of Construction Funding agreement with Crawford VFD for expansion of Sligo Station**

B) **Board Appointments:**

1. Appointment of Commissioner Griggs to the Whalehead Board of Trustees
2. Appointment to Albemarle Commission
3. Appointment of Commissioner Petrey to Economic Development Board
4. Appointment of Commissioner Martin to the Rural Planning Organization and County Manager to the TCC
5. Appointment of Commissioner McCord to the Albemarle Mental Health Board
6. Appointment of Chairman O'Neal to the Regional Health Dept. Board
7. Appointment to Planning Board
8. Appointment to Board of Adjustment
9. Appointment to ABC Board
10. Appointment of Voting Delegate to Legislative Goals Conference

C) **Consent Agenda:**

1. Budget Amendments
2. Approval of Surplus from Sheriff's Department

3. Approval of County Lease Permit from Florida Tower Partners, LLC., leasing space on tower site for Emergency Management for \$1,750 per month
4. Approval of Resolution Opposing Tolls for the Knotts Island-Currituck Ferry
5. Approval of December 3, 2012 Meeting Minutes
6. Approval of Retention and Disposition Schedule for Register of Deeds
7. Approval of purchase of certain material, supplies and Equipment from Motorola Communications for the construction of the County's 800 MHz communications system

D) Commissioner's Report

E) County Manager's Report

Adjourn

Special Meeting

Tourism Development Authority

Budget Amendments

Adjourn

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: January 7, 2013**

PB 05-38 Bonney Bright Mine, Special Use Permit Modification

ITEM: PB 05-38 Bonney Bright Mine, Special Use Permit Modification

LOCATION: Knotts Island: 101 Marsh Causeway

TAX ID: 0055-000-0001-0000
0055-000-0002-0000
0055-000-0003-0000

ZONING DISTRICT: Agricultural (AG)

PRESENT USE: Mining Operation

OWNER: Bonney G. Bright
5513 Buzzard Neck Road
Virginia Beach, VA 23457

APPLICANT: Bonney G. Bright

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	2012 Zoning	2013 Zoning
NORTH:	Low Density Residential/Farmland	N/A (Virginia)	N/A (Virginia)
SOUTH	Farmland/Woodland	AG	SFI
EAST:	Undeveloped-Wetlands/Farmland	AG	SFI
WEST:	Low Density Residential/Campground	RR/A	SFI

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as **Limited Services and Conservation** within the **Knotts Island-Gibbs Woods** subarea.

SIZE OF SITE: Parcel Area (3 parcels): 101.8 acres

SIZE OF MINE: 49 Acres
Existing Mine: 29.2 Acres
Expansion: 19.8 Acres

WETLANDS: 3.8 Acres

STREETS: The mine access is from NC 615 (Marsh Causeway)

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

I. NARRATIVE OF REQUEST:

1. The applicant is seeking review under the new UDO and approval for the expansion (19.8 acres) of an existing sand mining operation.
2. The Board of Commissioners approved a text amendment that allows existing mining operations that have maintained good standing for the past five years to expand their operations. The maximum expansion that the Board can approve is 50% of the net acreage (excluding wetlands).

3. The existing operation (28.9 acres) was approved by the Board of Commissioners on May 15, 2006. The permit is valid for ten years.
4. The mining operation has maintained compliance with the state permits since November 9, 2007. In addition, the operation has maintained compliance with the county special use permit for the past five years.

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

Suggested Findings:

- a. The expansion of the mining operation should have little or no additional impact on public health or safety.
- b. The site will be posted for “No Trespassing” every 250 feet as noted on the site plan.
- c. A water truck will continue to maintain the access road for dust control.
- d. The hydrological report (Groundwater Monitoring and Recharge Plan) prepared by Sigma Environmental Services, Inc. dated November 19, 2012 concluded:
 - (1) Dewatering of the existing mine has performed within the drawdown ranges originally predicted in the GMA report. It is anticipated that recharge system performance at the Currituck mine will serve to mitigate the dewatering impacts to the surface aquifer.

2. The special 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 mining operation is existing and operational.
- b. The proposed expansion will be subject to the same conditions as the existing operation.
- c. The UDO permits mining operations in the “A” zoning district with a special use permit.

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

Suggested Findings:

- a. The 2006 Land Use Plan classifies this site as Limited Services and Conservation within the Knotts Island – Gibbs Woods 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.

4. 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.

Suggested Findings:

- a. The county should have adequate public facilities to service this subdivision.

III. STAFF REVIEW AND ACTION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the existing conditions, as modified, of the special use permit issued by the Board of Commissioners:

1. If 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. Any modifications to the State permits shall be filed within 10 working days of issuance or submittal in the Planning/inspections Department of Currituck County.
3. This special use permit shall be valid for a period of ten years from the date of permit issuance. ~~The special use permit will expire May 15, 2016.~~ granted.
4. That no more than ~~49~~ 28.9 acres (~~50%~~ 28.4%) of the ~~total~~ net tract (not including wetlands) shall be excavated for the purposes of mining under this permit.
5. The maximum mining depth shall be 30' below natural ground or an elevation of -26 below MSL.
6. That 3' x 3' warning signs noting "Truck Entering Highway" be posted on Marsh Causeway (NC 615) 500' in advance of the entrance in both directions.
7. That a left turn lane meeting NCDOT design and construction standards shall be installed on Marsh Causeway (NC 615).
8. A benchmark shall be set proximate to the mining area to establish the elevation of the natural ground. The benchmark location shall be shown on the mining site plan.
9. No encroachment into natural drainageways and channels shall be allowed.
10. ~~No off-site discharging of water or sediment from the mine site is allowed under this permit.~~
11. A minimum of once every six months, there shall be maintenance performed on the recharge/sediment ditch.
12. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation.
13. All trucks and equipment used in conjunction with the mine shall be stored, within the mine site and not the adjacent farmland. The on-site storage of commercial dump trucks shall not be permitted.
14. The hours of operation of all mining related activities on this site, as determined by the Currituck County Board of Commissioners, shall be Monday through Friday from 7 a.m. to 7 p.m., Saturday from 7 a.m. to 7 p.m. and no mining activity shall occur on Sunday.
15. The proposed mine entrance shall be gated.
16. At least 200' of continuous pavement shall be required onsite starting at the point the access road intersects with a public street and shall be completed prior to the excavation of any fill material.
17. All roads utilized to access the mining site shall be maintained free of dust and sediment and shall be properly graded and drained in order to minimize potholes and standing water.
18. All trucks hauling mined materials shall be covered with a tarpaulin.
19. Mined materials shall not be stored in excess of 25' in height.
20. Stockpile areas and overburden (i.e.: excess material) to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion.
21. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on the site.
22. "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.
23. 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.
24. All provisions of State and local permits issued for the operation shall be met.
25. No mining activities shall adversely affect surrounding in use wells. 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 or equal quantity and quality.

26. A minimum of four monitoring wells shall be located on the site. During the installation of the wells, the stratigraphy of the subsurface at each well shall be accurately logged by a qualified geologist. At all monitoring well locations, separate wells shall be screened at shallow and deep depths, both above and below any clay layers identified.
27. The wells shall be secured against unauthorized entry with a lockable cap. The necessary permits or approvals to construct these wells shall be obtained from the N.C. Division of Water Quality.
28. The owner/operator shall establish a benchmark for the water quality and quantity as it exists prior to the mining operation and establish a monthly monitoring program during the excavation activity. The wells shall be monitored at least 90 days prior to initiating any excavation of the initial pit area or recharge swale to allow for the determination of pre-existing (static) groundwater levels. Copies of the monitoring reports shall be submitted monthly to the Planning Department.
29. Water levels in all monitoring wells shall be measured and recorded weekly for the first 90 days prior to any dewatering activities at the site and weekly for the following 90 days upon initiation of dewatering activities. Following this initial period, the wells shall be measured monthly on the same day and approximate time of day. The static water levels shall be measured with an accuracy of plus or minus 0.1 foot and shall be referenced to a datum point and a record of the water levels maintained. The monthly precipitation and the volume of pit water discharge shall also be recorded. Copies of these records shall be provided to the State and the County Planning Department on or about the end of each quarter. Static water level monitoring frequency may be increased or decreased as deemed appropriate by the Department.
30. An initial chloride sample shall be collected, analyzed, and recorded from each monitoring well prior to dewatering activities to create base line data level for the site. Furthermore, chloride samples shall be collected, analyzed, and recorded on a monthly basis from all monitoring wells and from the 12-inch discharge pipe prior to the water entering the outlet apron. As noted above, monthly pumping withdrawals and rainfall amounts shall be measured and recorded at the site and reported to the Land Quality Section, along with the required monitoring well water level data and chloride data, on a quarterly basis.
31. A reserve fund shall be established, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future lake use of the property. At a minimum, the estimated capital expense shall be an amount equal to \$1,000 times the number of acres in the total site. The reserve fund shall include an assumed inflationary rate of 5% per year for the expected life of the mining site. Any funds held by the State of North Carolina pursuant to G.S. 74-54 will be credited towards the required amount.
32. The owner shall place funds in the reserve annually in amounts equal to the capital cost estimates provided above divided by the number of years the mining site will be open.
The annual amount shall be calculated as follows:

$$102 \text{ acres} \times \$1,000 = \$102,000 - \$52,100 \text{ State Bond} = \$49,900$$

$$\$49,900 / 10 \text{ years} = \$4,990;$$
 Year + 5% Inflationary Rate:

Year 1	\$4,990.00
Year 2	\$5,239.50
Year 3	\$5,501.48
Year 4	\$5,776.55
Year 5	\$6,065.38
Year 6	\$6,368.64
Year 7	\$6,687.08
Year 8	\$7,021.43
Year 9	\$7,372.50
Year 10	\$7,741.13
33. The first payment shall be made prior to commencement of excavation activities and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the administrator. Such evidence shall be submitted annually, along with the total balance of reserve funds, to the administrator on or before the anniversary of the initial notarized statement.

In the event the mining operation permanently discontinues before the expected timetable submitted, the owner shall pay all remaining amounts to the reserve fund as evidenced by a notarized statement to the administrator.

34. The reclamation shall be in accordance with the state approved reclamation plan.
35. Should any conditions within this permit conflict with any other permit issued for this activity, then the more restrictive condition shall prevail.
36. Berm height to be increased to ten feet with vegetation.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended approval of PB 05-38 as presented with the Technical Review Committee recommendations with the exclusion of conditions #31, #32, and #33. Motion carried unanimously.

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

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

PLANNING BOARD DISCUSSION (12-11-12)

Mr. Klebitz stated they have filed for the state application and items have been addressed from the Technical Review Committee. Mr. Klebitz spoke about removing #31, #32, and #33 from the conditions of the special use permit. Mr. Klebitz provided an overview of discharging of water on the site. Mr. Bright has hired a consultant which goes to the site and monitors the discharge on a regular basis. Mr. Bright has a discharge permit from the state and it is in compliance.

Mr. Kovacs stated the planning board had received a memo from the Back Bay Restoration Foundation and was he familiar with this memo.

Mr. Klebitz stated he had not seen it.

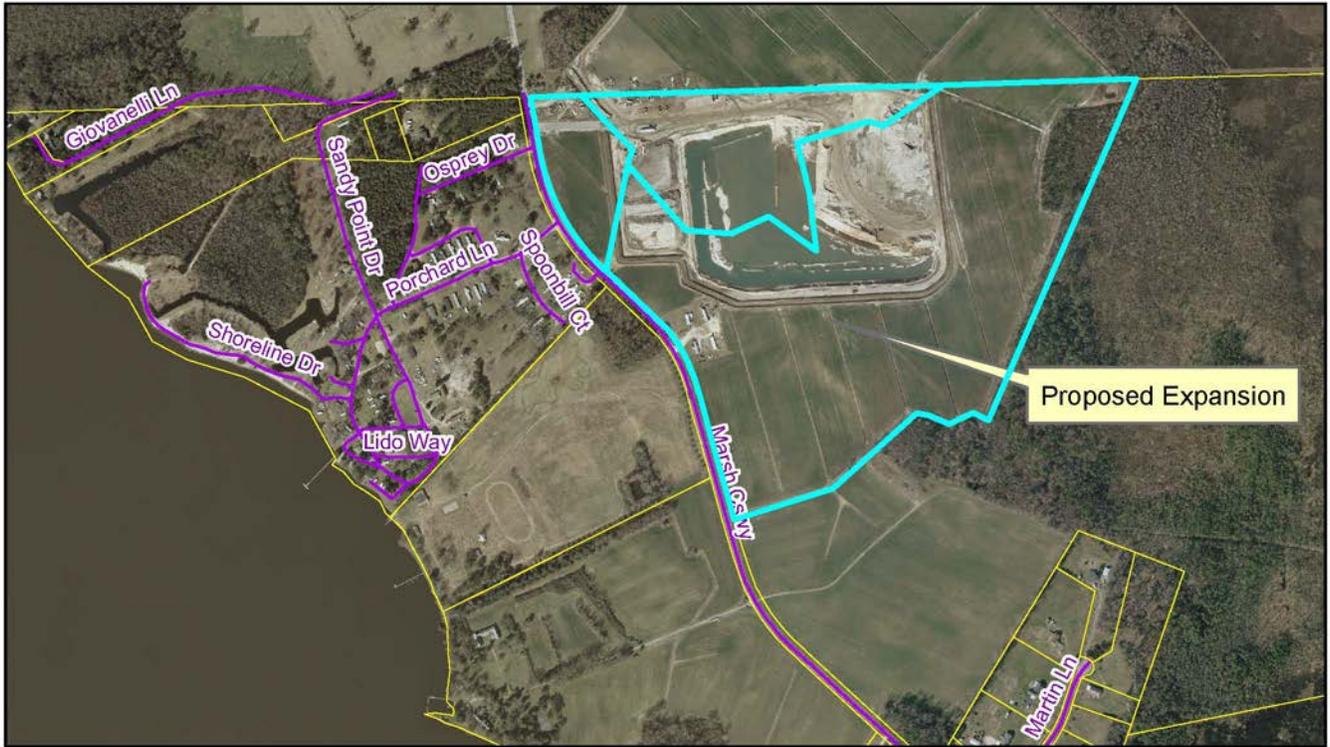
Mr. Barnes, Back Bay Restoration Foundation stated they are a watchdog organization with a mission to preserve, protect, and improve Back Bay and its watershed. They want to make sure the planning board is well advised and stays aware of what is going on with the mine. Mr. Barnes stated they do not have any complaints with Mr. Bright's mine.

Mr. Taylor stated his property adjoins the Bonney Bright property. Mr. Taylor stated his goal is to restore and save the Flyaway Hunt Club; preserve for prosperities the beauty and environmental treasure of this club. Mr. Taylor asked the board to look at this carefully as there are endangered species and highly endangered birds and that an environmental impact study be done.

Mr. Clark stated in the past 20 years Mr. Bright's has one of the cleanest operation in comparison to any other operation that does the same thing, because he lives there. Some of the best hunting and fishing right now on Back Bay in Currituck occurs within eye site of this mine. Mr. Bright has been a good steward of the land and Mr. Clark has never seen any negative impact on the environment, which relates directly to Mr. Bright's sand pit.

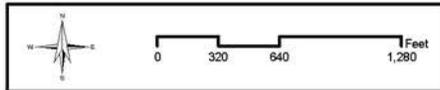
ACTION

Mr. Clark moved to approve PB 05-38 as presented with the Technical Review Committee recommendations with the exclusion of conditions #31, #32, and #33. Mr. Cooper seconded the motion. Motion carried unanimously.



PB 05-38

Bonney Bright
Aerial

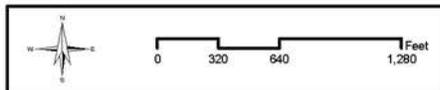


 Currituck County
Planning Department



PB 05-38

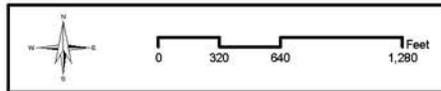
Bonney Bright
Land Use Classification



 Currituck County
Planning Department



PB 05-38
Bonney Bright
Zoning



 **Currituck County**
Planning Department

MEMORANDUM

To: Bissell Professional Group

From: Donna Voliva, Planner

Date: October 17, 2012

Re: Bonney Bright, Special Use Permit - Modification, TRC Comments

The following comments have been received for the October 17, 2012 TRC meeting. The comments listed below must be addressed by October 22, 2012 in order to be placed on the November 13, 2012 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva 252-232-6032

Approved with comments

1. A copy of the state mining permit must be provided to the county.
2. The ordinance requires a 300 foot setback from a public road. The setback may be reduced by 50% when there is a complete visual screen at least six feet in height and an intermittent visual screen to a height of at least 20 feet between the mining activity and the adjoining use. Please provide compliance confirmation of this requirement.
3. NCDENR, Land Quality indicated in late 2007 the Bright Mine was in noncompliance for not having proper permits. Please provide a copy of the permit and date of compliance with state permit.
4. Please provide a copy of the US Army Corps of Engineers wetland delineation. All Corps wetlands shall not be included in the total site area calculation for expansion purposes.
5. In accordance with the UDO, please provide the updated hydrological report that includes the new excavation area.
6. Need to correct the excavation acreage summary to exclude wetland acreage.

Currituck Soil and Water, Mike Doxey

Currituck County Engineer, Eric Weatherly 252-232-6035

Reviewed

1. Please provide a copy of the hydrological report including the expansion.
2. If the operation includes discharge of water from the mine site, please indicate the method of discharge and provide a copy of the state permit.

Currituck County Utilities, Pat Irwin

No comment

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

Approved

Currituck County GIS, Harry Lee

Reviewed

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

No comment

Currituck County Parks and Recreation, Jason Weeks

No comment

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

No comment

NC State Archaeology, Lawrence Abbot

No comment

1. This mine was cleared by the Office of State Archaeology in 2005 and 2006. No additional concerns.
2. An archaeological survey is not recommended.

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

Reviewed

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.



Special Use Permit Application

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

Contact Information

APPLICANT:	PROPERTY OWNER:
Name: <u>Bonney G. Bright</u>	Name: <u>Bonney G. Bright</u>
Address: <u>5513 Buzzard Neck Road</u> <u>Virginia Beach, VA 23457</u>	Address: <u>5513 Buzzard Neck Road</u> <u>Virginia Beach, VA 23457</u>
Telephone: <u>(757) 721-5823</u>	Telephone: <u>(757) 721-5823</u>
Fax Number: <u>(757) 721-5088</u>	Fax Number: <u>(757) 721-5088</u>
E-Mail Address: <u>N/A</u>	E-Mail Address: <u>N/A</u>
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>Same</u>	

Property Information

Physical Street Address: 101 Marsh Causeway, Knotts Island, NC 27950

Location: NC Route 615, bordering NC/VA state line

Parcel Identification Number(s): 005500000010000; 005500000020000; 005500000030000

Total Parcel(s) Acreage: 101.81 +- ac.

Existing Land Use of Property: Mine/Farming (SUP - Bonney Bright Mine)

Request

Proposed Use of the Property: Sand Mine Expansion

Total square footage of land disturbance activity: 65.04 ac.

Total structure coverage: 1,000 s.f. +- Total vehicular area: 1.4 ac. +-

Total square footage of all existing and proposed buildings: 1,000 s.f. +-

Existing gross floor area: 1,000 s.f. +- Proposed gross floor area: 0

Purpose of Special Use Permit and Project Narrative: _____

Expansion of existing sand mine from 29.39 ac. +- (28.9%) of excavation to 49.01 ac. +- (48.1%). Hall roads, screening, recharge ditch, etc. will be modified according to plans.

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.

Mining is permitted in the "A" District under a Special Use Permit.

The site will be posted for "No Trespassing" every 250' as noted on the site plan;

a water truck will continue to maintain the access road for dust control.

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

A undistrubed buffer and 10' visual screening berms are included in the current and proposed mine plan.

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 use is consistant with the current mining operation. The UDO permits sand mines in the "A" district under an SUP.

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

Mining is a permitted use for the "A" district under conditions outlined in the UDO.

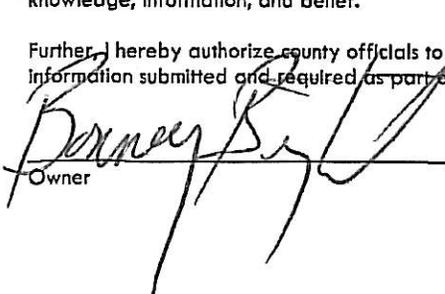
Mining is an extractive industry use with standards as specified under Section 4.2.5.

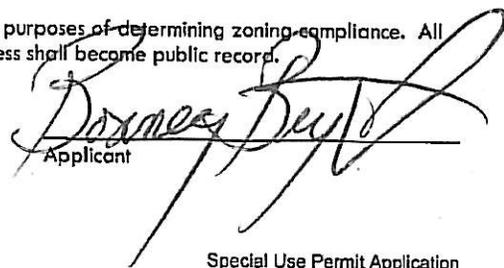
E. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, and law enforcement.

The proposed mine expansion will have no impact on schools. Impact on fire and rescue, law enforcement and other 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.


Owner


Applicant

GROUNDWATER MONITORING AND RECHARGE PLAN

CURRITUCK COUNTY MINE

BONNEY BRIGHT SAND COMPANY
VIRGINIA BEACH, VIRGINIA

Prepared For:
Currituck County
Department of Planning

19 November 2012

 Sigma Environmental Services, Inc.

1513 Sandbridge Road
Virginia Beach, Virginia 23456

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Figure 1. Groundwater Monitoring Well Locations

Figure 2. Water Control Structure and Recharge Ditch Locations

Table 1. Monitoring Well Characteristics

Table 2. Water Level Summary Data

Appendix A USGS Well Log Data

Appendix B Monitoring Well Water Level Dataset

Appendix C Mine Pump Outfall Chloride Dataset

Appendix D Monitoring Wells Chloride Dataset

Purpose

The purpose of this Groundwater Monitoring Report and Recharge Plan is to address comments raised by the Currituck County Department of Planning Technical Review Committee (TRC) during their October 11, 2012 meeting regarding a proposal by the Bonney Bright Sand Company to expand its existing sand mining operation. The County is concerned that the expanded operation may negatively affect the production and quality of drinking water from private wells located within 2000 linear feet of the mine. This Groundwater Monitoring Report and Recharge Plan provides (1) an analysis of the performance data acquired from onsite groundwater monitoring wells since 2007, (2) an analysis of chloride concentrations measured within the monitoring wells and at the mine pump outfall, (3) a discussion of structure, function, and performance of the existing groundwater recharge system, and (4) provides predictions and conclusions on the potential effects, or the lack thereof, of the mine expansion on existing residential wells.

Background

The Bonney Bright Sand Company owns and operates an open pit sand mine at 100 Marsh Causeway Road, Knotts Island, Currituck County, North Carolina. The mine operates pursuant to Currituck County Special Use Permit PB 05-38 issued on May 16, 2006 and NC Mining Permit Number 27-49, which remains valid through March 8, 2016. NPDES Stormwater Permit Coverage is provided under COC Number NCG020701 issued on February 11, 2010.

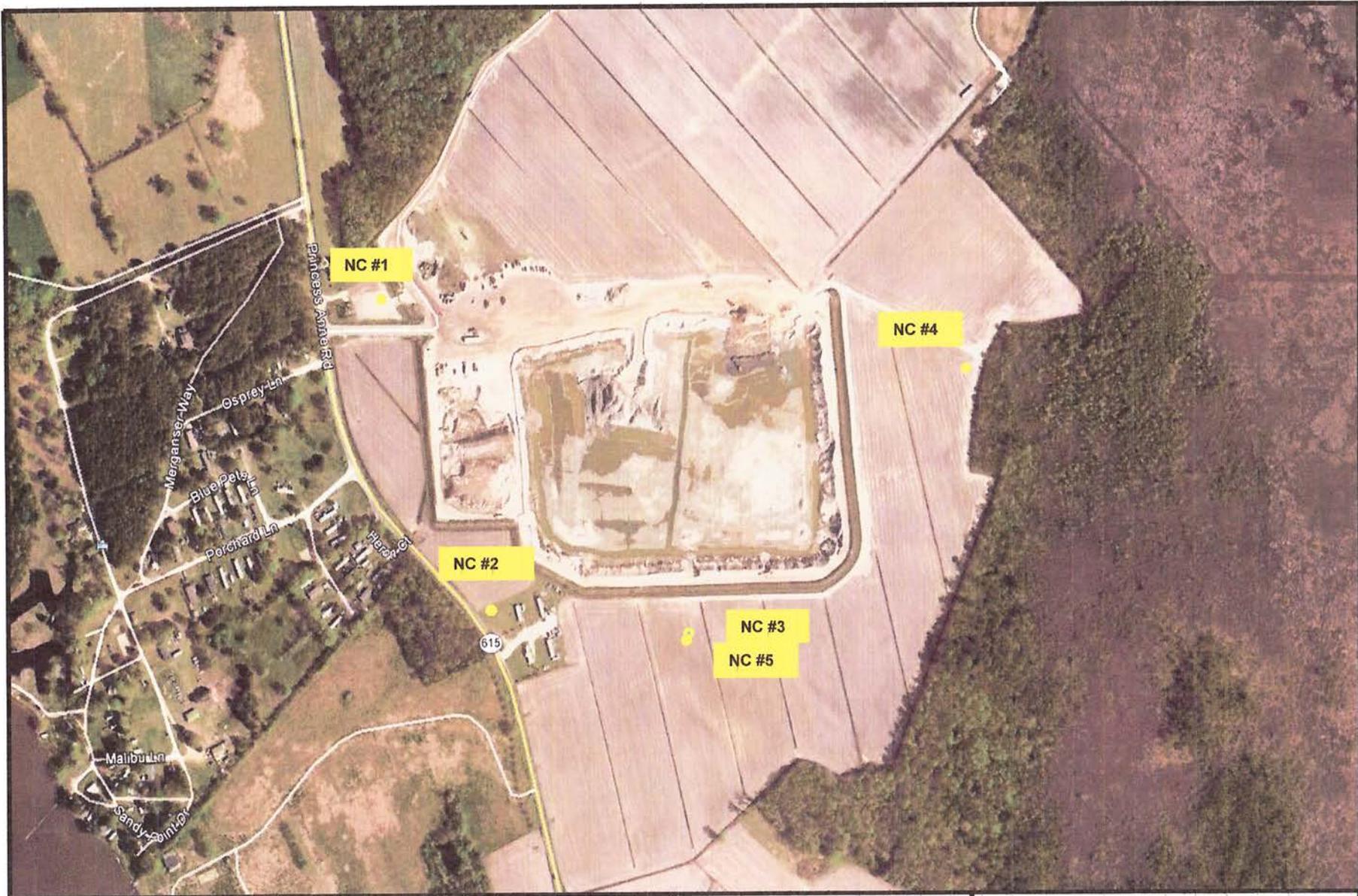
An application has been made to the Currituck County Board of Commissioners to expand the existing mine from 29.93 to 49.01 acres. Expansion will be accomplished to the east and south of the existing mine.

Existing Groundwater Monitoring Wells

As a condition of the Currituck County 2006 Special Use Permit, four (4) groundwater monitoring wells were installed surrounding the mine site. The wells are located and identified on Figure 1 as:

- NC Well #1 Tower
- NC Well #2 Trailer
- NC Well #3 Field Behind Trail
- NC Well #4 Back Field Near Woods

In 2010, at the request of the City of Virginia Beach, an additional well, labeled as NC Well #5, was installed immediately adjacent to NC Well #3. NC Well #5 was installed approximately 5 times deeper than the original four (4) wells (see Table 1 below). The purpose of the new well



 Sigma Environmental Services, Inc.

**GROUNDWATER MONITORING WELL
LOCATIONS**

Figure 1

was to augment the City's evaluation of dewatering effects on groundwater levels on a sub-regional basis. This effort was also coordinated with the United States Geological Survey (USGS) office in Richmond, Virginia.

Water levels in the wells are measured weekly and reported quarterly. Water samples are collected and analyzed for chloride concentration and reported to the County quarterly. Quarterly water samples are also collected and analyzed for the following parameters:

- pH
- Specific Conductivity
- Chloride
- Alkalinity
- Sulfate
- Sodium
- Calcium
- Potassium
- Magnesium
- Iron

However, for the purpose of this report, the only parameter analyzed is chloride.

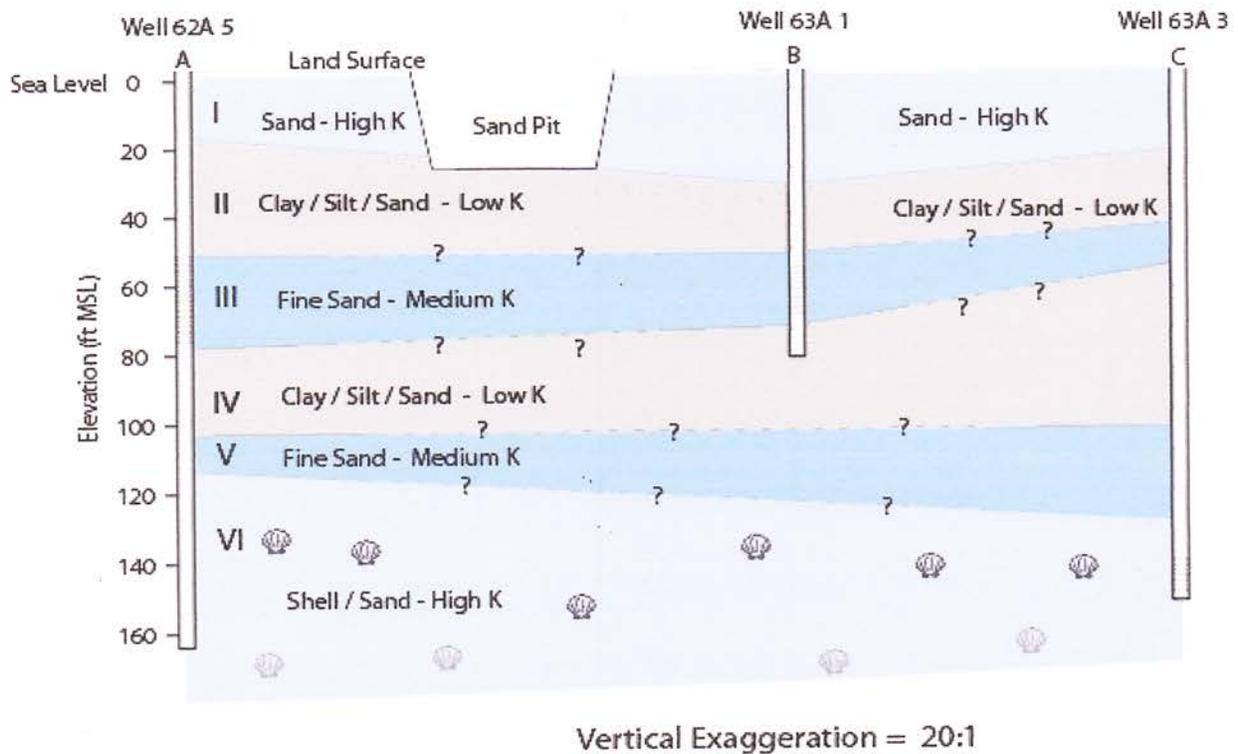
The depth of individual wells and their respective distance from the edge of the mine pit are important parameters which must be taken into consideration when analyzing the results of the collected well data. The current monitoring well characteristics are:

Table 1. Monitoring Well Characteristics

Well	Depth Below Ground Surface ft.	Distance From Edge of Mine ft.
NC Well #1 Tower	13.83	750
NC Well #2 Trailer	15.25	240
NC Well #3 Field Trail	15.17	230
NC Well #4 Back Woods	15.17	790
NC Well #5	69.16	240

Hydrogeomorphic Setting

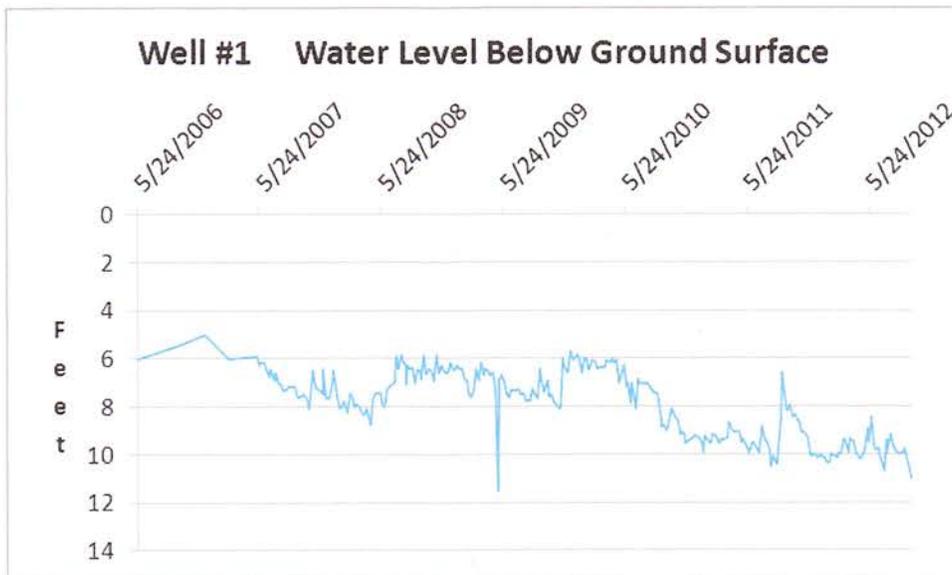
The existing mine is permitted to excavate to a depth of 30 feet the ground surface or 26 feet below MSL. This roughly coincides with the upper level of a confining clay unit (aquatard) which averages approximately 30 feet thick. The area between the soil surface and the first aquatard supports the surface aquifer. Below the aquatard, the Columbia aquifer exists at depths between 60 and 85 feet below the surface. Below 85 feet, another aquatard is present which separates the Columbia aquifer from the Yorktown aquifer, prevalent below 100 feet. The aquatards generally prevent vertical and horizontal migration of water between aquifers. Traditionally, most residential wells located within the general vicinity of the mine utilize water extracted from the Columbia aquifer situated between 60 and 85 feet below the surface. In 2010 the United States Geological Survey (USGS) conducted additional studies of the subsurface stratigraphy along a north-south transect that encompassed both the Virginia Beach and Currituck mines. A copy of the USGS log data is included at Appendix A. The results of the USGS study correspond to the information presented in the 2005 Hydrological Study prepared by Groundwater Management Associates (GMA). The following chart provides a cross-sectional visualization of the hydrogeomorphic stratigraphy immediately north of the Currituck County mine.

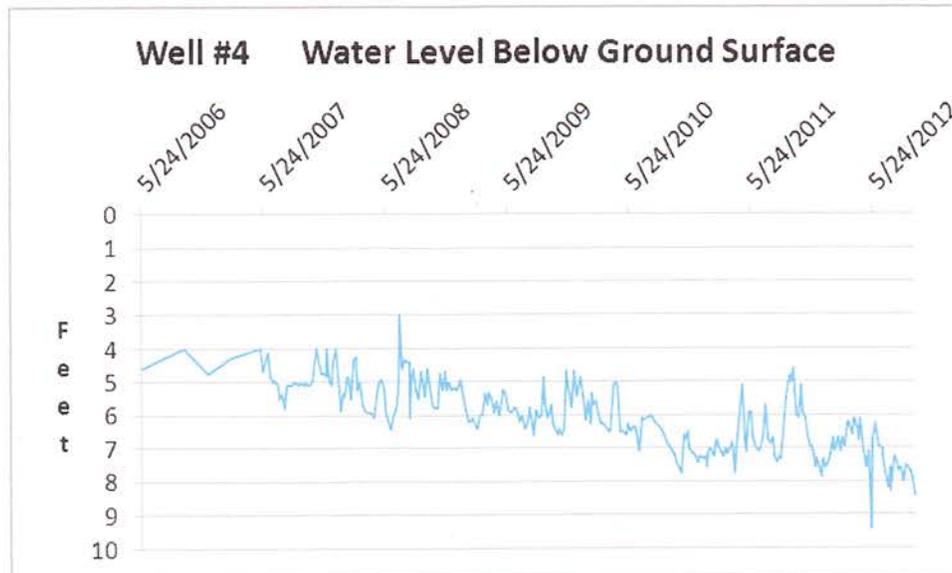
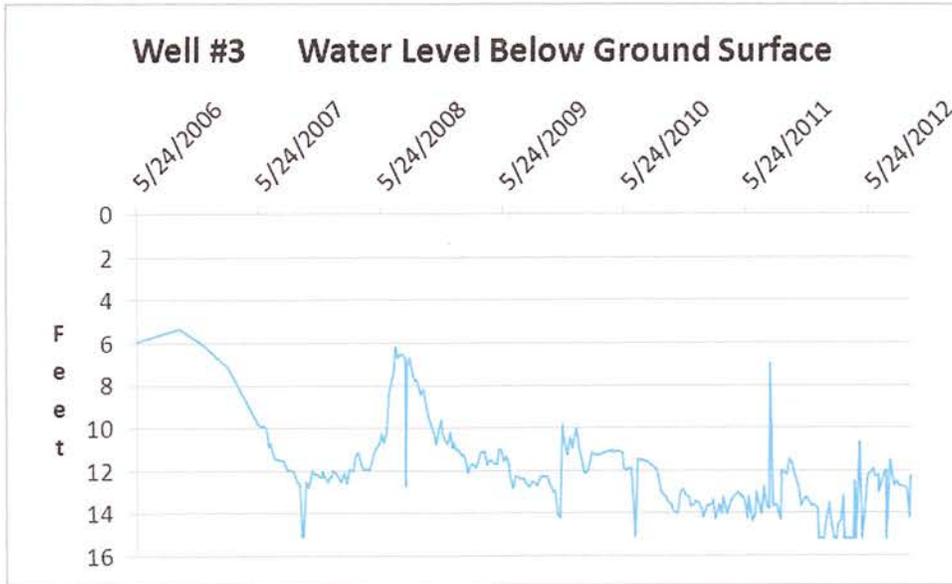


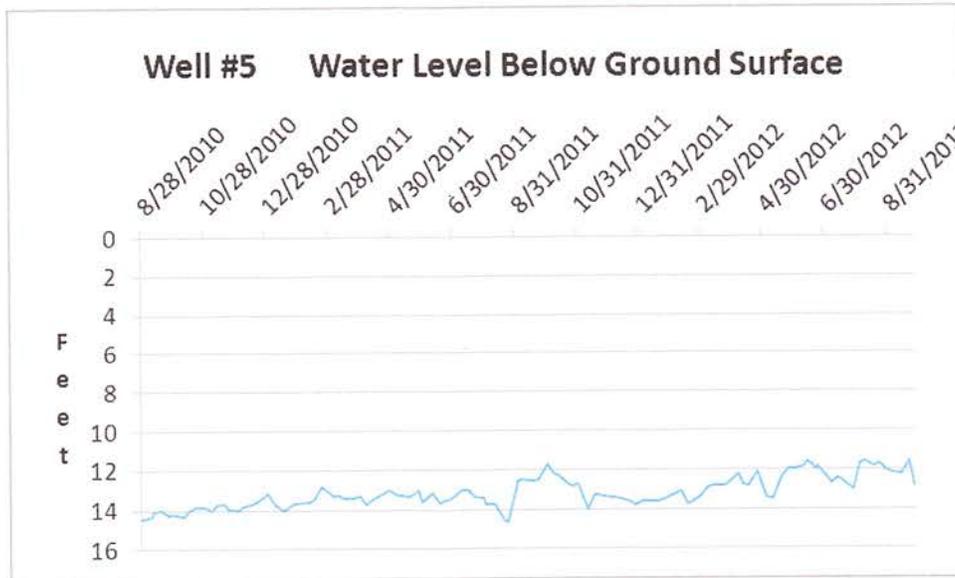
USGS 2010. INITIAL HYDROSTRATIGRAPHY DEFINED IN 2008. DATA FROM USGS WELLS

Monitoring Well Performance

To assess performance of the groundwater table in response to mine pit dewatering operations, Sigma evaluated existing water level data obtained from the five (5) groundwater monitoring wells surrounding the Currituck County Mine. Starting on May 24, 2006 and running through September 27, 2012, water levels in the four original wells (NC #1, NC #2, NC #3 & NC #4) were measured two hundred eighty five (285) times. Collection of water level data from monitoring well NC #5 was initiated on August 28, 2010, and provided 109 readings. The complete dataset is attached at Appendix B. The data were plotted and the charts are provided below.



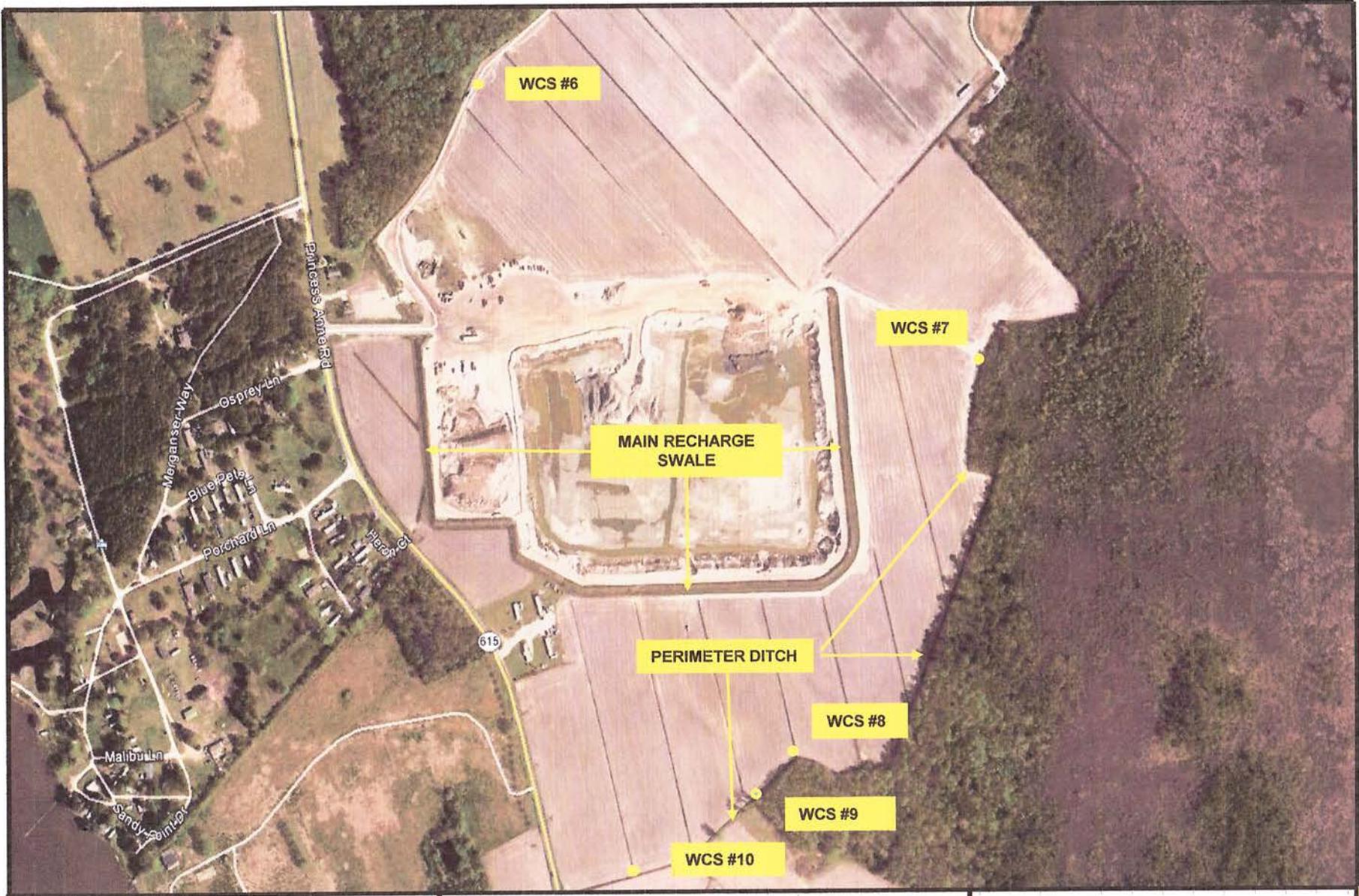




During the monitoring period, well NC #2 was recorded as dry 121 out of 285 readings or 42% of the time. Therefore, a graph was not prepared for well NC #2 since the data fell below any reasonable statistical confidence level. Well NC #3 was recorded as dry 10 out of the 285 readings. To enable the computer program to graph the data, the dry readings were assigned the depth of the well bottom, 14.67 feet.

Groundwater Monitoring Results and Interpretation

The water level for each well was summed and averaged, and the minimum and maximum range readings are displayed on Table 2 below. Well readings which were recorded as “dry” were not included in the calculations or assigned a surrogate value. A water depth of 15.25 feet in well NC #2 was the recorded maximum depth to water excluding “dry” recordings. Well NC #2 is located 240 feet from the edge of the mine and is 15.25 feet deep. Well NC #5 is also located 240 feet from the edge of the mine and southeast of well NC #2, however it is 69.16 feet deep. Based on a continuous data set obtained from the deeper NC #5 well, it is anticipated that the ground water level performance at NC #2 would demonstrate similar values and trends had the well been advanced deeper. The recorded maximum depth of 15.25 feet is approximately 10 feet above the drawdown level reached during periods of maximum dewatering within the mine, roughly 25 feet. The levels clearly indicate that the drawdown levels (cone of depression)



measured in the wells surrounding the existing mine where confined entirely to the surface aquifer and would appear to have no adverse impact on water levels and well performance of private wells extracting water from the Columbia aquifer.

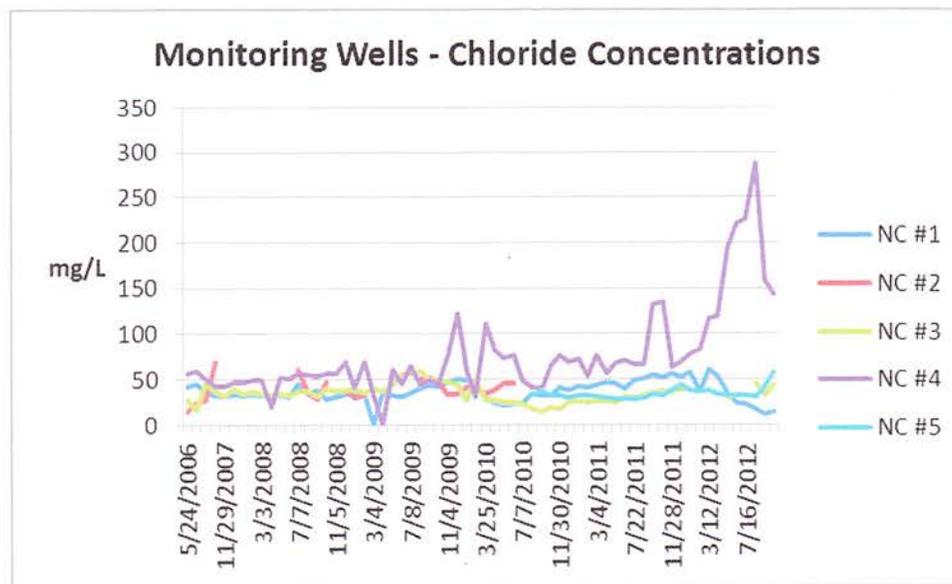
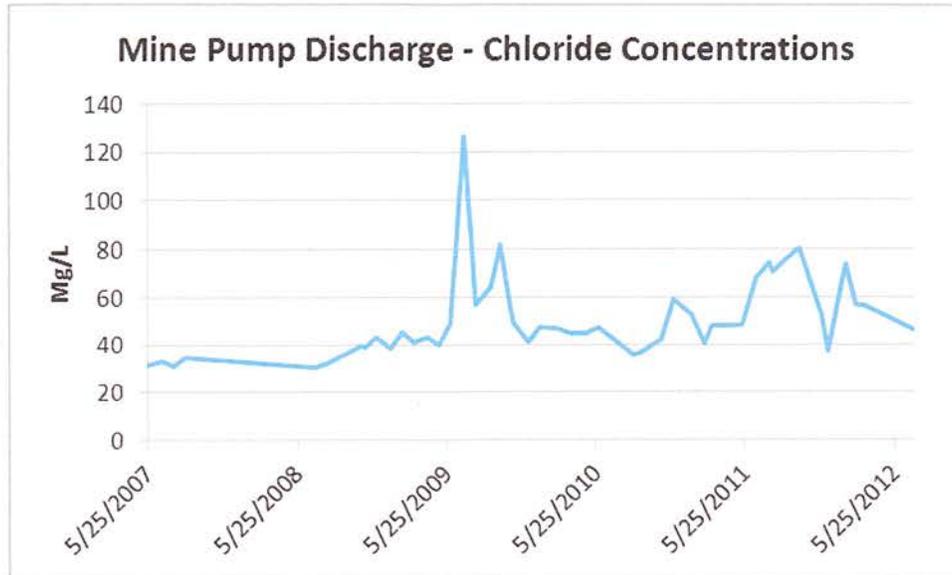
Table 2. Water Level Summary Data

DEPTHS					
feet below ground surface	NC #1	NC #2	NC #3	NC #4	NC#5
Average	7.88	12.89	11.74	6.02	13.06
Max	11.5	15.25	15.08	9.4	14.67
Min	5.4	7.16	4.83	3	11.5

Water levels in all monitoring wells generally stayed within the drawdown ranges predicted in the 2005 GMA study. The proposed mine expansion will be located to the south and east of the existing mine. As a consequence, no additional private wells will be brought into either the 10-foot or 5-foot drawdown elevations of the hypothetical cone of depression modelled by GMA. Therefore, no additional impacts to existing private wells is anticipated to result from the proposed mine expansion. Monitoring wells NC #3 and NC #5 will be removed and relocated south of their current location, placing them closer to private wells. Future data generated from the relocated wells should, theoretically, have stronger predictive value in determining the migration of the cone of depression on those private wells.

Chloride Level Monitoring

Chloride levels are often used to track or predict salt water intrusion within subaqueous aquifers. Aqueous chloride concentrations are sampled and analyzed from the existing wells and at the mine pump discharge outfall on a monthly basis, and are reported quarterly. While the U. S. Environmental Protection Agency (EPA) has not established an enforceable water quality standard for chloride, a secondary standard of 250 mg/L is widely used. At that concentration, many individuals can slightly taste the salt and therefore is usually not considered suitable for regular consumption. The following graphs provide a visual depiction of the chloride concentration recorded at the mine pump outfall structure and within the monitoring wells. The dataset from the mine pump is provided at Appendix C and Appendix D provides the dataset from the monitoring wells.



Two outliers exist within the monitoring well dataset. First, a reading of 221 mg/L in well NC #1 was recorded by the analytical laboratory on 4 March 2009, and second, a reading of 350 mg/L was recorded for well NC #4 on 7 April 2009 (see Appendix D). Sigma believes these are most likely transcription errors since the values do not correspond to the general trends analysis for the respective wells. Both values were eliminated from the calculations and results graphing.

Well NC #4 is located in the far southeastern corner of the property and is situated immediately adjacent to a portion of the perimeter ditching that has unrestricted flow to Back Bay. Additionally, the area to the south of the perimeter ditch supports vegetated wetlands which receive surface flooding from Back Bay. During periods of prolonged storm events, the wind pushes saline waters up the ditch from the bay which can overtop the surface around the well and/or provide lateral movement from the ditch to the well screening. Sigma believes that well NC #4 has become somewhat contaminated with chloride from such flooding events. It is anticipated that this well will continue to show similar response behavior in the future, with or without expansion of the mine. However, the well is located over 2000 linear feet from the nearest private well, and given the average drawdown of 6 feet below the soil surface, the chloride trends recorded in well NC #4 have little or no predictive value on the future performance of the private wells at those distances from the well.

All five monitoring wells continuously recorded chloride levels far below the 250 mg/L secondary standard level, except as explained above for well NC #4 above. The overall data trends do not suggest that saltwater intrusion is occurring horizontally within the aquifer, but rather is confined to the nearshore zone of Back Bay and its tributaries.

Recharge System

The existing mine is dewatered using a diesel operated pump located on the west side of the pit. Water is pumped to the surface where it is discharged into a dewatering ditch and recharge swale (hereafter referred as the main swale). The main swale surrounds the mine on three sides and is approximately 20 feet wide, 4 feet deep and is 3,525 feet in length. Once the water level in the main swale rises to the invert elevation of several culverts located on the south side of the mine, water flows into a series of interconnected farm field ditches, having a total length of approximately 5,377 linear feet. The farm field ditches then connect to a 3,882-foot long perimeter ditch. Five (5) flashboard riser water control structures (WCS) are located within the perimeter ditch. The flash boards are maintained at a relatively high elevation to (1) provide maximum resident time to optimize settling of particulate and suspended solids, (2) provide prolonged opportunity for infiltration and ground water recharge, and (3) to maintain appropriate soil moisture content in the surrounding agricultural fields. The high water levels in the ditch also serve to supplement supporting hydrology to the forested wetlands located adjacent to, but outside of, the mine permit area.

The volume of water pumped from the mine is recorded daily and is calculated using a pump discharge curve table. However, the volume of water discharged at the NPDES outfall structure (WCS #7) is only measured when NPDES water samples are taken, usually 4 times per year. As a consequence, the total volume of water that potentially leaves the recharge system and conversley, the total amount of mine pump discharge water that is recharged back into the surface aquifer, is not quantifiable. However, the efficacy of the adjacent Virginia Beach mine

owned and operated by the Bonney Bright Sand Company was calculated for calendar 2009 and may be used for comparative purposes. The main recharge swale at the Virginia Beach mine is approximately 4,900 feet in length with an additional 3,890 linear feet of interconnecting agricultural ditching. The volume of water pumped from the mine was calculated and recorded daily using a pump discharge curve table. The volume of water discharged at WCS #5 (VA NPDES outfall #2) was recorded and calculated daily based on overflow measurements taken above the top flash board. The difference between the pumped volume and the discharge volume equates to potential recharge volume. Evapotranspiration will account for a small percentage of loss to the recharge volume, increasing during the summer months and decreasing in the winter months. During the assessment period, approximately 142 million gallons of water were pumped from the mine while only 21 million gallons were discharged at WCS #5. The remaining 121 million gallons were retained on-site and recharged into the soil or lost through evapotranspiration, thus achieving an 86% recharge rate. The Currituck County mine has similar recharge swale and agricultural ditch characteristics and therefore a reasonable assumption can be made that similar potential rates of recharge occur at the Currituck County mine. While some agricultural ditch lineage will be lost by expansion of the mine, the existing recharge system will continue to be utilized and should perform at similar levels.

Conclusions

Results of the groundwater level analyses clearly demonstrate that dewatering of the existing mine has performed within the drawdown ranges originally predicted in the GMA report. The existing recharge system was constructed in a similar manner to the Virginia Beach mine recharge system. It is anticipated that recharge system performance at the Currituck County mine provides similar values and rates experienced at the Virginia Beach mine and thus serves to mitigate the dewatering impacts to the surface aquifer. Levels of the saltwater predictor chloride, demonstrated relatively stable trends, except as noted for well NC #4. Since the expansion activities will be undertaken at distances further removed from the closest private wells than what currently exists, it is Sigma's opinion that very little, if any, additional impacts will result from future dewatering activities on those private wells.

References

Groundwater Management Associates, 2005. Hydrological Study Bonney Bright Sand Mine Currituck County, North Carolina. Elizabeth City, NC. 6p.

Smith, Barry S., USGS, 2003. Ground-Water Flow and Saline Water in the Shallow Aquifer System of the Southern Watersheds of Virginia Beach, Virginia. Water-Resources Investigations Report 03-4258

Ward, A. D., W.J. Elliot, Environmental Hydrology. 1995. CRC Press, Boca Raton, FL. 462 p.

APPENDIX A

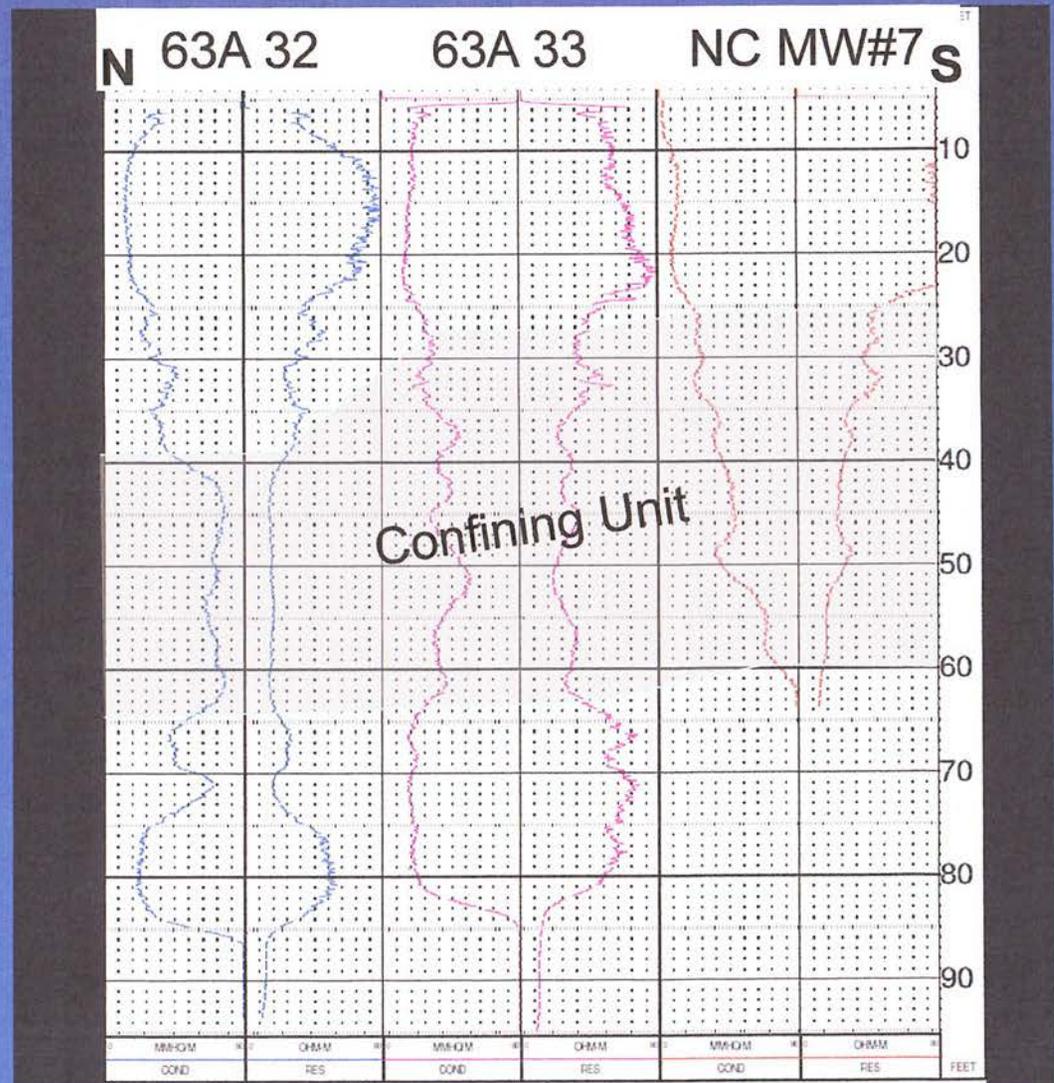
USGS Well Log Data

Bonney Bright Summary – Logging and Coring

Hydrogeologic Framework – Thickness of Confining Unit



- Fining downward sequence
- Sands, silts, and dense clays
- Confining Unit Thickness > 30 ft



APPENDIX B

Monitoirng Well Water Level Dataset

Date	Water Depth From Surface				
	Well #1	Well #2	Well #3	Well #4	Well #5
5/24/2006	6	7.3	5.9	4.6	
9/27/2006	5.42	7.16	5.33	4	
12/12/2006	5	7.75	6.08	4.75	
2/20/2007	6	8.58	7.17	4.25	
5/18/2007	5.92	11.58	9.67	4	
5/25/2007	6.25	12	9.84	4.67	
5/29/2007	6.17	12	9.92	4.5	
6/9/2007	6.17	12.08	9.92	4.08	
6/16/2007	6.5	12.83	10	4.83	
6/23/2007	6.75	12.5	10.83	5	
6/29/2007	6.42	12.33	10.67	4.92	
7/7/2007	6.92	13.17	11.33	5.08	
7/14/2007	6.58	13.42	11.42	5.5	
7/21/2007	7	13.25	11.42	5.33	
7/27/2007	7.08	13.25	11.5	5.75	
8/4/2007	7.33	14.17	11.5	5.08	
8/11/2007	7.25	14.5	11.75	5.08	
8/18/2007	7.17	14	12	5.08	
8/24/2007	7.17	13.92	12	5	
8/30/2007	7.17	14.33	12	5	
9/7/2007	7.17	14.08	12.08	5.08	
9/15/2007	7.58	15.17	12.5	5	
9/22/2007	7.58	15.17	12.58	5.08	
9/29/2007	7.5	15.17	15.08	5	
10/6/2007	7.5	15.08	15.08	5.08	
10/13/2007	7.67	15.17	12.5	5.08	
10/21/2007	8.08	15.17	12.75	4.92	
10/30/2007	6.5	14.08	12	4	
11/30/2007	6.42	14.17	12.03	4	
11/9/2007	7.17	14.42	12.17	4.42	
11/17/2007	7.25	14.5	12.17	4.75	
11/24/2007	7.33	dry	12.25	4.75	
11/29/2007	7.5	dry	12.25	4.83	
12/8/2007	7.58	dry	12.33	4.92	
12/15/2007	7.67	dry	12.5	5.08	
12/21/2007	7.58	15.17	12.33	4.42	
12/28/2007	7.08	15.25	12.25	4	
1/2/2008	6.5	15.17	12	4.42	

1/13/2008	7.58	dry	12.17	5.84
1/19/2008	8.08	dry	12.33	5.33
1/25/2008	8	dry	12.5	5.42
2/1/2008	7.75	dry	12.25	4.84
2/4/2008	7.92	dry	12.08	4.84
2/12/2008	8.25	dry	12.58	5.5
2/18/2008	7.42	dry	11.92	4.33
2/25/2008	7.58	dry	12	4.25
3/3/2008	8	dry	12	5.25
3/10/2008	7.84	dry	11.25	5
3/17/2008	8	dry	11.17	5.67
3/24/2008	8.25	dry	11.67	5.84
3/31/2008	8.33	dry	11.92	5.92
4/7/2012	8.08	dry	11.92	5.92
4/14/2008	8.33	dry	11.92	5.92
4/21/2008	8.75	dry	11.92	6.08
4/28/2008	7.67	dry	11.42	5.42
5/5/2008	7.42	dry	11	5
5/12/2008	7.42	dry	10.84	4.92
5/19/2008	7.42	11.58	10.67	5.25
5/26/2008	7.84	dry	10.25	5.84
6/2/2008	8	dry	10.67	6.17
6/9/2008	7.25	dry	10.17	6.42
6/16/2012	7.17	dry	8.33	6
6/23/2008	7.08	dry	7.84	5.84
6/30/2008	7	dry	7.25	5.25
7/7/2008	5.92	8.84	6.17	3
7/14/2008	6.42	9.33	6.67	4.58
7/21/2008	5.83	8.75	6.5	4.33
7/28/2008	6.17	8.1	6.58	4.42
8/4/2008	6.25	9.17	6.75	4.42
8/11/2008	6.25	9.33	7.17	5
8/18/2008	6.42	9.67	6.67	4.58
8/25/2008	6.38	9.75	7.25	5.25
9/1/2008	7	10.42	7.75	5.5
9/8/2008	6.5	10.58	7.75	4.67
9/15/2008	6.5	11.25	8.17	5.17
9/22/2008	6.84	11.25	8.42	5.42
9/29/2008	5.84	10.67	8.17	4.58
10/6/2008	6.64	11.42	8.84	5.17
10/13/2008	6.42	12.08	9.5	5.67

10/20/2008	6.5	12.02	9.84	5.75
10/27/2008	6.92	12.92	10.17	5.75
11/5/2008	5.84	dry	10.75	4.75
11/12/2008	6.58	13.33	10.08	5.25
11/19/2008	6.25	12.42	9.58	4.67
11/26/2008	6.42	12.75	10.25	5.25
12/3/2008	6.58	13	10.58	5
12/10/2008	6.58	13.42	10.75	5.25
12/17/2008	6.17	12.75	10.17	5.17
12/24/2008	6.42	12.75	10.92	5.25
12/30/2008	6.5	12.84	10.67	5.17
1/7/2009	6.25	13.17	11	4.92
1/14/2009	6.42	13.5	11	5.42
1/21/2009	6.45	13.25	11.25	5.85
1/27/2009	6.84	13.33	11.25	6.17
2/4/2009	6.92	13.33	11.75	6.17
2/10/2009	7.42	13.58	12.08	6.08
2/16/2009	7.58	dry	11.75	6.25
2/24/2009	7.33	dry	11.67	6.42
3/4/2009	6.42	dry	11.84	6
3/11/2009	6.92	dry	11.58	6
3/18/2009	6.17	13.75	11.17	5.33
3/25/2009	6.67	13.58	11.17	5.67
3/31/2009	6.42	12.92	11.08	5.3
4/7/2009	6.5	dry	1.75	5.5
4/16/2009	6.67	13.17	11.5	5.92
4/21/2009	6.58	14.33	11.58	5.58
4/29/2009	7.17	dry	11.67	6
5/6/2009	11.5	13.58	11.67	5.58
5/12/2009	6.84	13.17	11	5.25
5/20/2009	6.67	13.25	11	5.33
5/26/2009	7	13.42	11.58	5.84
6/2/2009	7.5	dry	11.33	5.92
6/9/2009	7.58	dry	11.75	5.84
6/16/2009	7.33	dry	12.33	5.75
6/23/2009	7.33	dry	12.8	5.84
6/30/2009	7.33	dry	12.25	6.17
7/8/2009	7.25	dry	12.25	6
7/15/2009	7.5	dry	12.42	6.42
7/21/2009	7.42	dry	12.33	6.25
7/31/2009	7.75	dry	12.58	5.75

8/5/2012	7.08	14.33	12.67	6.08
8/12/2009	7.75	14.33	12.75	6.58
8/17/2009	7.25	14.33	12.5	5.84
8/25/2009	7.5	14.58	12.58	6.08
9/2/2009	7.67	14.56	12.67	6
9/11/2009	6.42	14.25	12.42	4.84
9/16/2009	6.92	13.92	12.25	5.67
9/21/2009	7.4	14	12.25	6.08
10/2/2009	6.92	13.67	12.25	5.67
10/7/2009	7.58	14	12.5	6.25
10/16/2009	7.5	14.5	12.75	6.42
10/22/2009	7.84	14.67	13	6.58
10/27/2009	7.84	14.75	12.92	6.42
11/4/2009	8	14.84	14.08	6.58
11/9/2009	8.08	dry	14.17	6.42
11/18/2009	6	11.92	9.84	4.67
11/24/2009	6.33	12.08	10.5	5.08
12/2/2009	6.58	12.5	11.25	5.75
12/11/2009	5.67	11.67	10.42	4.67
12/18/2009	6.08	11.17	10.92	5.42
12/24/2009	6	10.75	10.5	5.25
12/29/2009	5.84	10.25	10	4.84
1/6/2010	6	11.92	10.92	5.42
1/15/2010	6.58	12.16	11.42	6.16
1/23/2010	6	12	12.08	5.58
1/29/2010	6.08	12.08	12.08	6.25
2/3/2010	6.5	11.67	11.92	5.33
2/8/2010	6.42	10.83	11.83	5.67
2/16/2010	6.08	10.83	11.16	5.58
2/26/2010	6.16	11.42	11.25	6.16
3/2/2010	6.42	11.58	11.25	6.25
3/11/2010	6.35	11.16	11.25	6.25
3/23/2010	6.35	11.16	11.16	6.5
3/29/2010	6.08	11.08	11.16	6.5
4/7/2010	6.16	11.08	11.08	5.08
4/16/2010	6	11.83	11	5
4/22/2010	6.16	11.75	11.16	5.16
4/29/2010	6.08	11.16	11.1	6.5
5/5/2010	7	11	11.08	6.5
5/15/2010	6.5	11	11.16	6.58
5/19/2010	6.25	11.85	11.85	6.25

5/28/2010	7.16	12.85	12	6.5	
6/2/2010	7	12.85	11.92	6.42	
6/7/2010	7.85	12.75	11.85	6.33	
6/14/2010	7	12.85	11.92	6.42	
6/26/2010	8.08	15.17	15.08	7.08	
7/2/2010	6.85	12.42	11.42	6.08	
7/7/2010	7.08	dry	11.5	6.16	
7/16/2010	7	dry	11.5	6.08	
7/21/2010	7.08	dry	11.58	6.08	
7/29/2010	7	dry	11.58	6	
8/4/2010	7.16	dry	11.67	6.16	
8/13/2010	7.33	dry	11.75	6.25	
8/19/2010	7.42	dry	11.85	6.33	
8/28/2010	7.42	dry	11.92	6.42	14.42
9/7/2010	8.58	dry	13	6.67	14.33
9/9/2010	8.85	dry	12.92	6.67	14.08
9/16/2010	8.75	dry	13.08	6.85	14
9/24/2010	9	dry	13.25	6.92	14.25
9/28/2010	8.85	dry	13.42	7	14.16
10/9/2010	8.08	dry	13.58	7.25	14.33
10/14/2010	8.25	dry	13.75	7.42	14
10/20/2010	8.42	dry	13.92	7.58	13.85
10/30/2010	8.58	dry	14	7.75	13.85
11/5/2010	9.16	dry	13.08	6.58	14
11/10/2010	9	14.85	12.92	6.75	13.75
11/16/2010	9.16	dry	12.85	6.5	13.67
11/22/2010	9.58	dry	13.08	7	13.92
11/30/2010	9.42	dry	13.25	7.16	14
12/7/2012	9.42	dry	13.67	7.16	13.83
12/16/2010	9.25	14.75	13.58	7.42	13.67
12/22/2010	9.25	14.25	13.42	7.25	13.5
12/31/2010	9.33	13.92	13.5	7.33	13.16
1/7/2011	9.58	dry	13.85	7.25	13.75
1/14/2011	9.92	dry	14.16	7.58	14
1/18/2011	9.25	dry	14	7.08	13.92
1/24/2011	9.42	dry	13.67	7	13.67
2/4/2011	9.58	dry	13.58	7.25	13.58
2/9/2011	9.16	dry	13.58	6.85	13.58
2/14/2011	9.16	dry	13.33	6.75	13.5
2/21/2011	9.25	dry	14.25	7	12.83
3/4/2011	9.58	dry	13.58	7.25	13.25

3/11/2011	9.33	14.7	14	7	13.25
3/14/2011	9.42	14.79	13.25	7.16	13.42
3/25/2011	9.27	dry	14.02	6.92	13.42
3/31/2011	8.67	14.75	13.84	6.83	13.25
4/6/2011	8.92	14.48	13.42	7.75	13.75
4/13/2011	9.08	dry	13.23	6.58	13.5
4/19/2011	9.08	dry	13.23	6.85	13.33
4/29/2011	9.02	8	13.02	5.1	13.03
5/7/2011	9.5	14.06	13.25	6.75	13.25
5/13/2011	9.33	14.28	13.16	7.08	13.25
5/19/2011	9.58	dry	13.42	5.92	13.33
5/28/2011	9.75	14.67	14.25	5.92	13
5/31/2011	9.92	dry	13.25	6.67	13.58
6/11/2011	9.5	dry	14.33	7	13.16
6/18/2011	9.67	14.79	14.09	7.08	13.67
6/22/2011	9.75	dry	13	7	13.53
6/28/2011	9.92	dry	13.5	6.67	13.5
7/9/2011	8.83	14.7	14	5.67	13
7/15/2011	0.33	dry	12.75	6.75	13
7/22/2011	9.5	14.33	13.67	6.85	13.33
7/30/2011	9.75	14.33	13.75	6.67	3.42
8/2/2011	10.5	14.45	7	7.25	13.75
8/11/2011	10.08	dry	13.67	7.42	13.75
8/20/2011	10.33	dry	13.58	7.23	14.5
8/24/2011	10.42	dry	13.67	7.33	14.67
9/3/2011	8.42	14.72	14.32	6	12.58
9/6/2011	6.58	dry	12	5.5	12.5
9/17/2011	8	14.53	12.17	4.83	12.58
9/23/2011	8.16	14.42	12.16	5	12.48
10/1/2011	7.92	14.45	11.42	4.58	11.75
10/7/2011	8.42	dry	11.67	6	12.16
10/13/2011	8.33	dry	12.16	6.08	12.33
10/21/2011	8.58	dry	12.58	5.08	12.67
10/27/2011	8.58	dry	12.75	5.92	12.85
11/1/2011	9.08	dry	13.67	6.08	12.67
11/11/2011	9.08	14.79	13.34	6.67	13.98
11/17/2011	9.25	dry	13.25	6.92	13.25
11/21/2011	9.33	dry	13.33	6.92	13.25
11/28/2011	10	dry	13.5	7.23	13.33
12/8/2011	10	dry	13.58	7.33	13.42

12/4/2011	10.08	dry	13.67	7.58	13.42
12/22/2011	10.16	dry	13.75	7.85	13.58
12/27/2011	10.08	dry	dry	7.33	13.83
1/2/2012	10.08	dry	dry	7.58	13.58
1/12/2012	10.16	dry	dry	7.42	13.58
1/18/2012	10.33	dry	14.16	7.16	13.58
1/27/2012	10.33	dry	13.5	6.67	13.42
1/30/2012	10	dry	14.16	7.08	13.33
2/10/2012	10.08	dry	dry	6.67	13.11
2/16/2012	10.16	dry	dry	7.08	13.75
2/21/2012	10	dry	14.51	6.67	13.58
2/29/2012	10	dry	14.34	6.92	13.33
3/7/2012	9.42	14.85	13.16	6.23	12.92
3/12/2012	9.42	dry	dry	6.23	12.85
3/24/2012	9.92	dry	dry	6.6	12.85
3/28/2012	9.33	dry	dry	6.08	12.67
4/6/2012	9.5	dry	dry	6.42	12.25
4/11/2012	9.75	dry	12.5	6.75	12.75
4/17/2012	10	dry	dry	6.11	12.8
4/25/2012	10.2	dry	10.67	7.1	12.11
5/4/2012	10.06	dry	dry	7.6	13.4
5/11/2012	9.75	dry	13.92	7.08	13.5
5/19/2012	8.9	12.85	12.37	9.4	12.4
5/25/2012	9.5	dry	12.16	6.75	12
5/31/2012	8.42	13.16	12.08	6.25	12
6/9/2012	9.6	12.75	11.92	6.75	11.83
6/13/2012	9.83	13.58	12.25	6.92	11.58
6/22/2012	9.75	13.5	12.22	7	12
6/24/2012	10	13.2	13	7.33	11.83
7/7/2012	10.67	14.12	12.17	8.17	12.67
7/14/2012	9.42	13.5	12	7.58	12.42
7/16/2012	10	dry	0	8.25	12.5
7/28/2012	9.17	13.33	11.5	7.25	13
8/4/2012	9.67	13.62	12.25	7.42	11.75
8/9/2012	9.75	14.45	12.67	7.67	11.58
8/17/2012	9.92	13.87	12.5	7.58	11.83
8/24/2012	10	13.95	12.67	8	11.75
8/30/2012	10	13.79	12.75	7.5	12.08
9/6/2012	9.75	13.72	12.75	7.58	12.16
9/14/2012	10.23	13.62	12.83	7.75	12.23
9/22/2012	10.67	13.83	14.17	8.08	11.58

9/27/2012	11	13.79	12.25	8.42	12.83
DEPTHS					
Average	7.88433099	12.89889	11.7423077	6.020669	13.0681818
Max	11.5	15.25	15.08	9.4	14.67
Min	5.4	7.16	4.83	3	11.5

APPENDIX C

Mine Pump Outfall Chloride Dataset

**NC Mine Pump
Outfall
Chloride mg/L**

Date	mg/L
5/25/2007	31.7
6/29/2007	33.3
7/27/2007	31.3
8/24/2007	34.6
8/24/2007	34.6
7/7/2008	30.5
8/4/2008	32.3
10/27/2008	39.7
11/5/2008	39
12/3/2008	43.5
1/7/2009	38.4
2/4/2009	45.3
1/7/2009	38.4
2/4/2009	45.3
3/4/2009	40.9
4/7/2009	43.1
5/6/2009	40.3
6/2/2009	49.2
7/8/2009	126.5
8/5/2009	56.8
9/11/2009	64.5
10/2/2009	82
11/4/2009	49.8
12/11/2009	41.2
1/6/2010	47.4
2/16/2010	46.8
3/25/2010	44.6
4/29/2010	44.8
5/28/2010	46.8
6/2/2010	46.8
7/10/2012	46.6
8/23/2010	36
9/7/2010	36.2
10/30/2010	42.3
11/30/2010	59.4
12/31/2010	
1/14/2011	52.7
2/14/2011	40.5
3/4/2011	48.2
4/19/2011	48.2
5/19/2011	48.8
6/22/2011	68
7/22/2011	74.7

8/2/2011	70.8
9/23/2011	79.4
10/7/2011	80.4
11/28/2011	52.6
12/14/2011	37.3
1/27/2012	74
2/21/2012	57
3/12/2012	56.6

APPENDIX D

Monitoring Wells Chloride Dataset

NC Wells - Chloride mg/L					
	NC #1	NC #2	NC #3	NC #4	NC #5
5/24/2006	42	14	27	56.6	
9/27/2006	44.9	24.5	16.3	58.7	
12/12/2006	36.7	26.8	45.7	51.6	
10/30/2007	32.3	68.8	37.5	42.5	
11/29/2007	31.3		31.8	42.7	
12/28/2007	34.7	71.6	39.1	46.6	
1/13/2008	32.5		34.2	47.4	
2/4/2008	33.6		36.9	49.4	
3/3/2008	32.8		33.8	49.7	
4/7/2008	32.6		32.1	19.8	
5/5/2008	33		34.1	52.7	
6/2/2008	31.8		32.3	51.4	
7/7/2008	45.7	60.3	36.2	56.6	
8/4/2008	35.7	34.7	36.2	55.6	
9/8/2008	37.7	28.8	30.8	54.1	
10/13/2008	28	46.5	39.2	57	
11/5/2008	31		37	56.6	
12/3/2008	34.7	38.3	37.8	69.4	
1/7/2009	35.2	30.1	38	41	
2/4/2009	33.2	33.2	35.2	69.2	
3/4/2009	(221))		39.9	33.1	
4/7/2009	36		37.5	(350))	
5/6/2009	33.2	43.1	44.6	61.3	
6/2/2009	30.9		54.7	44.7	
7/8/2009	36		55.5	64.3	
8/5/2009	41.1	50.4	59.1	44.2	
9/11/2009	43.7	51.9	49.3	49.1	
10/2/2009	42.4	46.8	50.1	45.8	
11/4/2009	46.9	34	47.9	74.4	
12/2/2009	50.3	33.5	43.6	122	
1/15/2010	49.9	40.4	27.6	60.3	
2/16/2010	44.9	41.6	49.1	30.9	
3/25/2010	30.2	34.4	26.5	111.5	
4/29/2010	24.5	38.9	27.3	81.1	
5/28/2010	21.1	45.3	23.7	74	
6/2/2010	23.2	45.3	23.7	76.8	
7/7/2010	23.8		22.3	48.7	
8/23/2010	34.5		17.7	40.6	33
9/7/2010	33.2		14.6	40.3	36.7
10/30/2010	33.2	22.2	19.1	65.4	33.2
11/30/2010	41.3		16.6	76.5	33.2
12/31/2012	38.3		24.2	69.5	29.2
1/14/2011	43.2		25.2	72.2	33
2/14/2011	40.9		24.2	53.2	32.3
3/4/2011	44.4		26	76.2	31.8
4/19/2011	46.3		26	55.9	30

5/19/2011	45.9		23.9	68	27.8
6/22/2011	40.2		30.6	69.9	27.8
7/22/2011	49		30	66	27.8
8/2/2011	50.7	42.1	32.5	66	29.7
9/23/2011	54.6		35.4	132	33.5
10/7/2011	52.6		36.4	135	33
11/28/2011	56.5		36.4	63.2	38.3
12/14/2011	52.2		38.2	68.9	44
1/27/2012	58		39	77	38
2/21/2012	37			82.9	37
3/12/2012	60.1			117	37.7
4/6/2012	53.6			120	34.7
5/11/2012	33.5		29.7	195.3	32.5
6/22/2012	24	35	34.5	220.1	32.5
7/16/2012	22.7			226	33.2
8/24/2012	17	48	45	288	31
9/27/2012	11.8		32.2	159	42.3
10/5/1012	14.1		44.3	143	58.4
Average	37.56*	40.75	34.25	77.74*	34.5
Max	60.1	71.6	59.1	288	58.4
Min	11.8	14	14.6	19.8	27.8

NOTE:

* Average & Max Chloride level for well NC #1 calculated minus the outlier 3/4/2009

* Average & Max Chloride level for well NC #4 calculated minus the outlier 4/7/2009



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: December 28, 2012
Subject: PB 12-19 Text Amendment

The new UDO was recently amended to allow off-premise directional signage for businesses located adjacent to the Atlantic Intracoastal Waterway. Barry Nelms, a business owner on the Currituck Sound, also requested a text amendment to allow off-premise directional signage for businesses located along the Currituck Sound. The Board of Commissioners remanded Mr. Nelms' request back to the Planning Board and directed staff to review the sign ordinance and provide a recommendation to allow for off-premise directional signage.

Staff presented three options to the Planning Board to allow for the signage in addition to Mr. Nelms' request. In order to reduce the number of options for the Board's consideration, staff is only bringing forward the two most diverse options prepared along with Mr. Nelms' request. The two options are:

1. Option 1: Allows off-premise directional signs on properties owned by the owner of the business.
2. Option 2: Allows off-premise directional signs at the intersection of the major arterial street and the collector street accessing the business.

In addition to the above options, the Board may also want to consider the following:

1. Business location adjacent to bodies of water, such as various creeks, Albemarle Sound, North River, North Landing River, Tulls Bay, Knotts Island Bay, and Coinjock Bay.
2. Streets in which directional signs can be located along, such as all or various major arterial streets (US 158, NC 168, NC 34, NC 136, NC 615, and NC 12).
3. Size/Height of the directional sign.
4. Number of directional signs on a pole.
5. Distance from the intersection.

The 1992 UDO allowed off-premise directional signs for businesses in Corolla Village, businesses within 1,200 feet of Caratoke Highway, and businesses located along the Atlantic Intracoastal Waterway (Coinjock Canal). The sign was authorized by the Board of Commissioners and displayed the name of the business only and the direction in which it was located. The off-

premise directional signs were required to be similar in size and style to a street name sign. In 2010, the sign committee prepared a comprehensive sign ordinance amendment. The recommendation of the committee was to remove the off-premise directional signage from the ordinance, which was approved by the Board on April 4, 2011.

NCDOT requires an outdoor advertising permit for signs that are designed to attract attention on the state highway. Signs that guide pedestrians or are considered too small to attract the attention on the state highway are not subject to NCDOT outdoor advertising regulations and permitting.

The 2006 Land Use Plan policy objectives (Policies CA1, CA4, CA5) do not support increasing the frequency of off-premise advertising signage. Policy CA5 states: "...that an attractive, less commercialized landscape, particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional billboards and off-site advertising signs shall not be permitted in Currituck County." While providing direction (name and mileage) to the business and eliminating the advertising from the signage would be offer consistency with the 2006 Land Use Plan policy objectives.

Also included in this packet is a map with a corresponding table that identifies properties zoned for commercial uses along waterways and if the property accesses a major arterial street.

The Planning Board **recommended approval** of PB 12-19 as presented by Mr. Nelms and recommended that all businesses on all waterways be given the same allowances at their November 13, 2012 meeting.

PLANNING BOARD DISCUSSION (11-13-12)

Mr. Kovacs apologized to Mr. Nelms for the inconvenience for having a second meeting since procedure was not followed properly at the first meeting.

Mr. Nelms provided a brief history of his signage over the past 26 years. At the present time Mr. Nelms rents 4 billboards signs within the county with a monthly cost of \$2,200. Mr. Nelms stated he has noticed a decline in business over the last three years. Mr. Nelms stated his application to the board is identical to Mr. Miles application; with the exception of Coinjock Canal and Currituck Sound which are the same body of waters. Mr. Nelms stated if a new business is off the main corridor, you would want it to be successful and that would include off-premise directional signage. Mr. Nelms stated he needs off-premise directional signage. Mr. Nelms saw the opportunity with this board and the Board of Commissioners when they approved Mr. Miles request; and he is asking for the same consideration. Mr. Nelms stated staff reduced the size of the sign and he would want a sign that is bigger than what was approved for Mr. Miles; because a 4x8 sign will not do any good for someone to see 2 miles away. Mr. Nelms also stated he would like lighting of the sign so it is visible at night. Mr. Nelms asked the board to think about what they are trying to do, which is to help a business off the road be successful. Most of Mr. Nelms business is during the evening, dinner is served seven nights a week and lunch is served only on Saturday and Sunday.

Ms. Schuler stated the sign cannot be digital, but a light can shine on the sign.

Mr. Cartwright asked staff if what Mr. Nelms is asking for is impacted by any other thing other than the county ordinance.

Mr. Schuler stated he would have to obtain a permit from NCDOT for an outdoor advertising sign.

Mr. Nelms stated he pays the county in commercial taxes over \$20,000 per year, \$6,000 to the water department yearly, and \$2,000 per month to employees.

Mr. Cooper asked if sign setbacks are addressed in any way.

Mr. Schuler stated if the sign is 10 feet tall and under there are no setbacks, but if it is larger there is a 10 foot setback from the front property line.

Ms. Pierce stated she supports Mr. Nelms request.

PLANNING BOARD DISCUSSION (9-11-12)

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

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

**OPTION 1
PB 12-19
UDO AMENDMENT REQUEST**

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

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

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

5.12.4. Signs Exempted from Sign Permit Requirements

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

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS				
SIGN TYPE	EXAMPLE	APPLICABLE STANDARDS	MAXIMUM SIGN AREA (SQ. FT)	MAXIMUM HEIGHT (FEET)
Directional Sign, Off-Premise		Up to one off-premise directional sign authorized by the Board of Commissioners may be placed on property under the same ownership as a business site located adjacent to the Atlantic Intracoastal Waterway	100	12

Item 2: That Table 5.12.6 Specific Sign Standards is amended by adding the following underlined language and renumbering the subsequent subsections:

5.12.6 Specific Sign Standards

D. Off-Premise Directional Signs

(1) Applicability

The standards in this section shall apply to properties located in a Business and Mixed-Use Zoning District adjoining the Currituck

Sound or Atlantic Intracoastal Waterway that contain a use listed in Section 4.1.2 Use Table, Commercial Use Classification.

(2) **Prohibited**

Except as provided in Section 5.12.3 Signs Exempt from Signage Regulations, and 5.12.4 Signs Exempted from Sign Permit Requirements, off-premise directional signs are prohibited for the following:

- (a) Commercial uses and properties located on the Outer Banks.
- (b) Commercial uses adjoining a major arterial street.

(3) **General**

- (a) Off-premise directional signs must be located on land under the same ownership as the business to be identified on the sign.
- (b) Off-premise directional signs must be located in a Business and Mixed-Use Zoning District adjoining a major arterial street.
- (c) A maximum of one off-premise directional sign is permitted per business. A lot shall have a maximum of one off-premise directional sign.
- (d) Off-premise directional signs shall not exceed 32 square feet in area and 10 feet in height.
- (e) Off-premise directional signs shall not be located within the sight triangle.

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 _____, 2012.

Board of Commissioners' Chairman

Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____
.....

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

**OPTION 2
PB 12-19
UDO AMENDMENT REQUEST**

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

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

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

5.12.4. Signs Exempted from Sign Permit Requirements

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

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS				
SIGN TYPE	EXAMPLE	APPLICABLE STANDARDS	MAXIMUM SIGN AREA (SQ. FT)	MAXIMUM HEIGHT (FEET)
Directional Sign, Off-Premise		Up to one off-premise directional sign authorized by the Board of Commissioners may be placed on property under the same ownership as a business site located adjacent to the Atlantic Intracoastal Waterway	100	12

Item 2: That Table 5.12.6 Specific Sign Standards is amended by adding the following underlined language and renumbering the subsequent subsections:

5.12.6 Specific Sign Standards

D. Off-Premise Directional Signs

(1) Applicability

The standards in this section shall apply to properties located in a Business and Mixed-Use Zoning District adjoining the Currituck

Sound or Atlantic Intracoastal Waterway that contain a use listed in Section 4.1.2 Use Table, Commercial Use Classification.

(2) Prohibited

Except as provided in Section 5.12.3 Signs Exempt from Signage Regulations, and 5.12.4 Signs Exempted from Sign Permit Requirements, off-premise directional signs are prohibited for the following:

- (a) Commercial uses and properties located on the Outer Banks.
- (b) Commercial uses adjoining a major arterial street.

(3) General

- (a) Off-premise directional signs must be located on private property at the intersection of a major arterial street and the collector street accessing the commercial use. The sign shall be subject to the following standards:
 - (i) Must be located in a Business and Mixed-Use Zoning District.
 - (ii) A maximum of one off-premise directional sign is permitted per business.
 - (ii) A maximum of three directional signs shall be permitted mounted collectively on one pole per property, and in accordance with the dimensional requirements of this section.
- (b) The applicant shall be responsible for negotiating with the property owner the sign placement, easements, or agreements.
- (c) Each individual off-premise directional sign shall not exceed 4 square feet in area and be mounted on one pole not to exceed 10 feet in height.
- (d) Off-premise directional signs shall not be located within the sight triangle.

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 _____, 2012.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

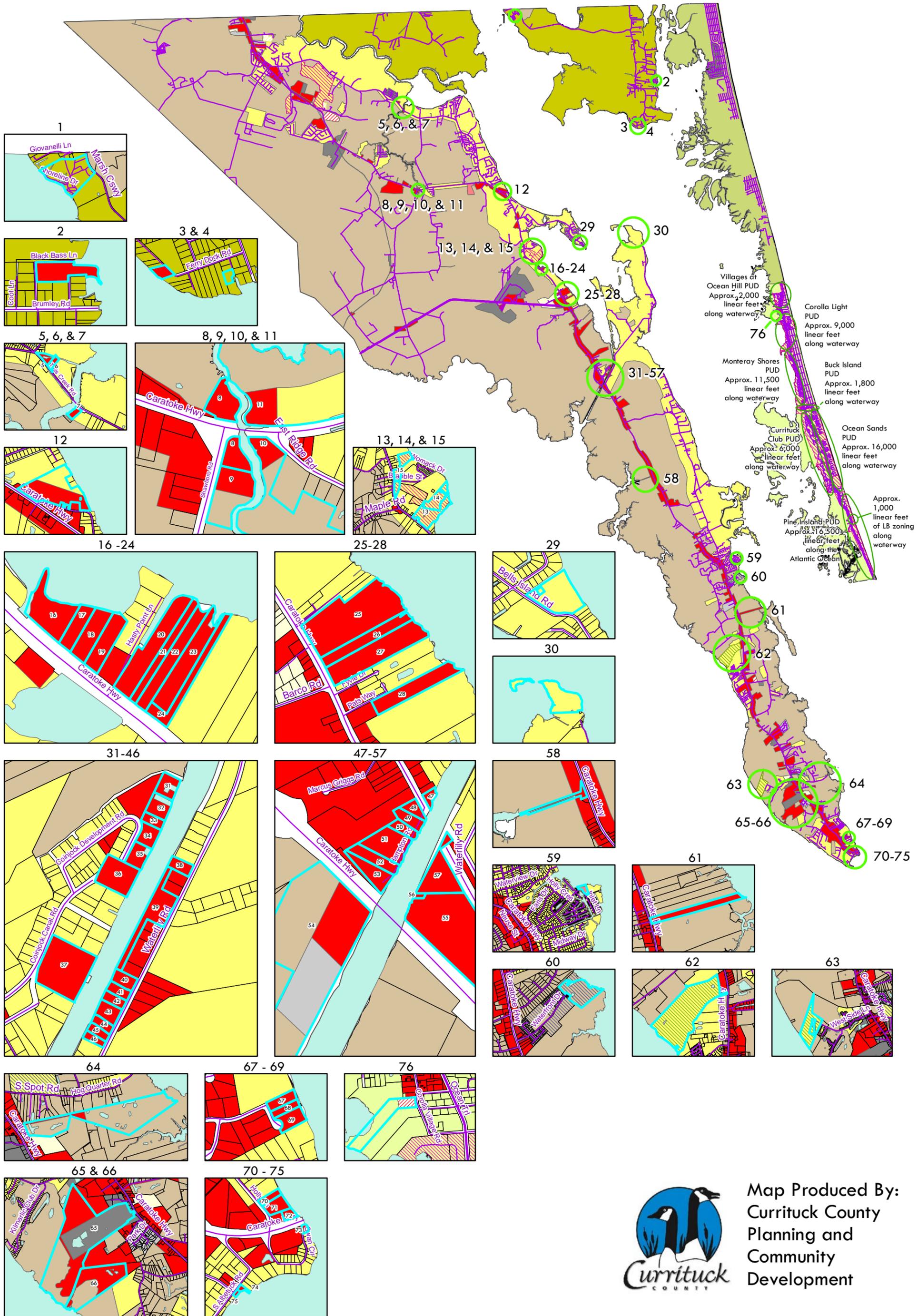
DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES _____NAYS _____

.....
PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____AYES _____NAYS _____

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

OFF-PREMISE DIRECTIONAL SIGNAGE

Properties zoned for commercial use along a waterway.



Map Produced By:
Currituck County
Planning and
Community
Development

#	Parcel	Zoning	Body of Water	Frontage on Major Arterial	Notes
1	0046-000-0002-0000	SFI (RR)	North Landing River	Yes (NC 615)	Existing campground (some retail allowed)
2	0077-000-0035-0000	GB	Knotts Island Bay	No	Pearl's
3	0078-000-0034-0000	GB	Currituck Sound	No	
4	0078-000-016A-0000	SFI (RR)	Currituck Sound	No	Campground/hunting lodge
5	0030-000-0016-0000	GB	Tulls Creek	No	
6	0030-000-0015-0000	GB	Tulls Creek	No	
7	0030-000-0034-0000	GB	Tulls Creek	No	
8	0032-000-0060-0000	GB	Cowells Creek	Yes (Caratoke Hwy)	Property on both sides of highway
9	0032-000-060A-0000	GB/AG	Cowells Creek	Yes (NC 34)	
10	0041-000-055B-0000	GB/AG	Cowells Creek	Yes (Caratoke Hwy)	
11	0041-000-046A-0000	GB/SFM/AG	Cowells Creek	Yes (Caratoke Hwy)	
12	0050-000-044D-0000	GB/SFM	Currituck Sound	Yes (Caratoke Hwy)	
13	0059-000-085A-0000	PUD	Coinjock Bay	Yes (Caratoke Hwy)	
14	0059-000-085B-0000	PUD	Coinjock Bay	No	
15	0059-000-0083-0000	PUD	Coinjock Bay	Yes (Caratoke Hwy)	
16	0059-000-0066-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
17	0059-000-0065-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
18	0059-000-0064-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
19	0059-000-0063-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
20	0059-000-0057-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
21	0059-000-0056-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
22	0059-000-0055-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
23	0059-000-0054-0000	GB	Coinjock Bay	No	
24	0060-000-001B-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
25	0060-000-053B-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
26	0060-000-053A-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
27	0060-000-053D-0000	GB	Coinjock Bay	Yes (Caratoke Hwy)	
28	0060-000-056B-0000	GB	Coinjock Bay	No	
29	0068-000-0008-0000	SFI (RR)	Currituck Sound	No	Existing campground (some retail allowed)
30	0079-000-0001-0000	SFI (RR)	Currituck Sound	No	Existing campground (some retail allowed)
31	071A-003-004C-0000	GB	Coinjock Canal	No	
32	071A-003-004B-0000	GB	Coinjock Canal	No	

33	071A-003-004A-0000	GB	Coinjock Canal	No	
34	071A-003-0004-0000	GB	Coinjock Canal	No	
35	071A-003-0005-0000	GB	Coinjock Canal	No	
36	071A-003-0003-0000	GB	Coinjock Canal	No	
37	071A-004-0024-0000	GB	Coinjock Canal	No	
38	0071-000-0047-0000	GB	Coinjock Canal	No	
39	0071-000-043A-0000	GB	Coinjock Canal	No	
40	0071-000-0037-0000	GB	Coinjock Canal	No	
41	0071-000-0036-0000	GB	Coinjock Canal	No	
42	0071-000-0035-0000	GB	Coinjock Canal	No	
43	0071-000-0034-0000	GB	Coinjock Canal	No	
44	0071-000-0033-0000	GB	Coinjock Canal	No	
45	0071-000-032B-0000	GB	Coinjock Canal	No	
46	0071-000-032A-0000	GB	Coinjock Canal	No	
47	071A-004-0009-0000	GB	Coinjock Canal	No	
48	071A-005-0005-0000	GB	Coinjock Canal	No	
49	071A-005-005A-0000	GB	Coinjock Canal	No	
50	071A-005-0004-0000	GB	Coinjock Canal	No	
51	071A-005-0003-0000	GB	Coinjock Canal	No	
52	071A-005-0002-0000	GB	Coinjock Canal	No	
53	071A-005-004A-0000	GB	Coinjock Canal	No*	Adjacent to Coinjock Bridge
54	0071-000-0078-0000	GB/LI/AG	Coinjock Canal	No*	Adjacent to Coinjock Bridge
55	0071-000-0077-0000	GB	Coinjock Canal	Yes (Caratoke Hwy)	
56	0071-000-026A-0000	GB	Coinjock Canal	No	
57	0071-000-0026-0000	GB	Coinjock Canal	No	
58	0084-000-029B-0000	GB	Deep Creek	Yes (Caratoke Hwy)	
59	0107-000-0054-0000	LB	Currituck Sound	No	Barry's on Walnut Island
60	0108-000-022K-0000	AG	Currituck Sound	No	Waterside Villages (some retail allowed)
61	0108-000-0035-0000	GB	Currituck Sound	Yes (Caratoke Hwy)	
62	0109-000-156B-0000	CDPUD	Albemarle Sound	Yes (Caratoke Hwy)*	Further division may create lots not adjoining Caratoke Hwy
63	0112-000-003C-0000	CDPUD	Albemarle Sound	No	
64	0124-000-0083-0000	GB/AG	Currituck Sound	No	Pointe Golf Club

65	0124-000-137J-0000	HM/GB/AG	Albemarle Sound	Yes (Caratoke Hwy)*	300+ acres. Further division may create lots not adjoining Caratoke Hwy
66	0124-000-137G-0000	GB/AG	Albemarle Sound	No	
67	132F-000-027D-0000	GB	Currituck Sound	No	
68	132F-000-027C-0000	GB	Currituck Sound	No	
69	132F-000-027B-0000	GB	Currituck Sound	No	
70	0132-000-107A-0000	GB	Currituck Sound	No	
71	0132-000-109A-0000	GB	Currituck Sound	No	
72	0132-000-0111-0000	GB	Currituck Sound	Yes (Caratoke Hwy)	
73	132C-000-0001-0000	GB	Currituck Sound	Yes (Caratoke Hwy)	Accessed off Swan Circle
74	0132-000-0162-0000	GB	Currituck Sound	No	
75	132B-000-0POA-0000	GB	Currituck Sound	No	
76	0114-000-036D-0000	CDGB/SFO	Currituck Sound	No	

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: January 7, 2013
PB 12-20 Harbinger Land & Timber, LLC**

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

ITEM: PB 12-20 Harbinger Land & Timber, LLC request for conditional zoning from Agricultural (A) and Residential (R) to Conditional District-Residential (CD-R) of 84 acres in Moyock on the west side of Poyners Road and north and south sides of Elrod Road.

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

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

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

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN

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

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

Areas designed as Rural are intended to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area. With respect to residential development, Rural areas allow for no more than 1 unit per 3 acres.

The policy emphasis of the Land Use Plan is for the Courthouse subarea to continue to grow as a small community center. Given the existing cluster of services and local government functions here, and the sizable area of developable land adjoining the sound, it is likely that the Courthouse area will continue to see limited growth over the next decade. Residential development densities should be limited to 1-2 units per acre where on-site wastewater is proposed.

The following Land Use Plan policy statements support this request:

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

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

- CURRENT ZONING:** Agricultural (A) and Residential (R)
- PROPOSED ZONING:** Conditional District – Residential (CD-R)
- CURRENT USE:** Farmland and Woodland
- SIZE OF SITE:** 84 Acres
- ZONING HISTORY:** The 1989 Official Zoning Map zoned the property A and R.
- UTILITIES:** A water line runs along Poyners Road that serves this property. Individual on-site septic systems are proposed for the individual lots.
- TRANSPORTATION:** The property is accessed by Poyners Road and Elrod Road, both of which are state maintained roads.

FLOOD ZONE: The property is located in a Shaded X flood zone (500-year floodplain) and AE (BFE 5.4') flood zone.

WETLANDS: According to the NC Division of Coastal Management maps, it appears that the majority of Parcel 0031-000-017A-0000 is wetlands. Delineation by an environmental professional will be required to verify the actual wetland locations.

SOILS: The Currituck County Soils Map indicates the property contains Roanoke, Tomotley, Cape Fear, Dragston, Altavista, and Augusta soils. Septic suitability ranges from suitable and marginally suitable to unsuitable. The majority of the land appears to be marginally suitable to suitable for on-site septic.

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

PROPOSED ZONING CONDITIONS:

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

COMMUNITY MEETING:

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

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

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

PLANNING BOARD RECOMMENDATION:

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

PLANNING BOARD DISCUSSION (11-13-12)

Mr. Hyman stated this is a conditional zoning and they are trying to bring the concept now for everyone to see what they are proposing for the site. The allowable density is 1.5 units per acre. Mr. Hyman discussed the community meeting and is in agreement with the technical review committee recommendations. Mr. Hyman stated access will be provided to the cemetery.

Ms. Rose stated she and her family live on property adjacent to this proposed subdivision. Ms. Rose and her husband operate a commercial fishing operation that was established in 1999. Ms. Rose stated they have not received any complaints regarding their business, but at times the smell can be bad. She is concerned with the closeness of the proposed subdivision to their property. This subdivision is out of character with the surrounding area. Ms. Rose stated if the property is to be developed she would like for it to remain agricultural and residential.

Mr. Smithson is opposed to the conditional zoning request because of the density. Mr. Smithson is concerned about the infrastructure.

Mr. Hancock is concerned with the density, infrastructure, and traffic on Tulls Creek Road.

Mr. Banks stated this proposed subdivision is out of character with the surrounding area and concerned with the density.

Mr. Rose stated he owns the commercial fishing business. Mr. Rose is concerned with traffic, soil suitable for septic, and not consistent with the surrounding area.

Mr. Old stated he supports this request and it will bring jobs to the area.

Ms. Peters stated she is concerned with the density and agrees with previous comments.

Mr. Hyman stated they plan to be compassionate to the commercial fishing business and buyers will be made aware of the business. Mr. Hyman talked about the density. The county has adequate facilities to support this subdivision. NCDOT will have a chance to review this plat as it moves forward and make any suggestions.

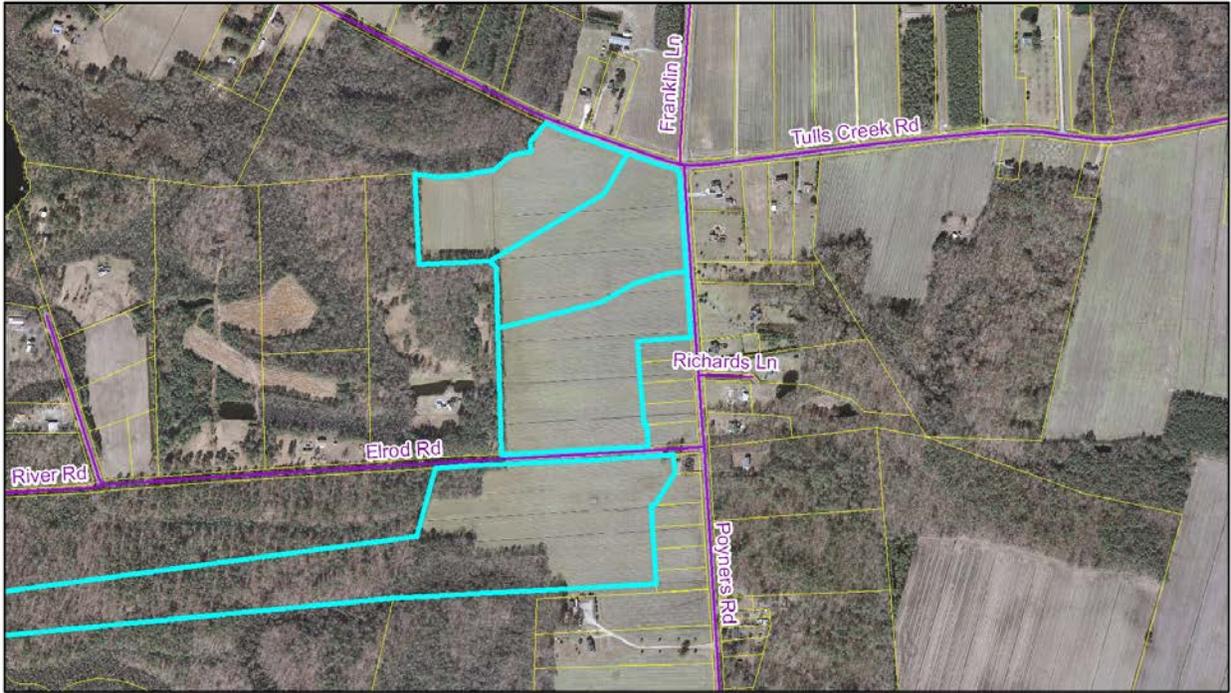
Mr. Cooper asked if anything has been decided for the proposed buffer.

Mr. Hyman stated a swale with some sort of vegetation.

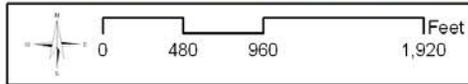
Mr. Bell asked if something could be put on the plat to notify potential buyers if a lot adjoins a commercial fishing business.

ACTION

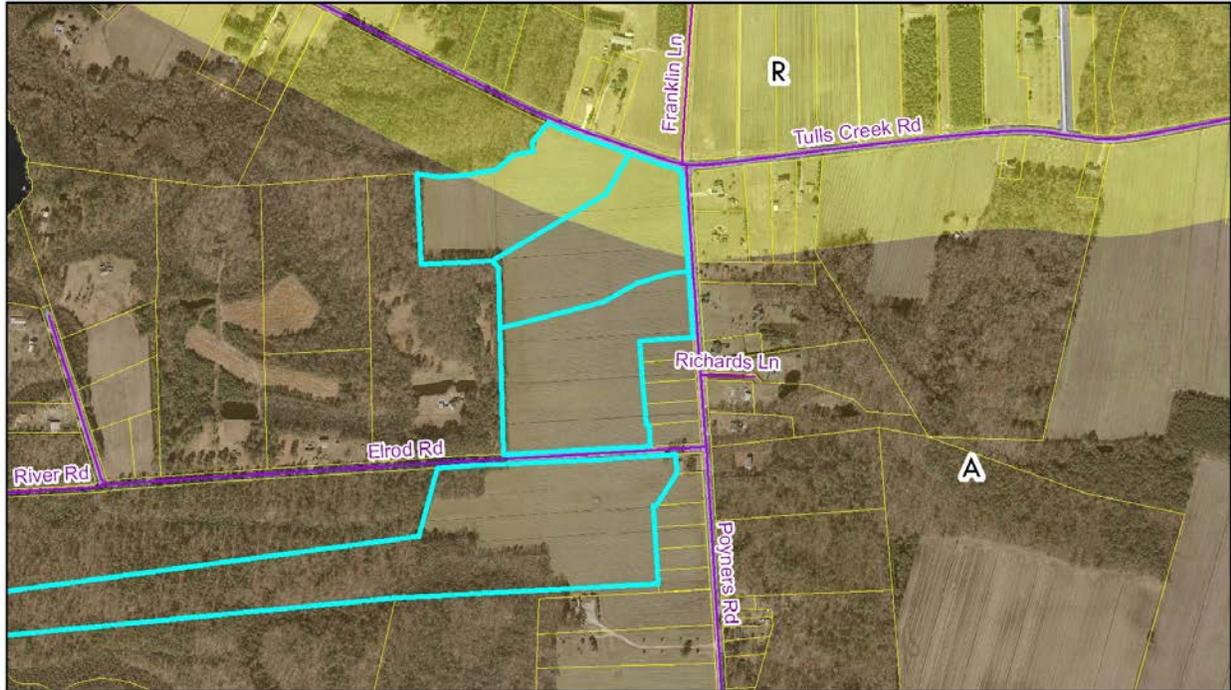
Mr. Cooper moved to approve PB 12-20 with the Technical Review Committee recommendations as presented. Mr. Cartwright seconded the motion. Ayes: Ms. Newbern, Mr. Cooper, Ms. Everhart, Mr. Cartwright, and Mr. Kovacs. Nays: Mr. Bell.



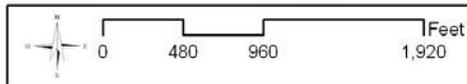
PB 12-20 Harbinger Land & Timber LLC
 Conditional Zoning
 Aerial Map



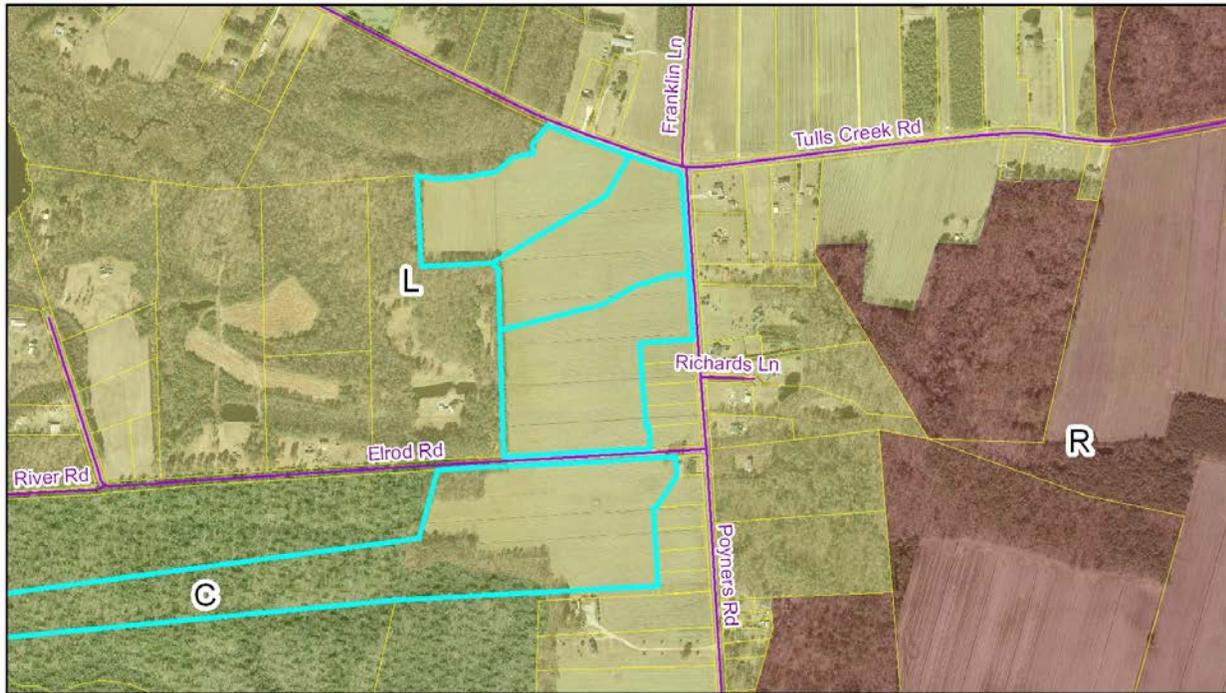
Currituck County
 Planning and
 Community Development



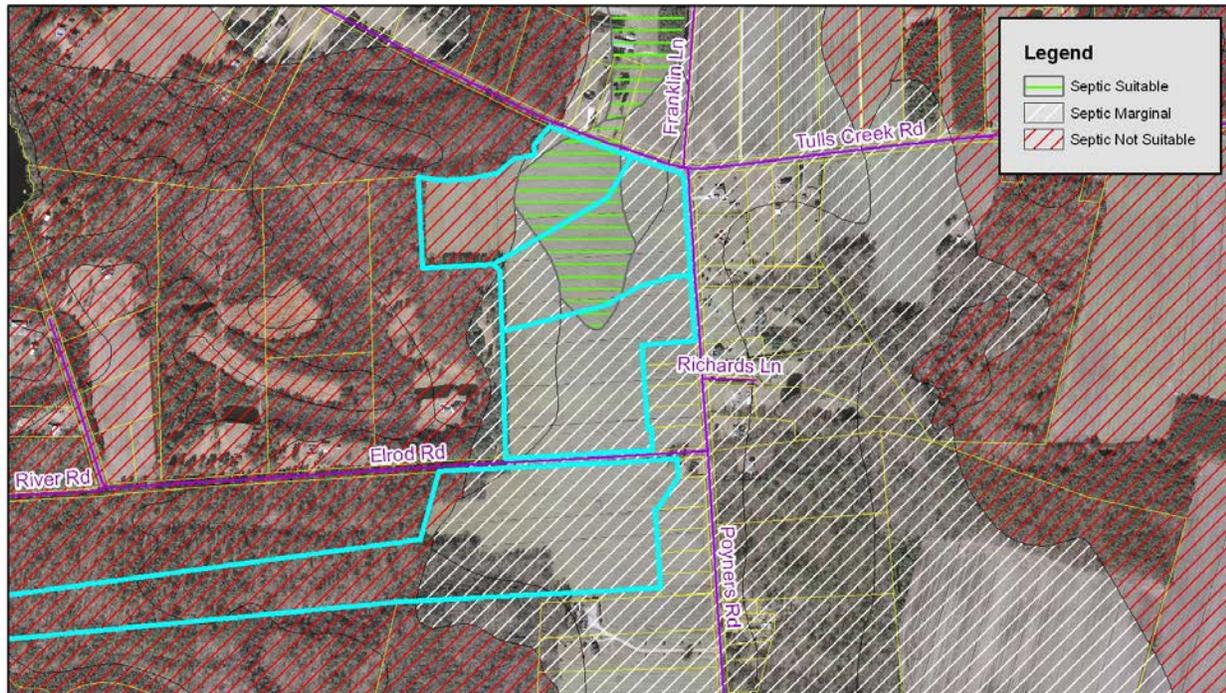
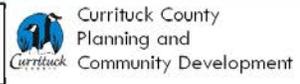
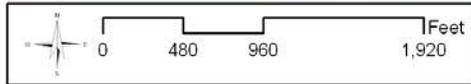
PB 12-20 Harbinger Land & Timber LLC
 Conditional Zoning
 Zoning Map



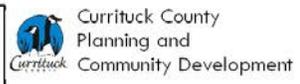
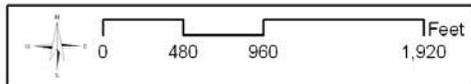
Currituck County
 Planning and
 Community Development



PB 12-20 Harbinger Land & Timber LLC
 Conditional Zoning
 LUC Map



PB 12-20 Harbinger Land & Timber LLC
 Conditional Zoning
 Septic Suitability



MEMORANDUM

To: Eddie Hyman, Hyman and Robey
Gary Dunstan, Harbinger Land and Timber

From: Planning Staff

Date: August 9, 2012

Re: Harbinger Land and Timber – Conditional Zoning

The following comments have been received for the August 15, 2012 TRC meeting. Modifications of the request must be submitted by August 20, 2012 in order to remain on the September 11, 2012 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

Currituck County Planning (Tammy Glave, 252-232-6025):

Reviewed with requirements and suggested conditions

Requirement:

1. Since Tulls Creek Road is a Minor Collector Street, the number of driveways is limited by the UDO. Two driveways will be allowed onto Tulls Creek Road for the six lots that have frontage on Tulls Creek Road since they have a combined total of approximately 825' of street frontage. (UDO Section 9.1.5.3) Cross-access easements will be necessary for the shared driveways.
2. Lots A12 and B6 will require a 5' non-access buffer along Poyners Road and will have to access from Elrod Road. (UDO Section 2.6.3)
3. A community meeting is required for a conditional zoning request prior to the Planning Board meeting. Please provide a copy of the mailed notice of this meeting that was sent to the adjoining property owners.

Suggested condition:

1. Set a maximum number of lots for the development.

Currituck County Code Enforcement (Stacey Smith, 252-232-6027)

Reviewed with no comment.

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

Approved without comment.

Currituck County Emergency Management, Fire Marshal (James Mims, 252-232-4024)

Approved with comment:

1. Fire hydrants must be within 500' of every inch of road frontage. Fire hydrant must be within 400' of all exterior portions of public structures (church). Access to more than two single family dwellings must be 20" capable of 75,000 lbs.

Currituck County Engineering (Eric Weatherly, 252-232-6034)

Approved with comments:

1. Please be aware of the differences in stormwater requirements between the Old and New UDO.
2. Contact the Water Dept. on waterline extension requirements.

Currituck County GIS (Harry Lee, 252-232-2034)

Reviewed with no comment.

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Reviewed with no comment.

Currituck County Soil and Water (Mike Doxey, 252-232-2769)

Approved without comment.

Currituck County Utilities (Pat Irwin, 252-232-2769)

Approved without comment.

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

Reviewed with comment:

1. PLEASE CONSULT WITH KEVIN CARVER R.S. AT (252)232-6603 CONCERNING SITE EVALUATION AND SEPTIC SYSTEM APPROVAL FOR EACH LOT THAT WILL MAKE UP THIS PROPOSED SUB-DIVISION. THANK YOU.

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

Reviewed without comment.

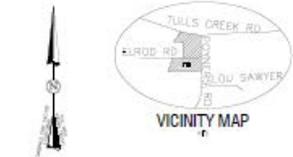
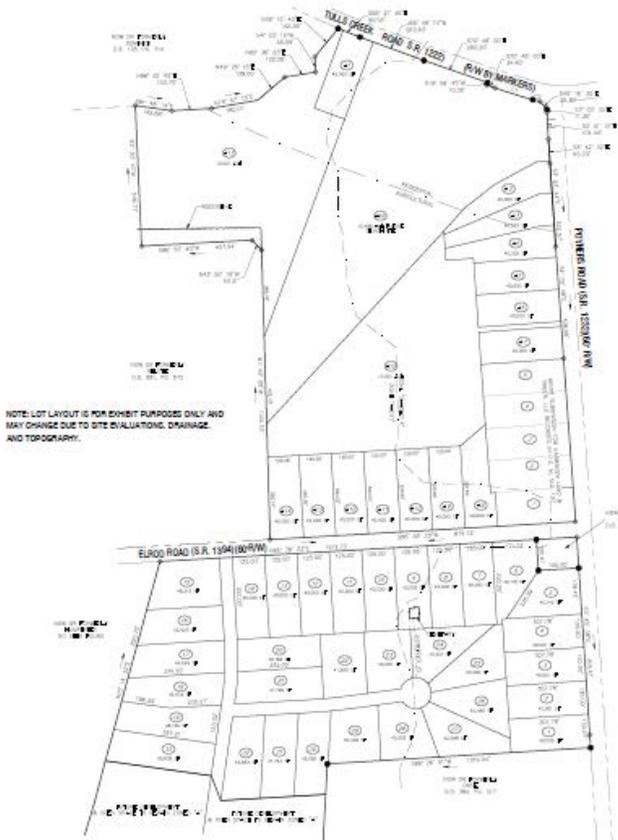
NC State Archeology (Lawrence Abbott, 919-807-6554)

Reviewed with comment:

1. It is unlikely that a significant site will be impacted by the proposed work. An archaeological survey is not recommended.

The following items are necessary for resubmittal:

- 15 - full size copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.



I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I, **Timothy H. Hester**, Licensed Professional Engineer, No. 10000, State of North Carolina, am the author of this plan.



LEGEND

○	EXISTING
○	PROPOSED
—	PROPERTY LINE
---	LOT CENTERLINE
---	RIGHT-OF-WAY



HYMAN ROBEY
 SOLUTIONS FROM THE GROUND
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 Camden, NC 27521
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 (252) 338-0500 fax
 www.hymanroby.com
 License: C-0258

PRELIMINARY
 NOT FOR CONSTRUCTION

CONDITIONAL
 REZONING
 EXHIBIT
 FOR
**HARBINGER
 LAND &
 TIMBER, LLC**

CRAWFORD TOWNSHIP
 CURRITUCK COUNTY
 NORTH CAROLINA

KEY PLAN

Project# 1201-08
 Drawing# 1201-08
 Drawn: JMM/PLP
 Checked: BTH
 Approved: BTH
 Date: 08/20/12
 Sheet# 1 OF 1
 Scale: 1" = 200'

PROPOSED
 NAME DATE DESCRIPTION
 SHEET TITLE:
REZONING
 SHEET NUMBER:
1

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING THE CURRITUCK COUNTY CODE OF ORDINANCES TO REGULATE**
3 **OUTDOOR TOUR OPERATORS**

4
5 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
6 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
7 welfare of its citizens and the peace and dignity of the county; and

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

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

15 WHEREAS, due to increasing motor vehicle traffic and pedestrian use of the county's
16 beach and roads of northern beach communities and the interest in preservation and protection of
17 the Corolla Wild Horses and habitat it has become necessary to regulate outdoor tour operators
18 in a manner that will protect the viability of that industry, the natural resources upon which such
19 industry depends and to protect the livability and attractiveness of the county's northern beach.

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

22 PART I. The Code of Ordinances, Currituck County, North Carolina is amended by adding to
23 Chapter 8 Article IV. Outdoor Tour Operators to read as follows:

24 **ARTICLE IV. OUTDOOR TOUR OPERATORS**

25 **Sec. 8-86. Purpose.**

26 It is the purpose and intent of this article to allow outdoor tour operators but to regulate
27 outdoor tour operators in a manner that will protect and enhance the public's use of its beach,
28 protect the county's natural resources and preserve the livability and attractiveness of northern
29 Currituck Outer Banks communities.

30 **Sec. 8-87. Definitions.**

31 *Bus* shall mean a vehicle larger than a private passenger vehicle, but nineteen (19) feet in
32 length or more used for the purpose of touring for hire.

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

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

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

9 **Sec. 8-88. License required.**

10 (a) It shall be unlawful for any person to engage in business as an outdoor tour operator
11 or to operate an outdoor tour vehicle in the designated area without a license issued pursuant to
12 this article. The license shall be effective only for term of two years stated in the license and
13 upon payment of any annual fee, unless suspended or revoked sooner as provided for by
14 ordinance and may not be transferred.

15 (b) No more than ten (10) licenses to engage in business as an outdoor tour operator or to
16 operate outdoor tour vehicles in the designated area shall be issued at any one time.

17 (c) Each license may allow an outdoor tour operator to operate at any given point in
18 time and only on approved routes five (5) outdoor tour vehicles or the number of outdoor tour
19 vehicles allowed in an issued special use permit, whichever is less.

20 (d) Any outdoor tour operator lawfully operating more outdoor tour vehicles than
21 allowed pursuant to Sec. 8-88(c) of this Ordinance on the date that is Ordinance becomes
22 effective shall be deemed a nonconforming use. Any use determined to be a nonconforming use
23 by application of the provisions of Sec. 8-88(d) of this Ordinance shall be permitted to continue
24 for a period not to exceed one year from the effective date of this Ordinance.

25 **Sec. 8-89. Application; inspection**

26 (a) *Application.* Application for a license issued hereunder shall be notarized and made
27 upon forms prepared and made available by the county manager or manager's designee and shall
28 contain:

- 29 (1) The name and address of the owner, and the event the owner is a corporation or
30 partnership, a copy of the articles of incorporation or organizational documents;
- 31 (2) Factory authorized material setting forth the characteristics of each outdoor tour
32 vehicle including dimensions, weight, passenger capacity, and manner of
33 propulsion;

- 1 (3) Color photographs not less than eight (8) inches by ten (10) inches of all four (4)
2 sides of each outdoor tour vehicle or, in the discretion of the county manager or
3 designee, sketches of a similar make and model, and sample of the color proposed
4 for use on the tour vehicle;
5
6 (4) The make, model, passenger capacity and vehicle identification number of each
7 outdoor tour vehicle including outdoor tour vehicles held in reserve;
8
9 (5) Adequate proof of liability insurance coverage;
10
11 (6) A current state department of transportation license tag or registration tag
12 required by any other government entity;
13
14 (7) Address of fixed headquarters within the county for the operation of the outdoor
15 tour operator's business;
16
17 (8) A fee for each year of the license term as set from time to time by the board of
18 commissioners; and
19
20 (9) A copy of any permit required by the Currituck County Unified Development
21 Ordinance.
22

23 (b) *Investigation of applicant.* Within five business days after receipt of each
24 application, the county's manager or manager's designee shall cause an investigation to be made
25 of the applicant and applicant's proposed operation. Such investigation shall be made for the
26 purpose of verifying the information in the application and ensuring compliance with the
27 provisions of this article.

28 (c) *Issuance.* The county's manager or manager's designee shall issue an outdoor tour
29 operator license when the county's manager or manager's designee finds that the applicant meets
30 the requirements of this article. Renewal of the license shall be required by January 31 of the
31 last year of the current license term.
32

33 **Sec. 8-90. Fixed place of business required.**

34 Each outdoor tour operator, as a condition for holding a license under the provisions of
this article, shall establish and maintain a fixed headquarters on private property within the
county for the operation of the outdoor tour operator's business. The headquarters shall conform
to the ordinances of the county and shall provide adequate off-street parking space for all
outdoor tour vehicles not in service. The outdoor tour operator's headquarters shall not be
moved except by the approved transfer of the outdoor tour operator's license to another location.

Sec. 8-91. Insurance for the benefit of passengers.

1 Any outdoor tour operator company desiring a license under this article shall give and
2 maintain a policy of liability insurance from an insurance company authorized to do business in
3 the State of North Carolina for each outdoor tour vehicle in use as an outdoor tour operation
4 vehicle with minimum coverage as shall be required by state law for bodily injuries and property
5 damage resulting from an accident. Such policies of insurance shall be filed with the county and
6 shall specifically provide that such policy shall not be canceled without notice to the county.

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

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

11 (b) There shall be on each side and on the rear of each outdoor tour vehicle a number at
12 least six inches high, such number to be separate and distinct number from that on any other
13 outdoor tour operator vehicle in the county. The numbers must be permanently affixed to the
14 vehicle. The number shall be assigned to the outdoor tour vehicle and the owner thereof by the
15 county manager or manager's designee and shall not be altered or changed without consent of
16 the county manager or manager's designee.

17 **Sec. 8-93. Tour guide required.**

18 All tours by an outdoor tour operator or on outdoor tour vehicles shall be conducted by
19 guide who is an employee of the outdoor tour operator. No outdoor tour shall be comprised of
20 more than five (5) outdoor tour vehicles including the outdoor tour vehicle operated by the guide.

21 **Sec. 8-94. Safe mechanical condition of outdoor tour vehicles.**

22 Every outdoor tour vehicle operated within the county shall be maintained in a safe
23 mechanical condition, with all safety equipment remaining intact and operative at all times with
24 the outdoor tour vehicle is in service.

25 **Sec. 8-95. Cleanliness of outdoor tour vehicles.**

26 Each outdoor tour vehicle operated under this article shall be kept painted and in a clean
27 and sanitary condition, free of litter and debris, and at all times suitable for transportation of
28 passengers.

29 **Sec. 8-96. State license tag for outdoor tour operator required.**

30 Prior to the use and operation of any vehicle as an outdoor tour vehicle under the
31 provisions of this article, the owner of the outdoor tour vehicle shall secure and display on the
32 outdoor tour vehicle a current North Carolina license registration tag as required by law.

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Sec. 8-97. Authority for removal of outdoor tour vehicles from operation in county.

The county manager or manager’s designee shall have the authority to remove from operation in the county any vehicle used as an outdoor tour vehicle which is in violation of this article and to prohibit operation of the outdoor tour vehicle until all deficiencies have been corrected.

Sec. 8-98. Traffic regulations.

(a) Outdoor tour vehicles shall operate within the county in accordance with the rules of the road as provided in the laws of the state and ordinances of the county.

(b) Outdoor tour vehicles may be restricted to operation on the route or routes approved by the Board of Commissioners and on file with the Clerk to the Board of Commissioners. The Board of Commissioners may approve one route, or may approve various routes based on, but not limited to, the type, size, and/or passenger loads of outdoor tour vehicles, the condition of streets and roads and number of single-family residential dwellings located along a street or road.

(c) It shall be unlawful to operate an outdoor tour vehicle in any manner which places the occupants of the outdoor tour vehicle in immediate harm, or in any manner which impedes standard traffic flow on streets, roads or public vehicular areas. Impeding standard traffic flow on streets, roads or public vehicular areas shall include moving slower than the standard traffic flow or stopping within or along streets, roads or public vehicular areas for other than slowing, yielding or stopping as may be required by motor vehicle law.

(d) It shall be unlawful to operate an outdoor tour vehicle before 8:00 a.m. or after 8:00 p.m. west of the dune line in the designated area.

Sec. 8-99. Penalties for violation; issuance of citations; suspension.

(a) Failure to comply with this article or any of the laws, ordinances and regulations of the county may result in revocation or nonrenewal of a license and shall be punishable as provided in Section 1-8 of this Code.

(b) Any citation issued for violation of this article shall be issued to the license holder at the time of the violation.

(c) Any outdoor tour operator whose outdoor tour vehicles receive multiple sustained citations for violating this article in a thirty day period shall be suspended from operating in the designated area in accordance with the following schedule:

<u>Number of citations issued</u>	<u>Days of Suspension</u>
-----------------------------------	---------------------------

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

Finance Officer

CONSTRUCTION FUNDING AGREEMENT

THIS CONSTRUCTION FUNDING AGREEMENT (the "Agreement"), made this ____ day of _____, 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.

[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK]

IN TESTIMONY WHEREOF, this Agreement has been executed under seal by the parties hereto.

ATTEST:

Secretary

(CORPORATE SEAL)

GRANTEE:

CRAWFORD TOWNSHIP V.F.D., INC.

By: _____
President

GRANTOR:

COUNTY OF CURRITUCK

By: _____
S. Paul O'Neal, Chairman
Board of Commissioners

ATTEST:

Clerk to the Board

(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.



December 12, 2012

Mr. Dan Scanlon, Manager
Currituck County
153 Courthouse Road, Suite 101
Currituck, NC 27929

RE: Albemarle Regional Planning Organization Membership

Dear Mr. Scanlon:

Every two years the Albemarle RPO (Rural Planning Organization) must update their membership to the two boards. The first board is the TAC or Transportation Advisory Committee which is made up of elected officials from each county and municipality. The second is the TCC or Technical Coordinating Committee which is typically made up of planners, managers, and other county or municipal staff designated.

The RPO is asking each municipality to reappoint existing or nominate new members to both boards to serve for your town or county. Please respond with a letter of nomination as soon as possible. Our next Board meeting is going to be held in February. We will also have a new member training session in January to bring new members up to speed.

As of 2012, the Albemarle RPO is a signatory member of all merger projects for the region. With this, all members of both boards are covered by the State Government Ethics Act (S.L. 2012-142) and must attend ethics training in the future.

We look forward to continuing our representation of your unit of government.

Sincerely,

A handwritten signature in black ink, appearing to read "SAL", with a long horizontal flourish extending to the right.

Steven A. Lambert
Planning Director

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
Suzanne Everhart	District 2		David Griggs	January 2012	1st Term 12/31/2014
John Cooper	District 3		Butch Petrey	January 2012	Unexpired Term 12/31/2014
Daniel Cartwright	District 4		Kevin McCord	January 2012	1st Term 12/31/2014
Joe Kovacs*	District 5		Marion Gilbert	January 2010	2nd Term 12/31/2012
Fannie Newbern	At-Large		Paul Martin	January 2012	2nd term 12/31/2014
John Wright**	At-Large		Paul O'Neal	12/3/12	2nd term 12/3/14
Lynne Wilson	Outer Banks Alternate		Vance Aydlett	January 2012	2nd term 12/31/2014
Bobby Bell	Mainland Alternate		Paul O'Neal	January 2012	2nd term 12/31/2014

* To be Replaced

** May Be Reappointed



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: Dec. 18, 2012

Name: Carol Sawyer Bell

Address: 330 Puddin Ridge Rd.

Moyock, NC 27958

Phone: cell 757-377-3725 Email: 3485csbell@embarqmail.com

Board(s) or Committee(s) on which you would like to serve:

✓ Please check

- | | |
|--|--|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Library Board |
| <input type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Airport Advisory Board | <input checked="" type="checkbox"/> Planning Board |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Fire & EMS Advisory Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |

Qualifications and reasons you would like to serve:

I am a life long resident of Currituck County. I graduated from JP Knapp High School in 1964. I have an associated degree in applied science from College of the Albemarle. I am a registered nurse, retired.

I served on the Board of Adjustment for several years, the last year as vice-chair.

My father, Milburn Sawyer, served as a county commissioner and our county representative to the state legislature.

I care about what happens in the county. The county is growing by leaps and bounds and while that is inevitable, I believe it needs to be done correctly and the in the best interest of all.

Please return to: County Manager's Office
153 Courthouse Road, Suite 204
Currituck, NC 27929

Revised 4/20//2012



APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 12/15/2012

Name: Eddie-Jo Powell

Address: 136 Powell Rd Shawboro.nc. 27973

Phone: 252-339-9923 Email: paxtin@myfam.com

Board(s) or Committee(s) on which you would like to serve:

✓ Please check

- | | |
|---|---|
| <input type="checkbox"/> ABC Board | <input type="checkbox"/> Library Board |
| <input checked="" type="checkbox"/> Agricultural Advisory Board | <input type="checkbox"/> Nursing Home Advisory Committee |
| <input type="checkbox"/> Airport Advisory Board | <input checked="" type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Board of Adjustment | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Economic Development Board | <input type="checkbox"/> Senior Citizens Advisory Board |
| <input type="checkbox"/> Fire & EMS Advisory Board | <input type="checkbox"/> Social Services Board |
| <input type="checkbox"/> Game Commission | <input checked="" type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Jury Commission | <input type="checkbox"/> Whalehead Preservation Trust |
| <input type="checkbox"/> Land Transfer Tax Appeals Board | <input type="checkbox"/> Workforce Development Board |

Qualifications and reasons you would like to serve:

I served on the election board for 8 years. I have BS in education and have been a part of Currituck since I was 16. I am a business women as well and I feel I have more to contribute to our county by serving on one of these boards. Our family farms and my BS is in physical education and health. I am a people person and have worked in the public my whole life. I also took the real estate course to be educated on real estate issues. Our business deals directly with tourism so I have a working knowledge of the tourism industry.

Please return to: County Manager's Office
153 Courthouse Road, Suite 204
Currituck, NC 27929
Gwen.Keene@CurrituckCountyNC.gov

Revised 4/20//2012

BOARD OF ADJUSTMENT

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Christian Conner	District 1		Vance Aydlett	12/3/12	2nd Term 12/3/2014
Bryan Bass**	District 2	will be alternate	David Griggs	12/7/2009	2nd Term 12/31/2012
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 12/1/2013
Cameron Tabor	District 5	MOVES UP TO MEMBER	Marion Gilbert	2/21/2011	1st Term 12/31/2013
Mike Painter-Alternate	At Large		Paul Martin	8/20/12	1st Term 12/31/2014
Vivian Simpson	At-Large		Paul O'Neal	1/17/2012	1st Term 1/1/2014

**** To Be Replaced**

**ABC BOARD
3 Year Terms**

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Harold Capps	District 1		Vance Aydlett	9/2010	9/1/2013
Owen Etheridge	District 2		David Griggs	1/2010	1/1/2013
David Myers	District 3		Butch Petrey	7/2012	3rd 5/4/2014
Horace Bell, III	District 4		Kevin McCord	7/2012	3rd 6/15/2014
Gene Gregory	District 5		Marion Gilbert	1/2010	1/1/2013
	At-Large				
	At-Large				

Memorandum

RETURN FORM BY JANUARY 11, 2013

**VOTING DELEGATE DESIGNATION FORM
LEGISLATIVE GOALS CONFERENCE
January 24-25, 2013 (Thursday – Friday)
Sheraton Imperial - RTP**

NOTE: Please place this action on your board meeting agenda.

Each Board of County Commissioners is hereby requested to designate a commissioner or other official as a voting delegate. Each voting delegate should complete and sign the following statement and **RETURN IT TO THE ASSOCIATION NO LATER THAN FRIDAY, JANUARY 11, 2013.**

PLEASE RETURN FORM TO SHEILA SAMMONS, CLERK TO THE BOARD BY EMAIL: SHEILA.SAMMONS@NCACC.ORG OR FAX: 919-733-1065.

I, _____, hereby certify that I am the duly designated voting delegate for _____ County at the North Carolina Association of County Commissioners 2013 Legislative Goals Conference.

Signed: _____

Title: _____

Article VI, Section of the Association’s Constitution provides:

“On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its County Commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the Board of County Commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year’s dues.”

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of January, 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
60808-545001	Contract Services - sewer	\$ 79,500	
60808-588000	Contingency		\$ 79,500
		\$ 79,500	\$ 79,500

Explanation: Ocean Sands Water and Sewer Plant (60808) - Transfer contingency funds for the Ocean Sands WWTP Equalization Basin Painting Project. This project will be to Pappas Civil Contractors, LLC, Tarpon Springs Florida.

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

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Clerk to the Board

BUDGET AMENDMENT

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<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>
10440-561000	Professional Services	\$ 658	
10390-499900	Appropriated Fund Balance	\$ 1,971	
10320-411000	Article 39 Sales Tax		\$ 2,629
		<u>\$ 2,629</u>	<u>\$ 2,629</u>

Explanation: Finance (10440) - To record additional sales tax allocated to Currituck for the tax period ending June 30, 2011 as a result of the Tax Reduction Specialists audit.

Net Budget Effect: Operating Fund (10) - Increased by \$658.

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Clerk to the Board

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<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>
10795-516400	Repair & Maintenance Equip	\$ 3,000	
10795-545000	Contract Services	\$ 300	
10795-590000	Capital Outlay	\$ 2,600	
10795-576001	Baseball/Softball		\$ 2,000
10795-576009	Soccer		\$ 1,000
10795-576003	Youth Flag Football		\$ 2,900
		<u>\$ 5,900</u>	<u>\$ 5,900</u>

Explanation: Parks & Recreation (10795) - Transfer funds for emergency repairs to John Deere mowers for parks, to replace a mowing deck and for increase in cleaning contract.

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

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 7th day of January, 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
20609-545000	Contract Services	\$ 32,000	
20609-590000	Capital Outlay	\$ 3,800,000	
20609-588000	Contingency		\$ 32,000
20390-490000	Proceeds from Debt Issuance		\$ 3,800,000
		\$ 3,832,000	\$ 3,832,000

Explanation: Whalehead Watershed Drainage District (20609) - Transfer contingency funds for preliminary engineering to establish budget for Phase III of the stormwater drainage project.

Net Budget Effect: Whalehead Watershed Drainage District (20) - Increased by \$3,800,000.

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Clerk to the Board

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<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>
12548-590015	Capital Outlay	\$ 12,000	
12548-553015	Dues & Subscriptions	\$ 2,000	
12548-536115	Personal Protective Equipment		\$ 14,000
		<u>\$ 14,000</u>	<u>\$ 14,000</u>

Explanation: Knotts Island Vol Fire Dept (12548) - Transfer funds to purchase 4 radios that was presented during FY 2012, but not purchased and for increase in dues & subscriptions.

Net Budget Effect: Fire Services Fund (12) - No change.

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Clerk to the Board

BUDGET AMENDMENT

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<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>
65858-590000	Capital Outlay	\$ 3,000	
65858-545000	Contract Services		\$ 3,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

Explanation: Moyock Commons Sewer (65858) - Transfer funds to purchase lab testing equipment.

Net Budget Effect: Moyock Commons Sewer District Fund (65) - No change.

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<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>
61818-533800	Chemicals	\$ 28,000	
61818-516200	Vehicle Maintenance	\$ 800	
61818-553000	Dues & Subscriptions	\$ 1,700	
61818-532000	Supplies	\$ 5,000	
61818-533200	Lab Test		\$ 5,000
61818-545000	Contract Services		\$ 12,500
61818-557100	Software License Fee		\$ 2,500
61818-561000	Professional Services		\$ 6,000
61818-513000	Utilities		\$ 9,500
		<u>\$ 35,500</u>	<u>\$ 35,500</u>

Explanation: Mainland Water System (61818) - Transfer funds for operations.

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

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Clerk to the Board

BUDGET AMENDMENT

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<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
10530-536000	Uniforms	\$ 2,000	
10530-590000	Capital Outlay		\$ 2,000
		\$ 2,000	\$ 2,000

Explanation: Emergency Services (10530) - Transfer funds for replacement parts for Personal Protective Equipment.

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

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Clerk to the Board

BUDGET AMENDMENT

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<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>
10750-557700	Crisis Intervention	\$ 34,845	
10750-557701	LIEAP	\$ 20,315	
10390-499900	Appropriated Fund Balance	\$ 56,831	
10330-431000	DSS Administration		\$ 111,991
		<u>\$ 111,991</u>	<u>\$ 111,991</u>

Explanation: Social Services Administration (10750) - Adjust budgets to State funding authorizations.

Net Budget Effect: Operating Fund (10) - Decreased by \$56,831.

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Clerk to the Board

BUDGET AMENDMENT

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<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>
10545-561000	Medical Examiner	\$ 11,000	
10390-499900	Appropriated Fund Balance		\$ 11,000
		<u>\$ 11,000</u>	<u>\$ 11,000</u>

Explanation: Medical Examiner (10545) - Increase appropriations due to increase in requests for services provided by the medical examiner.

Net Budget Effect: Operating Fund (10) - Decreased by \$56,831.

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Clerk to the Board

BUDGET AMENDMENT

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<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>
60808-532001	Supplies	\$ 8,000	
60808-533601	System Supplies	\$ 5,000	
60808-590001	Capital Outlay	\$ 48,312	
60808-588000	Contingency		\$ 23,312
60808-561001	Professional Services		\$ 25,000
60808-516001	Repairs & Maintenance		\$ 13,000
		<u>\$ 61,312</u>	<u>\$ 61,312</u>

Explanation: Ocean Sands Water and Sewer Plant (60808) - Transfer funds for operations and to purchase vehicle for the Ocean Sands personnel and a used tractor for use in the district.

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

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Clerk to the Board

RESOLUTION
SURPLUS PROPERTY

WHEREAS, the Board of commissioners of Currituck County, North Carolina during it's regular meeting held on January 7, 20013 authorized the following property listed below, be declared surplus and disposed of; and

WHEREAS, Sheriff Johnson has requested that upon the retirement of Deputy William H. Rutherford that his duty weapon, a Glock 23 handgun, serial # CVM720 US be given to him. Mr. Rutherford has made the request to purchase same upon his retirement.

ADOPTED this the 7th day of January 7, 2013.

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

S. Paul O'Neal
Chairman

RESOLUTION

**OPPOSING ELIMINATION OF THE KNOTTS ISLAND FERRY TOLLS FOR
KNOTTS ISLAND-CURRITUCK FERRY**

WHEREAS, The Knotts Island-Currituck Ferry services has been provided free of charge for all travelers for almost 50 years, linking the knows island community to the Currituck County mainland; and

WHEREAS, the Knotts Island-Currituck Ferry service was primarily established to ease the transportation burden for school children, resident workers and businesses to mitigate an over 2 hour drive via NC 615 through the Virginia Communities of Chesapeake and Virginia Beach back to the Currituck County Mainland; and

WHEREAS, Knotts Island-Currituck Ferry service provides a necessary and critical level of service to maintain efficient transportation flow to all North Carolina and Currituck County residents and visitors; and

WHEREAS, the establishment of any toll, let alone at the alarming rate of \$10 one-way, would irreparable harm not only the residents of Knotts Island, but also greatly strain the budgets of Currituck County government and Schools, while simultaneously stifling the access and quality of life for all Currituck County residents and visitors to enjoy; and

WHEREAS, the Board of Commissioners questions whether the State of North Carolina statutes specifically GS 136-89.197, allows for the establishment of a toll on the Knotts Island-Currituck Ferry, as a comparable facility under the full control of the NC Department of Transportation is not available since the State of Virginia controls portions of the comparable facility; and

WHEREAS, further the Board of Commissioners questions whether the State of North statutes, specifically GS 136-89.197, allows for the establishment of a toll on the Knotts Island-Currituck Ferry, as any discuss of tolling must first be established, vetted and approved at the Regional Planning Organization (RPO).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA, THAT:

Currituck County strongly opposes consideration of any toll for the Knotts Island-Currituck Ferry System as injurious to the general well-being of our residents, businesses and visitors, and notes the severe fiscal consequences for the budgets of Currituck County government and Currituck County Schools; and

BE IT FURTHER RESOLVED that the Currituck County Board of Commissioners vehemently opposes the elimination of the Knotts Island-Currituck Ferry route as such action would devastatingly affect the quality of life of our Knotts Island residents, especially the school children, business and visitors who depend on it daily.

ADOPTED this the 7th day of **January, 2013.**

ATTEST:

Gwen H. Keene, CMC

Clerk to the Board

S. Paul O'Neal

Chairman

CURRITUCK COUNTY
NORTH CAROLINA
December 3, 2012

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

A) Invocation

B) Pledge of Allegiance

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

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

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

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

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

1. Approval of November 19, 2012 Minutes

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

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

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

5 minute recess

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

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

4. Election of Chairman

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

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

5. Election of Vice-Chairman

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

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

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

D) Approval of Agenda

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

E) Public Comment

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

Chairman O'Neal opened the public comment period.

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

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

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

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

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

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

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

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

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

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

Public Hearings

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

Ben Woody, Planning Director, reviewed the request.

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

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

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

1. The permit has not yet expired.
 - a. The special use permit has not yet expired and will expire February 7, 2013.
2. The permit recipient has proceeded with due diligence and in good faith; and,
 - a. The developer has proceeded with due diligence and in good faith.
3. Conditions have not changed so substantially as to warrant a new application. Successive extensions shall not be granted. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
 - a. There are no changes proposed in the extension request.

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

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

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

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

ITEM: PB12-23 Corolla Wild Horse Fund – SUP Outdoor Tour Operator – Horse Tours

LOCATION: 1129 Corolla Village Road

TAX ID: 114H-000-000B-0000

ZONING DISTRICT: GB - General Business

PRESENT USE: Corolla Wild Horse Fund Horse Museum & Offices

OWNER: TFP LLC
PO Box 369
Corolla, NC 27927

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN

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

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

I. NARRATIVE OF REQUEST:

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

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

- 1. Completeness of application.

Suggested Findings:

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

Suggested Findings:

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

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

Suggested Findings:

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

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

Suggested Findings:

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

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

Suggested Findings:

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

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

Suggested Findings:

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

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

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

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

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

Suggested Findings:

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

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

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

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

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

IV. PLANNING BOARD RECOMMENDATION:

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

Chairman O'Neal opened the hearing.

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

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

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

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

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: December 3, 2012
PB 12-10 East Point Estates

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

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

TAX ID: 0046-000-003B-0000

ZONING DISTRICT: RR (Residential Recreational)

PRESENT USE: Campground

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

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN

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

I. NARRATIVE OF REQUEST:

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

II. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

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

1. Completeness of application.
Suggested Findings:
 - a. The application is complete.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".
Suggested Findings:
 - a. Chapter 10 of the UDO allows a major subdivision as a permissible use with a special use permit.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:

- a. As presented, the subdivision meets or exceeds the minimum requirements of the ordinance.
- 4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. The subdivisions should have little to no impact on public health or safety.
- 5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located
Suggested Findings:
 - a. The UDO indicates that a subdivision is allowed in the RR zoning district with a special use permit.
 - b. The proposed residential subdivision shall harmonize well with the surrounding community.

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

Suggested Findings:

The 2006 Land Use Plan classifies this site as Limited Services within the Knotts Island and Gibbs Woods subarea. The Limited Services area is to provide for primarily residential development at low densities. Base density should be one unit per acre but could be increased to 1.5 units per acre through overlay zoning depending upon whether service facilities are in placed or planned on the surrounding community. The policy emphasis for the developable areas of Knotts Island is to remain as low to very low density residential areas; predominantly 1 unit per 3 acres. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development is within an environmentally suitable area, the type and capacity of sewage treatment available to the site, the adequacy of transportation facilities providing access to the site, and the proximity of the site to existing and planned urban services. For example, projects falling within the Full Services areas of the Future Land Use Map would be permitted a higher density because of the availability of infrastructure as well as similarity to the existing development pattern. Such projects could be developed at a density of two (2) or more dwelling units per acre. Projects within areas designated as Limited Service would be permitted a density of one (1) to one and one half (1.5) units per acre depending upon the surrounding development pattern and availability of resources. Projects within areas designated as Rural or Conservation by the Future Land Use Plan would be permitted a much lower density of 1 dwelling unit per 3 acres because of the lack of infrastructure in the area, the existing low density development pattern, and presence of environmentally sensitive natural areas.

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

- 7. The special use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining

when public facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the plan (sketch plan in the case of major subdivisions).

Suggested Findings:

- a. The proposed 22 lot residential subdivision will not exceed the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

Planning:

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

NC State Archaeology:

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

IV. PLANNING BOARD RECOMMENDATION:

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

Chairman O'Neal opened the public hearing.

Commissioner Martin stated that the canal was very shallow.

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

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

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

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

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

Ben Woody, Planning Director, reviewed the request.

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

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

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

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

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

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

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

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

LAND USE/ZONING OF SURROUNDING PROPERTY:

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

LAND USE PLAN

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

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

Areas designed as Rural are intended to provide for agriculture, forestry, and other allied uses traditionally associated with a rural area. With respect to residential development, Rural areas allow for no more than 1 unit per 3 acres.

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

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

The following Land Use Plan policy statements support this request:

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

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

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

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

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

PROPOSED ZONING CONDITIONS:

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

COMMUNITY MEETING:

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

TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

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

PLANNING BOARD RECOMMENDATION:

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

Chairman O'Neal opened the public hearing.

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

December 3, 2012 BOC Meeting

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

Milton Etheridge, opposes the request.

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

Paul Rose, questioned the conservation area and buffer.

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

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

David Martin, Sligo, supports this project.

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

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

Commissioner McCord questioned farmland.

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

Commissioner Petrey moved to table to next meeting.

Commissioner Martin seconded the motion. Motion carried.

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

Holly White, Planner, reviewed the request.

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

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

The proposed amendments include:

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

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

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

Ms. White provided an overview of the text amendment.

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

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

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

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

1.7.2 Incorporated by Reference

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

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

2.2.6 Planning Director

The Planning Director shall have the following powers and duties:

A. Powers and Duties

(3) Floodplain Administrator

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

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

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

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

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

2.4.12 Floodplain Development Permit

D. Floodplain Development Permit Review Standards

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

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

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

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

G. Expiration of Approval

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

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

2.4.13 Variance

A. Variances from Flood Damage Prevention Standards

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

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

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

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

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

7.4 FLOOD DAMAGE PREVENTION

7.4.1 Purpose and Intent

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

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

7.4.2 Applicability

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

7.4.3 Floodplain Development Permit Required

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

7.4.4 Special Flood Hazard Area Zones

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

A. VE Zone

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

B. AE Zone

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

C. A Zone (No Base Flood Elevation)

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

D. AEFW Zone (Floodway)

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

7.4.5 Flood Certificates / Certifications

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

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

NOTES:

[1] Recreation vehicles, temporary structures, and accessory structures less than 150 square feet in area in the A and AE flood zones must comply with the standards of this section, but are exempted from elevation and flood-proofing certificate requirements

[2] Development subject to a floodproofing certificate is not required to obtain an elevation certificate

[3] Floodproofing is not permitted within the VE zone

[4] Manufactured homes are not permitted in the VE zone

A. Elevation Certificate (FEMA Form 81-31)

(1) Building Under Construction

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

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

(2) Finished Construction

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

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

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

C. Foundation Certification

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

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

D. Watercourse Alteration Certification (No-Rise)

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

E. V-Zone Certificate

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

7.4.6 Standards

A. General Standards

(1) Standards Applied to All Development

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

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

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

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

(2) Residential Development

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

(3) Nonresidential Development

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

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

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

(4) Manufactured Homes

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

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

(5) Accessory Structures

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

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

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

(6) Temporary Nonresidential Structures

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

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

(7) Recreational Vehicles

Recreational vehicles shall:

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

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

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

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

storage of maintenance equipment used in connection with the premises;

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

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

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

(9) Additions or Improvements to Existing Buildings

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

(a) Substantial Additions or Improvements

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

(b) Non-Substantial Additions or Improvements

(i) Pre-FIRM Buildings

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

(ii) Post-FIRM Building Additions

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

(iii) Post-FIRM Building Improvements

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

(c) Timing of Post-FIRM Structures

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

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

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

(1) CAMA Setbacks

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

(2) Base Flood Elevation

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

(3) Free of Obstruction

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

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

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

(4) Foundations

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

(5) Use of Fill

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

(6) Alteration of Dunes

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

(7) Allowed Uses

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

C. Standards for Floodplains without Established Base Flood Elevations

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

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

D. Standards for Floodways and Non-Encroachment Areas

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

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

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

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

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

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

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

9.5.4 Enforcement Procedure

A. Investigation of Complaint

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

B. Notice of Violations

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

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

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

9.6.1 Remedies

F. Revocation of Permit or Approval

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

(4) Floodplain Development Permit

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

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

10.5 DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD

See “special flood hazard area (SFHA)”

BASE FLOOD ELEVATION (BFE)

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

CHEMICAL STORAGE FACILITY

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

DESIGN FLOOD ELEVATION

See regulatory flood protection elevation (RFPE)

FLOOD HAZARD BOUNDARY MAP (FHBM)

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

FLOODPLAIN DEVELOPMENT PERMIT

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

FLOOD-RESISTANT MATERIAL

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

FREEBOARD

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

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

HAZARDOUS WASTE MANAGEMENT FACILITY

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

LOWEST FLOOR

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

MANUFACTURED HOME PARK OR SUBDIVISION

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

MEAN SEA LEVEL

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

PRINCIPALLY ABOVE GROUND

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

REGULATORY FLOOD PROTECTION ELEVATION

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

SOLID WASTE DISPOSAL FACILITY

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

SOLID WASTE DISPOSAL SITE

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

VARIANCE

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

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

Item 40: The standards of this Ordinance are severable and if any of its standards or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining standards which can be given effect without the invalid provision or application.

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

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

Administrative Reports

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

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

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

New Business

A) Board Appointments:

1. Appointment of Commissioner to Albemarle Commission

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

2. Appointments to Planning Board

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

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

3. Appointment to Board of Adjustment

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

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

4. Appointment to Tourism Board

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

B) Consent Agenda:

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

4. Approval of November 19, 2012 Minutes
5. Acknowledge receipt of proposed Property Tax Schedules, Standards and Rules from the Tax Assessor and call for a public hearing on January 7, 2013

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or <u>Increase Expense</u>		Increase Revenue or <u>Decrease Expense</u>	
50550-592012	COA Apron/Taxiway	\$	23,846		
50390-495051	T F - School Construction Fund			\$	2,385
50330-448000	State Aide to Airports			\$	21,461
			<u>\$ 23,846</u>		<u>\$ 23,846</u>

Explanation: County Governmental Construction - Airport (50550) - Increase appropriations for increase in NC DOA grant 36244.10.5.1 for the COA Airport Apron and Taxiway. This will be funded through 90% grant funds and 10% local funds. The local match was appropriated as part of the COA building construction project.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$23,846.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or <u>Increase Expense</u>		Increase Revenue or <u>Decrease Expense</u>	
10531-545000	Contracted Services	\$	4,000		
10531-514000	Travel	\$	4,000		
10531-532000	Supplies	\$	12,625		
10330-445000	Emergency Management			\$	20,625
			<u>\$ 20,625</u>		<u>\$ 20,625</u>

Explanation: Emergency Management (10531) - Increase appropriations for 2012 Emergency Management Performance Grant (EMPG), which will be utilized for various Emergency Management related projects throughout this fiscal year.

Net Budget Effect: Operating Fund (10) - Increased by \$20,625.

Debit **Credit**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Debit **Credit**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Debit **Credit**

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

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

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

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

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

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

Debit

Credit

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

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

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

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

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

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or <u>Increase Expense</u>	Increase Revenue or <u>Decrease Expense</u>
10430-514801	Fees Paid to Precinct Officials	\$ 7,000	
10430-521000	Rent	\$ 640	
10390-499900	Appropriated Fund Balance		\$ 7,640
		<u>\$ 7,640</u>	<u>\$ 7,640</u>

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

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

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

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

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

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

Resolution Approving Financing Terms

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

BE IT THEREFORE RESOLVED, as follows:

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

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

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

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

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

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

C) Commissioner's Report

No comment

D) County Manager's Report

No comment

Adjourn

There being no further business, the meeting adjourned.

Special Meeting

Tourism Development Authority

Budget Amendments

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-545002	Historic Preservation	\$ 55,583	
15320-415000	Occupancy Tax		\$ 55,583
		<u>\$ 55,583</u>	<u>\$ 55,583</u>

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

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-516001	Signs	\$ 13,880	
15320-415000	Occupancy Tax		\$ 13,880
		<u>\$ 13,880</u>	<u>\$ 13,880</u>

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

for 16 "NO WAKE" signs.

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

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

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

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

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

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

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

Adjourn

There being no further business, the meeting adjourned.

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 7th day of January, 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>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-545000	Contract Services	\$ 26,000	
15442-513000	Utilities		\$ 26,000
		<u>\$ 26,000</u>	<u>\$ 26,000</u>

Explanation: Occupancy Tax - Tourism Promotion (15442) - Transfer funds to provide \$11,000 to redesign the Toursim website and \$15,000 to develop a mobile app for Tourism.

Net Budget Effect: Occupancy Tax Fund (15) - No change.

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Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 7th day of January, 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>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15447-592000	Whalehead Projects	\$ 5,000	
15320-415000	Occupancy Tax		
		<u>\$ 5,000</u>	<u>\$ -</u>

Explanation: Occupancy Tax - Tourism Related Expenditures (15447) - Increase appropriations to the Whalehead Trust for them to purchase 2 boat trailers.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$5,000.

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Clerk to the Board