



**BOARD OF COMMISSIONERS  
AGENDA**

**MAY 6, 2013**

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# Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

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**Date: Monday, May 06, 2013**

**Time: 7:00 PM**

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

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

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

## **Administrative Reports**

- A) **Update on YMCA by Billy George and Dean Mattix**

## **Public Hearings**

- A) **Public Hearing and Action:** PB 12-01 Southland Trade Corporation; PB 12-02 Border Station; and PB 12-03 The Spot: Request to amend the Unified Development Ordinance, Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions to allow Electronic Gaming Operations in the General Business (GB) Zoning District. Substantial change in the proposed amendments may be made as a result of comments, objections, debate and discussion received during the public hearing. Such substantial change may include, but is not limited to, the zoning district or districts in which Electronic Gaming Operations are permitted, allowing Electronic Gaming Operations as a principle, combined or accessory use of property with a retail business, the maximum number of allowed machines in an Electronic Gaming Operation, maximum floor area of a building that may be occupied by an Electronic Gaming Operation, the number of required parking spaces, location distance from other uses, and hours of operation for an Electronic Gaming Operation.

- B) **Public Hearing and Action** to request amendment for "No Wake" Zone in Tull's Bay Colony
- C) **Public Hearing and Action:** PB 13-04 Bob's Wild Horse Tours, LLC: Request for a Use Permit for an Outdoor Tour Operator. The property is located at 817B Ocean Trail, Tax Map 116H, Parcel 817B, Poplar Branch Beach Township.
- D) **Public Hearing and Action:** PB 13-03 Indian Gap Mainland Tours: Request for a Use Permit for an Outdoor Tour Operator (boat tours). The property is located at 169 Walnut Island Boulevard, Tax Map 107, Parcel 64, Poplar Branch Township.

### **New Business**

- A) **Consideration and Approval of Recommendation to Award Bid for Barco Way to Barnhill Contracting Company and Authorize County Manager to Execute Contract With Barnhill Contracting Company**
- B) **Board Appointments:**
  - 1. Appointment to Senior Citizen Advisory Board
  - 2. Appointments to Game Commission
- C) **Consent Agenda:**
  - 1. Budget Amendments
  - 2. Approval of April 1, 2013 Minutes
  - 3. CDBG Monthly Status Report
  - 4. JCPC Funding Plan FY 2014
  - 5. Regional Aviation and Technical Training Center Change Order 002
  - 6. Approval of Ordinance to demolish property located at 4317 Caratoke Hwy, Barco, NC
  - 7. Approval of Records Retention and Disposition Schedule
  - 8. Consideration of Lease Agreement with the Truck Accessory Center
  - 9. Resolution Opposing HB 983 Designating Red Drum, Spotted Sea Trout and Striped Bass as Coastal Game Fish
  - 10. Resolution Authorizing "Piggybacking" Purchase of 800 Mhz Radios and Equipment
  - 11. Resolution - Authorizing Finance Director and Deputy Finance Director to wire funds through Vantage South
  - 12. Resolution Surplus Sheriff K-9 Zeva
- D) Commissioner's Report
- E) County Manager's Report

**Special Meeting**

**Tourism Development Authority**

Budget Amendments - TDA

Adjourn

**Closed Session**

Closed Session pursuant to (1) G.S. 143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege; (2) pursuant to G.S. 143-318(a)(5) to establish or instruct county staff concerning the position to be taken by or on behalf of the county in negotiating the price and any other material terms of a contract or proposed contract for the acquisition of real property by purchase, option or exchange owned by Outer Banks Ventures, Inc. located at 1102 Corolla Village Drive to be used for any public purpose; and (3) pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter.

Adjourn



## 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: April 25, 2013

Subject: PB 12-01, PB 12-02, and PB 12-03 Text Amendments for Electronic Gaming Operations (Internet Sweepstakes)

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Enclosed are text amendment requests to establish machine based sweepstake operations (internet sweepstake cafés) as a permissible use in the county, including establishing use and development standards. The requests include a version prepared by staff as directed by the Board of Commissioners (Option 1), and the Planning Board's recommendation (Option 2). Also, included are separate requests from Southland Trade Corporation and North River Tobacco Barn (Option 3), Border Station (Option 4), and Heath Bush (The Spot) (Option 5).

The previous proposals were written for the old Unified Development Ordinance and a couple classified internet sweepstake cafés as an accessory use. The new UDO better defines accessory uses and therefore, as written, internet sweepstake cafés would be classified as a primary use. However, the use will still be required to be in conjunction with a retail sales establishment. Staff has highlighted formatting changes and also included recommended language so that the proposal better fits with the new UDO.

# OPTION 1 – BOC – Combination Use

## PB 12-01 – 12-03 UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement to establish Electronic Gaming Operation as a permissible use.

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 4.1.1 Summary Use Table is amended by adding the following underlined language, and renumbering accordingly:

**Note:** The previous proposals written for the old UDO classified electronic gaming operations as an accessory use. The new UDO better defines accessory uses and therefore, as written, the electronic gaming operations would be classified as a primary use. However, the use will still be required to be in conjunction with a retail sales establishment.

**TABLE 4.1.1: SUMMARY USE TABLE**

PROPOSED UDO PROCEDURE: Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan; blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2.)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
COMMERCIAL USE CLASSIFICATION																		
Recreation / Entertainment, Indoor	<u>Electronic Gaming Operations</u>									<u>Z</u>							<u>4.F.1</u>	
	Fitness center									Z	Z	Z	Z	Z		MP	MP	MP
	Recreation, indoor									Z	Z	Z	Z	Z		MP	MP	MP
	Theater									Z	Z	Z	Z	Z		MP	MP	MP

**Item 2:** That Section 4.2.4 Commercial Uses is amended by adding the following underlined language, and renumbering accordingly:

**F. Recreation/Entertainment, Indoor**

**(I) Electronic Gaming Operations**

Electronic gaming operations shall comply with the following standards:

**(a) General Requirements**

- (i)** All electronic gaming operations shall be in conjunction with and located on the same lot as a principle retail sales establishment, and under the same ownership in all respects.
- (ii)** The electronic gaming operation shall not exceed 25% of the gross floor area of all the buildings used for the principle retail use.

- (iii) Each electronic gaming operation shall be limited to a maximum of X gaming terminals per location, regardless of size.
- (iv) No electronic gaming operation shall be located within 500 feet of a school, child care center, or religious institution.

**Note:** In the new UDO, use separation standards are measured from the closest edge of one lot to the closest edge of the other lot.

- (v) Electronic gaming operations are prohibited in the Poplar Branch-Outer Banks and Fruitville Townships.
- (vi) On premise signs advertising the electronic gaming operation are prohibited.

**(b) Operation Requirements**

- (i) Operating hours shall be the same as the principle retail sales establishment.
- (ii) There shall be no alcohol or food sold, provided, or consumed in the gaming area.
- (iii) The establishment shall be restricted to patrons and employees at least 18 years of age.

**(c) Amortization**

Any electronic gaming operation that lawfully existed prior to **date of adoption** will be granted 6 months from **date of adoption** in which to bring the electronic gaming operation into compliance with the standards of this Ordinance.

**Item 3:** That Table 5.1.3.C: Minimum Off-Street Parking Standards is amended by adding the following underlined language:

<b>TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS</b>		
<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>MINIMUM NUMBER OF PARKING SPACES</b>
<b>COMMERCIAL USE CLASSIFICATION</b>		
<b>Recreation / Entertainment, Indoor</b>	<u>Electronic Gaming Operation</u>	<u>1 per 1 gaming terminal</u>
	<u>Fitness center</u>	<u>1 per every 300 sf</u>
	<u>Recreation, indoor</u>	<u>1 per every 300 sf</u>
	<u>Theater</u>	<u>1 per every 4 seats</u>

**Item 4:** That Section 10.5: Definitions is amended by adding the following underlined language and deleting the strikethrough language:

**ELECTRONIC GAMING OPERATION**

An Electronic Gaming Operation is any business enterprise where persons utilize electronic machines, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet sweepstakes, video

sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

**Item 5:** 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 6:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
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 - Planning Board – Combination Use

## PB 12-01 – 12-03 UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement to establish Electronic Gaming Operation as a permissible use.

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 4.1.1 Summary Use Table is amended by adding the following underlined language, and renumbering accordingly:

**Note:** The previous proposal was written for the old UDO and classified electronic gaming operations as an accessory use. The new UDO better defines accessory uses and therefore, as written, the electronic gaming operations would be classified as a primary use. However, the use will still be required to be in conjunction with a retail sales establishment. There are no changes to the standards as previously written other than formatting. Staff has highlighted formatting changes and also included recommended language so that the proposal better fits with the new UDO.

### TABLE 4.1.1: SUMMARY USE TABLE

PROPOSED UDO PROCEDURE: Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan; blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2.)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
COMMERCIAL USE CLASSIFICATION																		
Recreation / Entertainment, Indoor	<u>Electronic Gaming Operations</u> <del>deleted</del> <del>"(accessory use)"</del>										Z							4.F.1
	Fitness center								Z	Z	Z	Z	Z		MP	MP	MP	
	Recreation, indoor								Z	Z	Z	Z	Z		MP	MP	MP	
	Theater								Z	Z	Z	Z	Z		MP	MP	MP	

**Item 2:** That Section 4.2.4 Commercial Uses is amended by adding the following underlined language, and renumbering accordingly:

**F. Recreation/Entertainment, Indoor**

**(1) Electronic Gaming Operations**

Electronic gaming operations shall comply with the following standards:

**(a) General Requirements**

- (i)** All electronic gaming operations shall be in conjunction with and located on the same lot as a principle retail sales establishment, and under the same ownership in all respects. Changed “principle retail use” to “principle retail sales establishment”
- (ii)** The electronic gaming operation shall not exceed 30% of the gross floor area of all the buildings used for the principle retail use.
- (iii)** The gross floor area of the gaming area shall be not less than 15 square feet per gaming terminal.
- (iv)** Each electronic gaming operation shall be limited to a maximum of 40 gaming terminals per location, regardless of size.
- (v)** No electronic gaming operation shall be located within 500 feet of a school, child care center, religious institution, or other electronic gaming establishment. The measurement of distance shall be a straight line from the closest point of the buildings at which the uses are located, not the closest point of the unit or space within the buildings at which the electronic gaming operation is located.

The new UDO better defines separation requirements. Specifically, when uses are required to be separated, the distance is measured from lot line to lot line. Staff would recommend keeping the UDO consistent, however, this would increase the above separation distance as it is measured from building to building.

- (vi)** Electronic gaming operations are prohibited in the Poplar Branch-Outer Banks and Fruitville Townships.
- (vii)** On premise signs advertising the electronic gaming operation are prohibited.

**(a) Operation Requirements**

- (i)** Operating hours shall be the same as the principle retail use. The electronic gaming operation shall be closed from 2:00 am to 1:00 pm on Sundays.
- (ii)** There shall be no alcohol sold, provided, or consumed in the gaming area.
- (iii)** The establishment shall be restricted to patrons and employees at least 18 years of age.
- (iv)** No firearms are allowed inside any gaming area, except by sworn law enforcement officials or security employees.

**Item 3:** That Table 5.1.3.C: Minimum Off-Street Parking Standards is amended by adding the following underlined language:

<b>TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS</b>		
<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>MINIMUM NUMBER OF PARKING SPACES</b>
<b>COMMERCIAL USE CLASSIFICATION</b>		
<b>Recreation / Entertainment, Indoor</b>	<u>Electronic Gaming Operation</u>	<u>1 per 2 gaming terminals</u> <b>OR</b> <u>1 per 1 gaming terminal*</u>
	Fitness center	1 per every 300 sf
	Recreation, indoor	1 per every 300 sf
	Theater	1 per every 4 seats

*\*Staff recommends a one parking space per gaming terminal standard.*

**Item 4:** That Section 10.5: Definitions is amended by adding the following underlined language and deleting the strikethrough language:

**ELECTRONIC GAMING OPERATION**

An Electronic Gaming Operation is any business enterprise where persons utilize electronic machines, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet sweepstakes, video sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

**Item 5:** 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 6:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
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 3 – Southland/Tobacco Barn

## PB 12-01 – 12-03 UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement to establish Electronic Gaming Operation as a permissible use.

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:

**Note:** The previous proposal was written for the old UDO and listed electronic gaming operations as an accessory use. The new UDO better defines accessory uses and therefore, as written, the electronic gaming operations would be classified as a primary use. However, the use will still be required to be in conjunction with a retail sales establishment. There are no changes to the standards as previously written other than formatting. Staff has highlighted formatting changes and also included recommended language so that the proposal better fits with the new UDO.

**Item 1:** That Table 4.1.1 Summary Use Table is amended by adding the following underlined language, and renumbering accordingly:

**TABLE 4.1.1: SUMMARY USE TABLE**

PROPOSED UDO PROCEDURE: Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan; blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2.)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M	
COMMERCIAL USE CLASSIFICATION																	
Recreation / Entertainment, Indoor	<u>Electronic Gaming Operations</u>								Z								4.F.1
	Fitness center							Z	Z	Z	Z	Z		MP	MP	MP	
	Recreation, indoor							Z	Z	Z	Z	Z		MP	MP	MP	
	Theater							Z	Z	Z	Z			MP	MP	MP	

**Item 2:** That Section 4.2.4 Commercial Uses is amended by adding the following underlined language, and renumbering accordingly:

**F. Recreation/Entertainment, Indoor**

**(I) Electronic Gaming Operations**

Electronic gaming operations shall comply with the following standards:

**(a) General Requirements**

- (i)** No electronic gaming operation shall be conducted as a principle use, but only as an accessory use to a retail or entertainment use, or collocated group of uses, to which it is, in the determination of the Director of Planning or his designee,

reasonably related and complementary. In making his determination, the Director or designee shall consider the size and nature of the proposed internet sweepstake café or electronic gaming operation, relative to the host principle use.

The above language was submitted under the old UDO. To make it compatible with the new UDO, staff is recommending the standard be written as:

All electronic gaming operations shall be in conjunction with a principle retail sales establishment or entertainment use, or collocated group of uses, to which it is, in the determination of the Planning Director, reasonably related and complementary. In making his determination, the Planning Director shall consider the size and nature of the proposed internet sweepstake café or electronic gaming operation, relative to the retail sales establishment or entertainment use.

(ii) In no case shall the gaming area of such café or operation occupy an area greater than 30% of the square footage of the area occupied by the principal use(s). For purposes of this ordinance, “gaming area” shall mean the floor area containing the gaming terminals, associated seating, kiosk(s) or counter(s) where the person using the terminal pays to do so, together with the floor space separating these components from one another and providing for passage and circulation.

(iii) The gross floor area of the gaming area, as defined in the foregoing, shall be not less than 15 square feet per gaming terminal.

(iv) Each such electronic gaming operation shall be limited to a maximum of 100 gaming terminals, regardless of the size of the property or building(s) containing the operation and its host principle use.

**(b) Operation Requirements**

(i) Applicant shall pay an application fee of \$150 for each proposed gaming terminal in order to obtain a permit.

(ii) Operating hours shall be limited to 8:00am to 1:00 am Monday through Friday, 8:00am to 2:00am on Saturdays, and 12:00 pm to 1:00 am on Sundays. “Soft Closes” are allowed in which patrons who entered the business prior to closing are allowed to play for an additional hour after closing. No patron are allowed to enter the business after closing.

(iii) There shall be no alcohol sold, provided, or consumed with the gaming area.

(iv) The establishment shall be restricted to patrons and employees at least 18 years of age.

(iv) No firearms are allowed inside any gaming area, except by sworn law enforcement officials or security employees.

**Item 3:** That Table 5.1.3.C: Minimum Off-Street Parking Standards is amended by adding the following underlined language and deleting the strikethrough language:

<b>TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS</b>		
<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>MINIMUM NUMBER OF PARKING SPACES</b>
<b>COMMERCIAL USE CLASSIFICATION</b>		
<b>Recreation / Entertainment, Indoor</b>	<u>Electronic Gaming Operation</u>	<u>1 per 2 gaming terminals</u>
	Fitness center	1 per every 300 sf
	Recreation, indoor	1 per every 300 sf
	Theater	1 per every 4 seats

**Item 4:** That Section 10.5: Definitions is amended by adding the following underlined language and deleting the strikethrough language:

**ELECTRONIC GAMING OPERATION**

An Electronic Gaming Operation is any business enterprise where persons utilize electronic machines, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet sweepstakes, video sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

**Item 5:** 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 6:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
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 4 – Border Station

## PB 12-01 – 12-03 UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement to establish Electronic Gaming Operation as a permissible use.

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:

**Note:** This proposal has been formatted for the new UDO. There are no changes to the standards as previously written other than formatting.

### TABLE 4.1.I: SUMMARY USE TABLE

PROPOSED UDO PROCEDURE: Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan; blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]														ADDITIONAL REQ. (4.2.)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R		PD-M
COMMERCIAL USE CLASSIFICATION																	
Recreation / Entertainment, Indoor	Electronic Gaming Operations									Z							4.F.1
	Fitness center							Z	Z	Z	Z	Z		MP	MP	MP	
	Recreation, indoor							Z	Z	Z	Z	Z		MP	MP	MP	
	Theater							Z	Z	Z	Z			MP	MP	MP	

**Item 2:** That Section 4.2.4 Commercial Uses is amended by adding the following underlined language, and renumbering accordingly:

**F. Recreation/Entertainment, Indoor**

**(I) Electronic Gaming Operations**

Electronic gaming operations shall comply with the following standards:

**(a) General Requirements**

**(i)** Each electronic gaming operation shall be limited to a maximum of 80 gaming terminals per location, regardless of size.

**(b) Operation Requirements**

**(i)** Operating hours shall be limited to 8:00am to 2:00am Sunday through Thursday, and not be limited on Friday and Saturday.

**(ii)** Any food or beverage served shall be in pre-package containers or shall meet the requirements of the Albemarle Regional Health Services or appropriate state agency’s regulation. There

shall be no alcohol sold, provided, or consumed on the premises.

- (iii) The establishment shall be restricted to patrons and employees at least 18 years of age.
- (iv) No firearms are allowed inside an electronic gaming business.

**Item 3:** That Table 5.1.3.C: Minimum Off-Street Parking Standards is amended by adding the following underlined language and deleting the strikethrough language:

<b>TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS</b>		
<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>MINIMUM NUMBER OF PARKING SPACES</b>
<b>COMMERCIAL USE CLASSIFICATION</b>		
<b>Recreation / Entertainment, Indoor</b>	<u>Electronic Gaming Operation</u>	<u>1 per 2 gaming terminals or 1 space per 100 square feet of gross floor area, whichever is greater.</u>
	Fitness center	1 per every 300 sf
	Recreation, indoor	1 per every 300 sf
	Theater	1 per every 4 seats

**Item 4:** That Section 10.5: Definitions is amended by adding the following underlined language and deleting the strikethrough language:

**ELECTRONIC GAMING OPERATION**

An Electronic Gaming Operation is any business enterprise where persons utilize electronic machines, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet sweepstakes, video sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

**Item 5:** 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 6:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
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 5 – The Spot

## PB 12-01 – 12-03 UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurement to establish Electronic Gaming Operation as a permissible use.

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:

**Note:** This proposal has been formatted for the new UDO. There are no changes to the standards as previously written other than formatting.

### TABLE 4.1.1: SUMMARY USE TABLE

PROPOSED UDO PROCEDURE: Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan; blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]														ADDITIONAL REQ. (4.2.)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R		PD-M
COMMERCIAL USE CLASSIFICATION																	
<b>Recreation / Entertainment, Indoor</b>	<u>Electronic Gaming Operations</u>									Z							4.F.1
	Fitness center							Z	Z	Z	Z	Z		MP	MP	MP	
	Recreation, indoor							Z	Z	Z	Z	Z		MP	MP	MP	
	Theater							Z	Z	Z	Z			MP	MP	MP	

**Item 2:** That Section 4.2.4 Commercial Uses is amended by adding the following underlined language, and renumbering accordingly:

**F. Recreation/Entertainment, Indoor**

**(I) Electronic Gaming Operations**

Electronic gaming operations shall comply with the following standards:

**(a) General Requirements**

- (i)** No electronic gaming operation shall be located within 500 feet of an existing electronic gaming operation. The measurement of distance shall be a straight line from the closest point of the buildings at which the operations are located, not the closest point of the unit or space within the buildings at which the operations are located. If more than one electronic gaming operation application is submitted for approval within 500 feet of an existing or proposed electronic gaming operation, the application submitted first will have priority.

(ii) Each electronic gaming operation shall be limited to a maximum of 50 gaming terminals per location, regardless of size.

**(b) Operation Requirements**

(i) The establishment shall be restricted to patrons and employees at least 18 years of age.

(ii) There shall be no alcohol sold, provided, or consumed on the premises.

(iii) No firearms are allowed inside an electronic gaming business.

**Item 3:** That Table 5.1.3.C: Minimum Off-Street Parking Standards is amended by adding the following underlined language and deleting the strikethrough language:

<b>TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS</b>		
<b>USE CATEGORY</b>	<b>USE TYPE</b>	<b>MINIMUM NUMBER OF PARKING SPACES</b>
<b>COMMERCIAL USE CLASSIFICATION</b>		
<b>Recreation / Entertainment, Indoor</b>	<u>Electronic Gaming Operation</u>	<u>1 per 4 gaming terminals</u>
	Fitness center	1 per every 300 sf
	Recreation, indoor	1 per every 300 sf
	Theater	1 per every 4 seats

**Item 4:** That Section 10.5: Definitions is amended by adding the following underlined language and deleting the strikethrough language:

**ELECTRONIC GAMING OPERATION**

An Electronic Gaming Operation is any business enterprise where persons utilize electronic machines, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet sweepstakes, video sweepstakes, electronic gaming operations or cybercafés, who have a finite pool of winners. This does not include any lottery approved by the State of North Carolina.

**Item 5:** 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 6:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
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: \_\_\_\_\_

Tulls Bay

NO WAKE ZONE from this point to boat ramp

Mississippi Canal

Elizabeth Canal

Barracuda

Drumm

Trout

Shark

Croaker

Perch

Bass

Porpoise

Pike

Flounder

Cobia

Sailfish

Tulls Creek

Boat Ramp

Old Tulls Creek

**NORTH CAROLINA WILDLIFE RESOURCES COMMISSION**

Recommendation for Local Boating Regulations and Application  
for Placement of Markers Under the Uniform Waterway Marker System  
on Navigable Waters of the United States

1. Governmental Unit Currituck County Date April 15, 2013  
Mailing Address 153 Courthouse Road, Currituck, NC 27929 Phone No. 252-232-2075

2. In accordance with G.S. 175A-15, the above-named local governing unit hereby recommends to the North Carolina Wildlife Resources Commission the promulgation of special rules and regulations with reference to the safe and reasonable operation of vessels applicable to the waters of Tull's Bay Colony,  
located in Currituck County, the pertinent substance of which regulations is as follows :

To Extend the "No Wake" Zone in Tull's Bay Colony to include the entire length of the canal leading from the Mississippi Canal to the Northwest River and the entirety of the Mississippi Canal

3. Enclosed herewith are the following :
- A. A certified copy of the resolution of the above-named governmental unit :
    - (1) requesting the special rules and regulations for the waters named in Item 2, and
    - (2) stating that public notice was given of the intention to make application to the Wildlife Resources Commission for the regulations which are being proposed.
  - B. Two copies of a map of the waters concerned showing the exact location and type of each waterway marker which will be necessary to the enforcement of the proposed regulations .
  - C. Two copies of a scale drawing of each type of waterway marker so necessitated.
4. Each waterway marker required will comply in color, size, shape, and structural design with the Uniform Waterway Marker System and the supplementary standards for such markers adopted by the North Carolina Wildlife Resources Commission pursuant thereto. No other waterway markers will be placed or allowed to remain in waters in which the Uniform Waterway Marker System has been fully implemented without approval of the Wildlife Resources Commission.
5. It is understood that, if the regulations hereby recommended are promulgated by the North Carolina Wildlife Resources Commission, placement of the waterway markers necessary to enforcement thereof must be approved by the United States Coast Guard and the U. S. Army Corps of Engineers .

Currituck County  
Governmental Unit

By: \_\_\_\_\_  
Chairman, Currituck County Board of Commissioners

**RESOLUTION**  
**FOR**  
**“NO WAKE” SIGNS**  
**TULL’S BAY COLONY**

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

WHEREAS, Currituck County has given public notice of its intention to make a formal application to the Wildlife Resources Commission for special rules and regulation with reference to the safe and reasonable operation of vessels at Tull’s Bay Colony in Moyock, North Carolina, located in Currituck County, the pertinent substance of which proposed regulations is as follows:

To extend the “No Wake” Zone in Tull’s Bay Colony to include the entire length of the canal leading from the Mississippi Canal to the Northwest River and the entirety of the Mississippi Canal.

ADOPTED, this the 6th<sup>th</sup> day of May , 2013.

ATTEST:

\_\_\_\_\_

Gwen H. Keene, CMC

Clerk to the Board

\_\_\_\_\_

S. Paul O’Neal, Chairman

CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS  
DATE: May 6, 2013  
PB 13-04 Bob's Wild Horse Tours LLC

---

**ITEM:** PB13-04 Bob's Wild Horse Tours LLC - Outdoor Tour Operator

**LOCATION:** 817B Ocean Trail

**TAX ID:** 116H-000-817B-0000

**ZONING DISTRICT:** Monterey Shores PUD Allocation: GB - General Business

**PRESENT USE:** Retail

**OWNER:** Marc Petit  
817B Ocean Trail  
Corolla, NC 27927

**APPLICANT:** Bob White  
1159 H Austin Street  
Corolla, NC 27927

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Commercial	Zoned GB
<b>SOUTH</b>	Residential	Zoned SFO
<b>EAST:</b>	Residential	Zoned SFO
<b>WEST:</b>	Commercial	Zoned GB

**LAND USE PLAN**

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

**I. NARRATIVE OF REQUEST:**

- a. The applicant seeks a Use Permit for Outdoor Tour Operator for three 15-passenger vehicles.
- b. The applicant currently operates three Outdoor Tour Companies.
- c. The applicant is proposing to move the operations of Bob's Wild Horse Tours, LLC from the Inn at Corolla Light to the new location in Monterey Plaza. With the move, the applicant would like to increase the number of vehicles operated by Bob's Wild Horse Tours from one to three.
- d. The applicant intends to decrease the number of tour vehicles operating at Beach Jeeps in Corolla Light Town Center from five to three in an effort to comply with the intent of the Outdoor Tour Operator ordinance to reduce the overall number of vehicles. In order to make that binding, the applicant has been directed to amend the existing special use permit for the Beach Jeeps property.

**II. QUESTION(S) BEFORE THE BOARD:**

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

A use permit shall be approved on a finding the applicant demonstrates the proposed use will:

1. Not endanger the public health or safety

**Suggested Findings:**

- a. The use will not endanger the public health or safety.
- b. Adequate parking is available per the UDO standard for Shopping Centers.

2. 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 use is located in an existing shopping center.
- b. There are no proposed changes to the site.

3. Be in conformity with the Land Use Plan or other officially adopted plan.

**Suggested Findings:**

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

**Policy 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.

**Policy HP3:** Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.

4. 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 use should not have an impact on 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 **CONDITIONAL APPROVAL** subject to the following:

1. An Outdoor Tour Operator license is required per Chapter 8: Article IV of the Currituck County Code of Ordinances.
2. The applicant shall amend special use permit PB10-02 Beach Jeeps to three total tour vehicles.
3. Tour 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.
4. When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics.
5. 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.

6. 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.
7. This use permit, if issued, 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 use permit shall be subject to revocation or modification by the permit issuing authority following a public hearing.
8. This use permit, if issued, shall be applicable to the specific property for which it is issued; comments in the application narrative relating to other use permits may be addressed by amending the specific use permits for those properties.
9. No unattended vehicles are to encumber the full width of the fire apparatus access lanes located to the front or rear of the structure.

#### **IV: PLANNING BOARD RECOMMENDATIONS:**

Mr. Craddock moved to **approved** PB 13-04 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- Contingent upon the applicant submitting an application to staff to amend the special use permit for the Beach Jeep property.

Mr. Cartwright seconded the motion. Motion carried unanimously.

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

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

### **PLANNING BOARD DISCUSSION (4-9-13)**

Mr. White provided an overview of the tour operation, number of tour vehicles, and the locations of the tour operations. Mr. White stated he has prepared the application to amend the existing special use permit for the Beach Jeeps property and will be bringing it to staff.

Mr. Wright stated that Mr. White should have amended the special use permit for Beach Jeeps before coming to the board with this request.

Mr. Cooper stated Mr. White is decreasing the number of tour vehicles operating at Beach Jeeps from five to three and increasing the number of vehicles operated by Bob's Wild Horse Tours from one to three.

Mr. Clark read a statement from Lynne Wilson who was not present. According to PART I. The Code of Ordinances, Currituck County, Chapter 8 Article IV. Sec. 8-97. Traffic regulations: It shall be unlawful to operate an outdoor tour operator vehicle in any manner which places the occupants of the outdoor tour operator 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.

Mr. Clark asked Mr. White if he understood what he just read.

Mr. White stated yes.

### **ACTION**

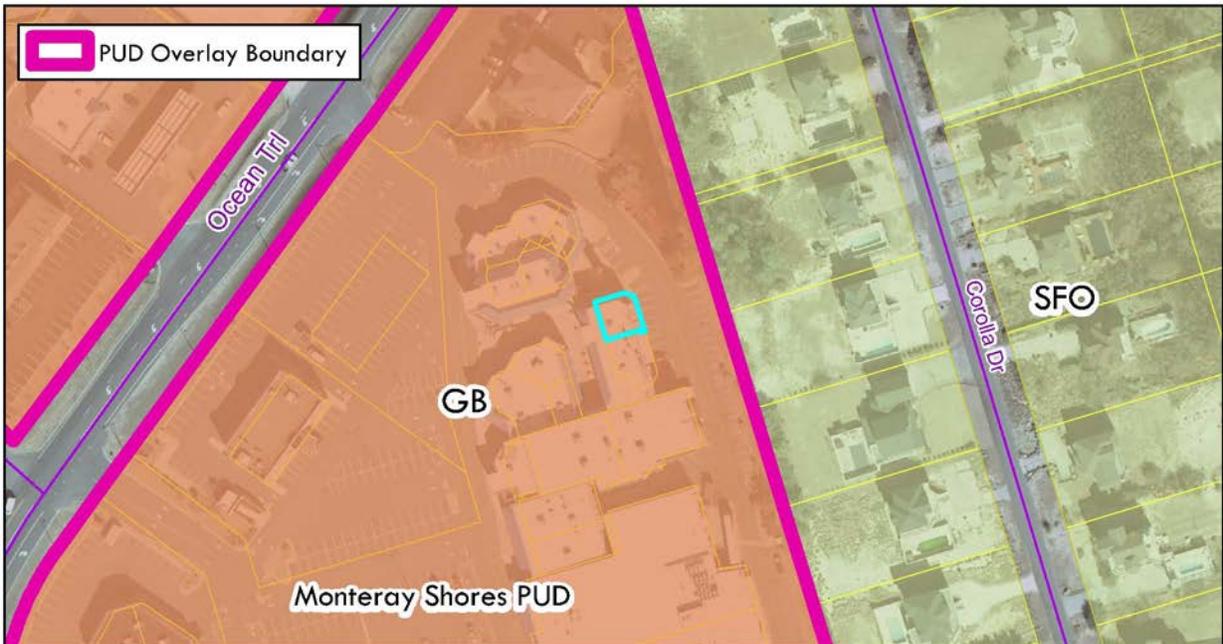
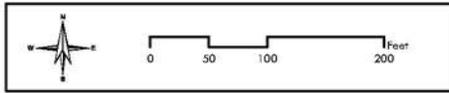
Mr. Craddock moved to approved PB 13-04 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- Contingent upon the applicant submitting an application to staff to amend the special use permit for the Beach Jeep property.

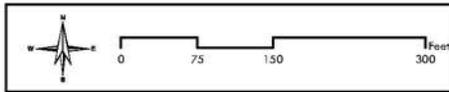
Mr. Cartwright seconded the motion. Motion carried unanimously.



PB 13-04  
 Bob's Wild Horse Tours  
 Use Permit - Aerial

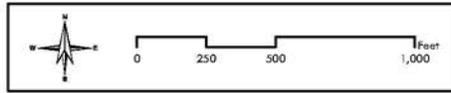


PB 13-04  
 Bob's Wild Horse Tours  
 Use Permit - Zoning





PB 13-04  
Bob's Wild Horse Tours  
Use Permit - LUP



## MEMORANDUM

**To:** Bob White, Bob's Wild Horse Tours, LLC

**From:** Planning Staff

**Date:** March 21, 2013

**Re:** PB 13-04 Bob's Wild Horse Tours, LLC Use Permit – Outdoor Tour Operator

---

The following comments have been received from the TRC. In order to be scheduled for the April 9, 2013 Planning Board meeting, please address all comments by 3:00 p.m. on Monday, March 25, 2013.

### **Planning, Jennie Newbern**

Reviewed

1. An Outdoor Tour Operator license is required per Chapter 8: Article IV of the Currituck County Code of Ordinances.
2. Tour 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. When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics.

4. 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.
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. If the use permit is issued it 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 use permit shall be subject to revocation or modification by the permit issuing authority following a public hearing.
7. This use permit, if issued, shall be applicable to the specific property for which it is issued; comments in the application narrative relating to other use permits may be addressed by amending the specific use permits for those properties.

**Currituck County Engineer, Eric Weatherly**

No Comment

**Currituck County Building Inspections, Spence Castello**

No Comment

**Albemarle Regional Health Services, Joe Hobbs**

Reviewed

**Currituck County Emergency Management, James Mims**

No unattended vehicles are to encumber the full width of the fire apparatus access lanes located to the front or rear of the structure.

**Corolla Fire and Rescue, Rick Galganski**

couple of questions, 1-when they say parking in front by food lion lot, I hope they are not going to park in the firelane. 2- will there be any fuel or hazard materials stored for any type of vehicle maintainance. 3- when they are loading and unloading will they be blocking the travel lanes in the parking lots either front or back, either way there is not much room for that type of operations.

**Currituck County Utilities, Pat Irwin**

No Comment

**Please note that comments were not received from:**

Currituck Soil and Water, Mike Doxey



# Use Permit Application

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

### Contact Information

APPLICANT:		PROPERTY OWNER:	
Name:	<u>Bob White</u>	Name:	<u>Marc Jelit</u>
Address:	<u>1159 H Austin St. Corolla NC 27927</u>	Address:	<u>817 B Ocean Tr Corolla, NC 27927</u>
Telephone:	<u>252 619-1314</u>	Telephone:	<u>see attached card</u>
E-Mail Address:	<u>corolla bob@yahoo.com</u>	E-Mail Address:	_____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: I intend to purchase property

### Property Information

Physical Street Address: 817 B Ocean Tr Corolla

Location: Monterey Plaza, North East Corner of the courtyard area

Parcel Identification Number(s): 116H-000-817B-0000

Total Parcel(s) Acreage: \_\_\_\_\_

Existing Land Use of Property: Retail

### Request

Project Name: Bob's Wild Horse Tours LLC

Proposed Use of the Property: Horse Tour operator

Deed Book/Page Number and/or Plat Cabinet/Slide Number: \_\_\_\_\_

Total square footage of land disturbance activity: \_\_\_\_\_

Total lot coverage: \_\_\_\_\_ Total vehicular use area: \_\_\_\_\_

Existing gross floor area: 1500 sqft Proposed gross floor area: 1500 sqft

### Community Meeting

Date Meeting Held: 3/4/13 Meeting Location: 1159 H Austin St. Corolla

Purpose of Special Use Permit and Project Narrative (please provide on additional paper if needed):  
Move Bob's Tours from the Inn at Corolla Light to Monterey Plaza  
Increase / Move assets around.

See attached

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

A. The use will not endanger the public health or safety.  
NO

B. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.  
NO / Yes

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

D. The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.  
NO

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.

[Signature] Property Owner(s)/Applicant 3/4/13 Date

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

Richard Tolson is the listing agent and has permission to sign as such. His Business Card is attached.

### Use Permit Design Standards Checklist

The table below depicts the design standards of the use permit application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

## Use Permit Design Standards Checklist

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

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

Project Name: Bob's Wild Horse Tours

Applicant/Property Owner: Bob White / Marc Petit

### Site Plan Design Standards Checklist

General	
1	Property owner name, address, phone number, and e-mail address.
2	Site address and parcel identification number.
3	North arrow and scale to be 1" = 100' or larger.
4	Vicinity map showing property's general location in relation to streets, railroads, and waterways.
5	Existing zoning classification and zoning setback lines of the property.
6	Scaled drawing showing existing and proposed site features: Properties lines, acreage, adjacent use types, streets (right-of-ways), easements, buildings and accessory structures (including square feet and use), parking layout, vehicular use areas, driveways (including opposing driveways), loading spaces, refuse collection facilities (dumpsters), outdoor storage areas, ground based utility equipment, fences and walls, and sidewalks and pedestrian circulation. And location and size of existing and proposed infrastructure: Water mains (including water taps), water meter details, backflow prevention details, wells, sewer mains or on-site septic systems (including repair area), electrical service, fire hydrants, detail of fire apparatus access to buildings, and of any other public utility within all adjacent public right-of-ways and easements.
7	Approximate location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency.
8	Sight distance triangles.
9	Proposed common areas, open space set-asides, and required buffers.
Landscape Plan	
10	All existing and proposed planting areas and vegetation that will be used to comply with the landscaping requirements, including the species, caliper, and spacing of all vegetation.
11	Existing and proposed physical barriers to be used to comply with the bufferyard and screening requirements.
12	Heritage tree inventory and proposed tree protection zones.
13	Adjoining property lines, zoning, and names and address of adjoining property owners.
Exterior Lighting Plan	
14	Location, height, and type of all proposed exterior lighting including but not limited to site, street, building, and security lighting.
15	Footcandle measurements of the entire site including lot lines, or light fixture documentation when minimal lighting is proposed.
Stormwater Management Plan	
16	Location of storm drainage patterns, BMP's and drainage infrastructure intended to serve the development.

17	Stormwater narrative report with supporting calculations.	
18	Topographic plan that indicates location and elevation changes above or below natural grade (shown in one foot intervals) within the past six months.	
19	Area of land disturbing activity and sedimentation and erosion control plan.	
20	<p>The following certificate:</p> <p>I, _____, owner/agent do hereby certify that I will develop the property in accordance with the approved plans which will be constructed or maintained so that surface waters from such development are not unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties. In addition, the development will be constructed or maintained so that it will not unreasonably impede the natural flow of water from higher or adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.</p> <p>Date: _____ Owner/Agent: _____</p>	
<b>Architectural Elevations</b>		
21	Architectural drawings and/or sketches illustrating the design, character, height, and materials of the proposed buildings.	
<b>Flood Damage Prevention, if Applicable</b>		
22	Proposed elevation of all structures and utilities.	
23	Location, dimensions, and use of: Development and disturbance, existing and proposed structures and utility systems grading and pavement areas, fill materials, storage areas, drainage facilities, and other development.	
24	Boundary of Special Flood Hazard Area (SFHA), floodway, Coastal Barrier Resource System (CBRS) Area, water course relocation, or a statement that the entire lot is within a specific SFHA.	
25	Flood zone designation as determined on the County's Flood Insurance Rate Maps (FIRM).	
26	Design Flood Elevation (Base Flood Elevation plus one foot freeboard).	
27	Plans and/or details for the protection of public facilities and utilities (sewer, gas, electrical, and water systems) from inundation of flood waters up to Design Flood Elevation.	
28	Water course alteration or relocation: Description of alteration or relocation, report on effects of proposed project on the flood carrying capacity of the water course, and effects to properties located up and downstream.	
29	Fill – plans for non-structural fill (if being utilized in VE zone).	

**Use Permit Submittal Checklist**

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

## Use Permit Submittal Checklist

Date Received: \_\_\_\_\_ TRC Date: \_\_\_\_\_

Project Name: Bob's Wild Horse Tours

Applicant/Property Owner: Bob White / Marc Jelit

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

**For Staff Only**

**Pre-application Conference**

Pre-application Conference was held on 2/19/13 and the following people were present:

Ben Woody

**Comments**

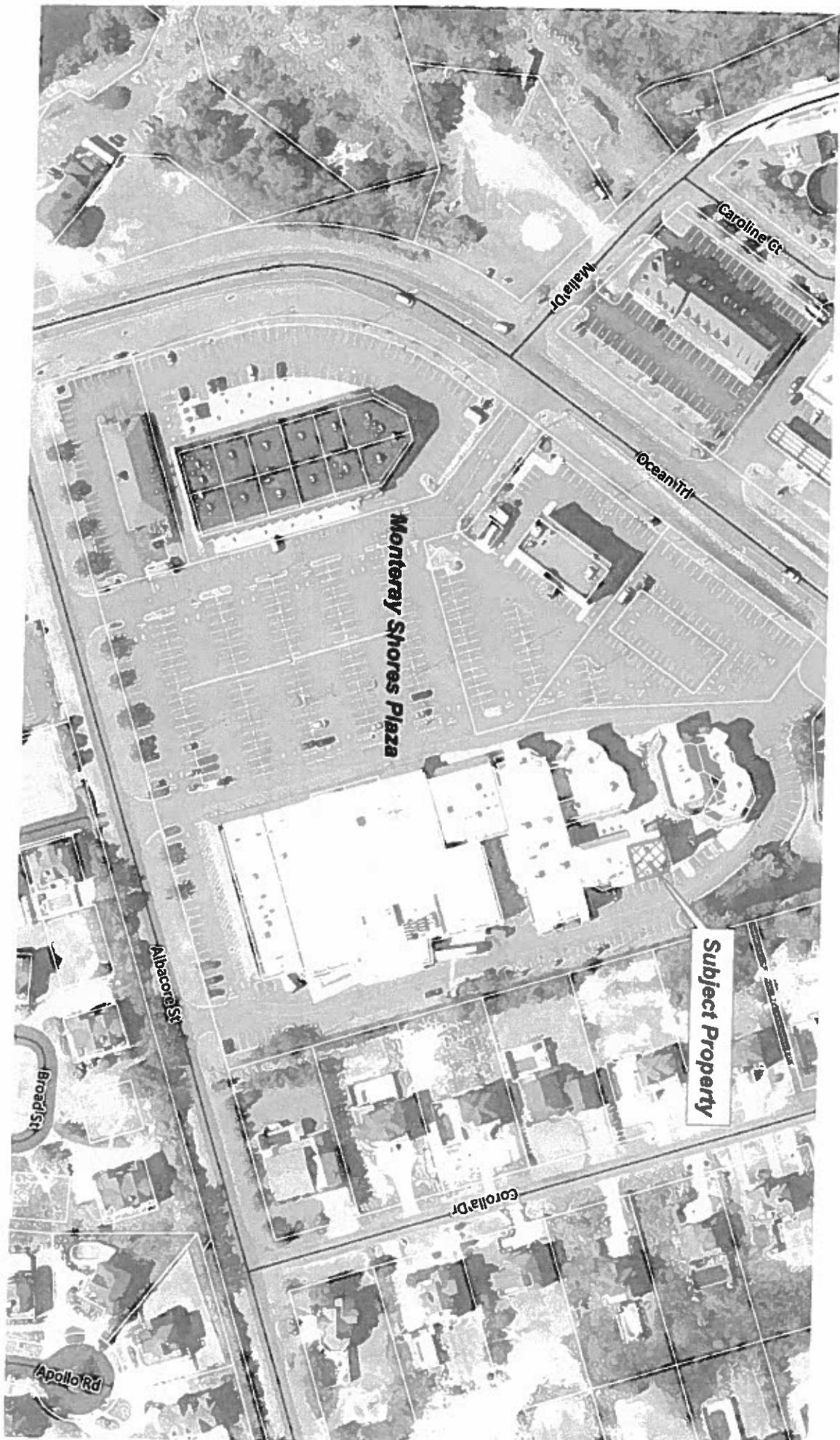
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Special Use Project Narrative

I am seeking a special use permit to move Bob's Wild Horse Tours to a new location. The proposed site is in Monterey Plaza. I intend to seek a permit for (3) 15 passenger tour trucks, identical to the one currently in use at this time under the license.

In seeking to move the business, I have made an offer to purchase the space in Monterey. The intention is to move and expand from 1 vehicle to 3 at Bobs Tours, while reducing the number of vehicles at Beach Jeeps from 5 to 3. This would essentially shift vehicles and in no way increase the overall foot print of my companies on the beach.

In my approach to this move I believe I have met the Boards overall intentions with the licensing requirements and reduction of the horse tour fleet in general.





**RE/MAX**  
**Ocean Realty**

**Richard H. Tolson, ABR, GRI**  
Broker / Associate

2503 N. Croatan Hwy., P.O. Box 8  
Kill Devil Hills, North Carolina 27948  
Office: (252) 441-2450 Ext. 236  
Fax: (252) 441-9111  
Mobile: (252) 202-9199  
E-Mail: [rtolson@remax.net](mailto:rtolson@remax.net)  
[www.richardtolsonrealestate.com](http://www.richardtolsonrealestate.com)



Each Office Independently Owned and Operated

## Pre application Community Meeting Notes

March 4, 2013

Persons present;

Bob White (Presenter)

Jennie Newbern (County Representative)

Gary Smith (Beach Mar Representative)

Items discussed for further details please (see attached)

Gary only had a couple questions mostly about parking...

1. Q. Where will vehicles be stored?

A. One vehicle on the front (Food Lion) side and the others to be kept in the rear.

2. Q. Where would patrons get on vehicle?

A. Loading to be done in the rear parking area, so as to not affect traffic flow etc...

The rest of the meeting was a general discussion on the Monterey condo structure and the business volume produced by tours.

## Meeting Items to Discuss

3/4/2013

- Who I am
- What I intend to do
  - Conduct wild horse tours from open air safari style vehicles
- Parking and corresponding foot traffic load.
- Building Changes
  - Interior/exterior
    - Remove all sand sculpture items to include the bins and clean up the inside appearance replace stained and damaged ceiling tile etc.
    - Remove much of the exterior ice cream signage and replace with my own for the tour operation.
- Who are our patrons?
  - Most of our business is from the southern beaches. We take most of our bookings over the phone or our online booking. 90 percent of our business is families and children make up 60 % of the trucks.



**Jennie Newbern**

**From:** James Mims  
**Sent:** Tuesday, March 26, 2013 8:57 AM  
**To:** Jennie Newbern  
**Subject:** Re: PB13-04 Bob's Wild Horse Tours, LLC

Yes thank you

Sent from my Verizon Wireless 4G LTE Smartphone

----- Reply message -----

**From:** "Jennie Newbern" <Jennie.Newbern@CurrituckCountyNC.gov>  
**To:** "James Mims" <James.Mims@CurrituckCountyNC.gov>  
**Subject:** PB13-04 Bob's Wild Horse Tours, LLC  
**Date:** Tue, Mar 26, 2013 08:54

Does this adequately address your concerns?

Thanks,  
 Jennie

Begin forwarded message:

**From:** Robert White <corollabob@yahoo.com>  
**Date:** March 24, 2013, 5:18:33 PM EDT  
**To:** Jennie Newbern <Jennie.Newbern@CurrituckCountyNC.gov>  
**Subject:** Re: PB13-04 Bob's Wild Horse Tours, LLC  
**Reply-To:** Robert White <corollabob@yahoo.com>

To answer the Chiefs questions.

1. My vehicles are designed to fit into a parking space. They are built on an F350 chassis they are no bigger than an Ambulance. We will not inhibit the flow of traffic or leave any vehicles in fire lanes. We have been operating in a commercial setting since 1996 and to date have had no complaints of blocking traffic.
2. We do not store any chemicals on site. The most we have is wd-40 and commercially available car wash products from Wal-Mart. Maintenance is done by a mechanic off site.
3. Loading and unloading can take place in a parking spot same as any other vehicle. When I say we will have a car out front I intend it to be in a parking space much the same as the other tenants that park "wrapped" vehicles in the lot. We plan to do loading in the rear of the building in a lower traffic area.

As for James Mimms concerns they are noted and no vehicles will hinder the fire lanes.

Respectfully,

Bob White  
1159 H Austin St  
Corolla, NC 27927

**Bob's Wild Horse Tours**  
[www.corollawildhorsetours.com](http://www.corollawildhorsetours.com)  
252-453-0939

**Beach Road Pizza**  
[www.beachroadpizza.com](http://www.beachroadpizza.com)  
252-453-0273

**Beach Jeeps of Corolla**  
[www.beachjeepsofcorolla.com](http://www.beachjeepsofcorolla.com)  
252-453-6141

**Corolla Wild Horse Tours**  
[www.seecorollawildhorses.com](http://www.seecorollawildhorses.com)  
252-207-0511

---

**From:** Jennie Newbern <[Jennie.Newbern@CurrituckCountyNC.gov](mailto:Jennie.Newbern@CurrituckCountyNC.gov)>  
**To:** Bob White <[corollabob@yahoo.com](mailto:corollabob@yahoo.com)>  
**Sent:** Friday, March 22, 2013 8:36 AM  
**Subject:** RE: PB13-04 Bob's Wild Horse Tours, LLC

Hey Bob,  
Email is fine.

Thanks,

Jennie Newbern  
Planner I/Code Enforcement/CAMA LPO  
County of Currituck  
P: 252-453-8555 ext. 222 | F: 252-453-8300

---

**From:** Bob White [<mailto:corollabob@yahoo.com>]  
**Sent:** Thursday, March 21, 2013 8:21 PM  
**To:** Jennie Newbern  
**Subject:** Re: PB13-04 Bob's Wild Horse Tours , LLC

Do respond via letter or email?

*Bob White*  
[bobswildhorsetours.com](http://bobswildhorsetours.com)  
[seecorollawildhorses.com](http://seecorollawildhorses.com)  
[beachroadpizza.com](http://beachroadpizza.com)

*Sent from my DROID*

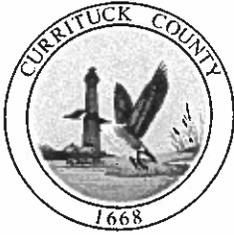
Jennie Newbern <[Jennie.Newbern@CurrituckCountyNC.gov](mailto:Jennie.Newbern@CurrituckCountyNC.gov)> wrote:

Bob,  
Please find attached the comments from the TRC.

Please respond to comments (where appropriate) by Monday, March 25<sup>th</sup> at 3PM.

Thanks,

Jennie Newbern  
Planner I/Code Enforcement/CAMA LPO  
County of Currituck  
P: 252-453-8555 ext. 222 | F: 252-453-8300



## Currituck County

Department of Planning  
Post Office Box 70  
Currituck, North Carolina 27929  
252-232-3055  
FAX 252-232-3026

### MEMORANDUM

**To:** Bob White, Bob's Wild Horse Tours, LLC

**From:** Planning Staff

**Date:** March 21, 2013

**Re:** PB 13-04 Bob's Wild Horse Tours, LLC Use Permit – Outdoor Tour Operator

---

The following comments have been received from the TRC. In order to be scheduled for the April 9, 2013 Planning Board meeting, please address all comments by 3:00 p.m. on Monday, March 25, 2013.

#### **Planning, Jennie Newbern**

Reviewed

1. An Outdoor Tour Operator license is required per Chapter 8: Article IV of the Currituck County Code of Ordinances.
2. Tour 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. When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics.
4. 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.
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. If the use permit is issued it 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 use permit shall be subject to revocation or modification by the permit issuing authority following a public hearing.
7. This use permit, if issued, shall be applicable to the specific property for which it is issued; comments in the application narrative relating to other use permits may be addressed by amending the specific use permits for those properties.

#### **Currituck County Engineer, Eric Weatherly**

No Comment

#### **Currituck County Building Inspections, Spence Castello**

No Comment

**Albemarle Regional Health Services, Joe Hobbs**

Reviewed

**Currituck County Emergency Management, James Mims**

No unattended vehicles are to encumber the full width of the fire apparatus access lanes located to the front or rear of the structure.

**Corolla Fire and Rescue, Rick Galganski**

couple of questions, 1-when they say parking in front by food lion lot, I hope they are not going to park in the firelane. 2- will there be any fuel or hazard materials stored for any type of vehicle maintainance. 3- when they are loading and unloading will they be blocking the travel lanes in the parking lots either front or back, either way there is not much room for that type of operations.

**Currituck County Utilities, Pat Irwin**

No Comment

**Please note that comments were not received from:**

Currituck Soil and Water, Mike Doxey

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

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

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

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

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

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

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

**ARTICLE IV. OUTDOOR TOUR OPERATORS**

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

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

1 **Sec. 8-87. Definitions.**

2 *Bus* shall mean a vehicle larger than a private passenger vehicle, but with a wheelbase  
3 greater than nineteen (19) feet in length, seats typically accessed by side or center aisle, intended  
4 to carry more than 15 passengers and used for the purpose of touring for hire.

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

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

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

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

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

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

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

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

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

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

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

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

33 Each outdoor tour operator, as a condition for holding a license under the provisions of  
34 this article, shall establish and maintain a fixed headquarters on private property within the

1 county for the operation of the outdoor tour operator's business. The headquarters shall conform  
2 to the ordinances of the county and shall provide adequate off-street parking space for all  
3 outdoor tour vehicles not in service. The outdoor tour operator's headquarters shall not be  
4 moved except by the approved transfer of the outdoor tour operator's license to another location.

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

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

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

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

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

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

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

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

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

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

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

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

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

5

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

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

11   **Sec. 8-98. Traffic regulations.**

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

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

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

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

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

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

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

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

<u>Number of citations issued</u>	<u>Days of Suspension</u>
<u>In Thirty Day Period</u>	
2 or more	3 days
5 or more	10 days
10 or more	Revocation

10 Outdoor tour operators suspended under this section must pay all outstanding civil  
11 citations in full before license privileges will be reinstated.

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

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

19 **PART III.** This ordinance is effective on January 7, 2013.

20  
21 ADOPTED this 7<sup>th</sup> day of January, 2013.

22  
23  
24 \_\_\_\_\_  
S. Paul O'Neal, Chairman

25 ATTEST:

26 \_\_\_\_\_  
27 Gwen H. Keene, Clerk to the Board

28  
29  
30 APPROVED AS TO FORM:

31 \_\_\_\_\_  
32 Donald I. McRee, Jr., County Attorney

33  
34 Date adopted: \_\_\_\_\_  
35

- 1 Motion to adopt by Commissioner \_\_\_\_\_
- 2 Second by Commissioner \_\_\_\_\_
- 3 Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS
- 4

CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: May 6, 2013  
PB 13-03 Indian Gap Mainland Tours

---

**ITEM:** PB 13-03 Indian Gap Mainland Tours request for a Use Permit for an Outdoor Tour Operator.

**LOCATION:** Grandy, 169 Walnut Island Boulevard, Poplar Branch Township.

**TAX ID:** 0107-000-0064-0000

**ZONING DISTRICT:** Limited Business (LB)

**PRESENT USE:** Restaurant/Motel

**OWNER:** Barry Nelms  
Walnut Island Restaurant & Lodge  
PO Box 507  
Grandy, NC 27939

**APPLICANT:** Todd Cartwright  
812 Poplar Branch Road  
Grandy, NC 27939

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Currituck Sound	
<b>SOUTH</b>	Residential	SFM
<b>EAST:</b>	Undeveloped	SFM
<b>WEST:</b>	Residential	SFM

**LAND USE PLAN**

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

**SIZE OF SITE:** 2.46 acres (uplands)

**I. NARRATIVE OF REQUEST:**

1. The applicant is seeking a use permit to operate boat tours (outdoor tour operator) from Walnut Island Restaurant and Lodge in Grandy.
2. The boat tours will occur Monday through Thursday, 10:00 am until 6:00 pm, from May 31<sup>st</sup> through October 31<sup>st</sup>. Each tour will last approximately 45 minutes.
3. All tour patrons will be shuttled to and from various bus stops.
4. The tour boat will be a 24 foot pontoon boat capable of transporting 16 passengers.
5. The boat tour route will include the waters around Dews Island and Narrows Island and passengers will remain on the tour boat.
6. The proposed improvements to the site will include a handicap access from the bus stop to the tour boat which will require a CAMA permit.

7. A community meeting was held on February 11, 2013 at Barry's Walnut Island with 10 people in attendance. Concerns and questions included days of operation and boat traffic in the canals in Walnut Island.

## II. QUESTION(S) BEFORE THE BOARD:

### Use Permit Criteria and Staff Findings:

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

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

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

#### Suggested Findings:

- a. The proposed activities will meet all state and county requirements, including handicap accessibility.
  - b. Transport vehicles will not encumber the required fire apparatus access or required parking.
2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located:

#### Suggested Findings:

- a. The proposed use is consistent with the current commercial use of the property which includes hosting special events.
- b. The proposed use will be in harmony with uses that have historically taken place on the property.

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

#### Suggested Findings:

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

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.

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

#### Suggested Findings:

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

### III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

- a. Patrons must be part of a bus tour operation. No on-site tour transactions shall occur on the property without providing adequate parking.
- b. The tour boat shall not utilize the canals in Walnut Island.

### IV. PLANNING BOARD RECOMMENDATION:

Mr. Cooper moved to **approved** PB 13-03 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- The boat launch site shall be public or if private have written permission from the owner.
- No entry on private property unless written permission from the owner.
- Boat tours shall occur May 1 through September 30.
- A 24 month review period of use permit.

Ms. Bell seconded the motion. Motion carried unanimously.

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

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

## **PLANNING BOARD DISCUSSION (4-9-13)**

Ms. Voliva stated that patrons will be picked up in Corolla and taken to the Weeping Radish where they will board smaller vehicles; which to go to the various destinations on the Mainland. The destinations include Grave Diggers, Cotton Gin, golf course in Grandy and the boat tour. The boat tour requires a use permit and the other stops do not.

The Planning Board discussed the ownership of the boat launch site whether it is public or private, alternate launch site off Poplar Branch Road, size of boat and number of passengers, the months of operation and how it will affect the migration of the waterfowl, operation dates of jet skies in the sound, happy to see business coming to the Mainland, timeframe that use permit be reviewed, and clearance of the bridge if high tide.

Ms. Voliva stated the boat launch site is at the end of a right-a-way and it is a state road.

Mr. Clark stated a vessel that carries more than 6 passengers is required to be inspected by the United States Coast Guard and the county could require proof of it prior to allowing the vessel to operate.

Ms. Voliva stated the applicant is required to meet all federal requirements.

Mr. O'Connell stated he thinks the applicant would be willing to change the months of operation to accommodate the duck hunting season and migration of the waterfowl.

Mr. White stated he is not aware that jet skies must operate during specific months.

Ms. Voliva stated the board may want to consider adding a condition to the use permit that the launch site be public or if private, permission from the owner.

Mr. Jerry Wright stated that he is part of a partnership which manages the property at Dews Island. It is used for duck hunting in the winter and they do utilize it some in the summer. Mr. Wright is asking that passengers remain on the boat and not to come on the property unless they have written permission from the owner. The Dews Island group has an agreement with the Corolla Wild Horse Fund in which they have nine horses on the island which need to be taken into consideration. There is a bridge from the Mainland to Dews Island which restricts the size of vessel that can pass under it. They may consider putting a no wake zone to slow vessels down and for safety purposes. Mr. Wright stated consideration should be taken into the months of operation since Dews Island is a sanctuary for the migratory waterfowl.

Mr. White stated this request is a good idea and is in agreement with it.

Ms. MacPherson stated she is the president of the Walnut Island Property Owners Association. Ms. MacPherson stated she was pleased to see a condition that no boats will be stored or launched from the interior canals. Ms. MacPherson asked for clarification on the size of vehicles to be used transporting tourist to various destinations; and where the proposed launch site is located. Ms. MacPherson stated they are supportive of the request.

Mr. Tommy Wright was concerned with the months of operation and the effect it would have on the migration of the waterfowls.

**ACTION**

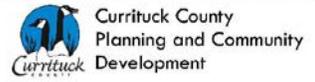
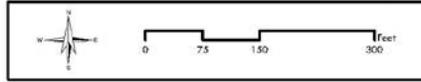
Mr. Cooper moved to approved PB 13-03 with the findings of fact and staff recommendations included in the case analysis and the following conditions:

- The boat launch site shall be public or if private have written permission from the owner.
- No entry on private property unless written permission from the owner.
- Boat tours shall occur May 1 through September 30.
- A 24 month review period of use permit.

Ms. Bell seconded the motion. Motion carried unanimously.



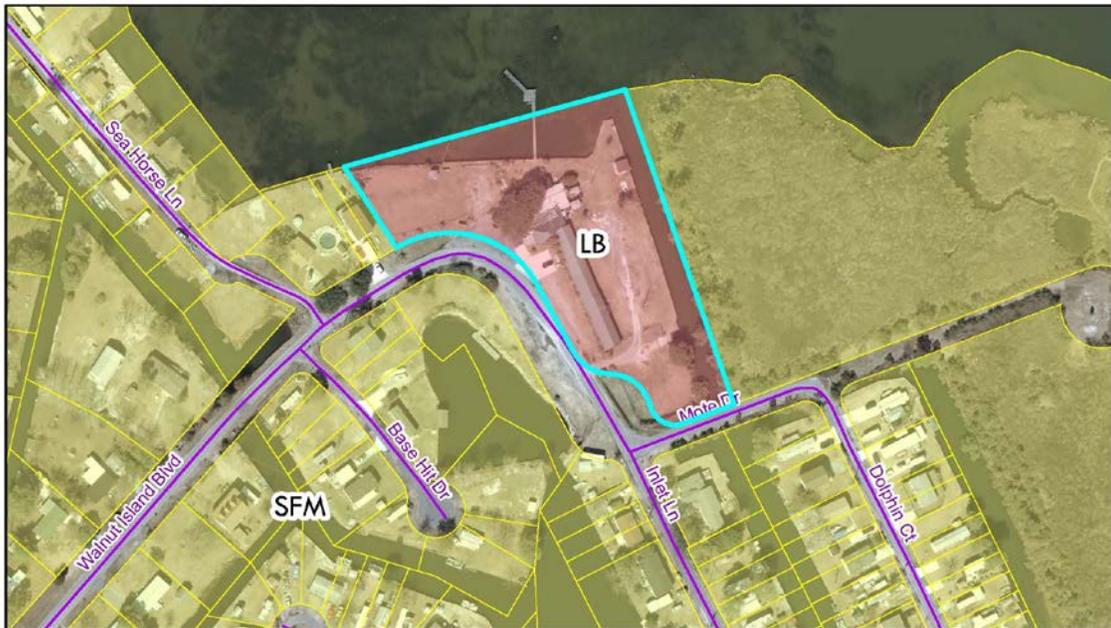
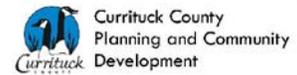
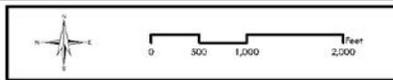
**PB 13-03**  
Indian Gap Mainland Tours  
Use Permit - Aerial



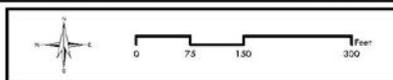
Currituck County  
Planning and Community  
Development



**PB 13-03**  
 Indian Gap Mainland Tours  
 Use Permit - LUC



**PB 13-03**  
 Indian Gap Mainland Tours  
 Use Permit - Zoning



## MEMORANDUM

**To:** Todd Cartwright  
Kevin O'Connell  
Barry Nelms

**From:** Donna Voliva, Planner

**Date:** March 14, 2013

**Re:** Indian Gap Mainland Boat Tours, TRC Comments

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The following comments have been received for the March 20, 2013 TRC meeting. The use permit will require Planning Board recommendation and Board of Commissions action. The use permit comments listed below must be addressed and resubmitted by March 25, 2013 in order to be placed on the April 9, 2013 Planning Board meeting. TRC comments are valid for six months from the date of the TRC meeting.

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

Approved with comments

2. The proposed boat storage area is located at the end of Neals Creek Road. Commercial activities (boat storage, employee parking) are not authorized from property zoned SFM. Please consider an alternate location for these activities. *(Staff commentary: revised plans will not include boat storage or parking at this location)*
3. The proposed shuttle stop shall be arranged for the access and safety of pedestrians and vehicles from the property and not the right-of-way. *(Staff commentary: revised plans relocated the shuttle stop)*
4. Use Permit considerations:
  - a. Patrons must be part of a bus tour operation. No on-site tour transactions shall occur on the property without providing adequate parking.
  - b. The tour boat shall not utilize the canals in Walnut Island.

**Currituck Soil and Water, Mike Doxey**

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

Approved

**Currituck County Utilities, Pat Irwin**

No comment

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

Reviewed

1. Where will the equipment fueling occur?
2. All public access piers or piers used for greater than five water vessels are required to be within 150 feet for fire apparatus access.

**Currituck County Parks and Recreation**

No comment

**Currituck County GIS, Harry Lee**

Reviewed

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

Denied/Resubmit

1. Must have accessible route from parking lot to pier. Must have accessible loading onto boat.

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

No comment

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

Reviewed

1. No site or dock improvements are shown on the drawings. If improvements are proposed, any land disturbance within 75 feet of the water will require Division of Coastal Management (DCM) review and any modification to boat docking facilities will require a CAMA permit.
2. Please contact Ron Renaldi, DCM Field Representative, if you have any questions. He can be reached at 252-264-3901.

**NC State Archaeology, Lawrence Abbot**

No comment

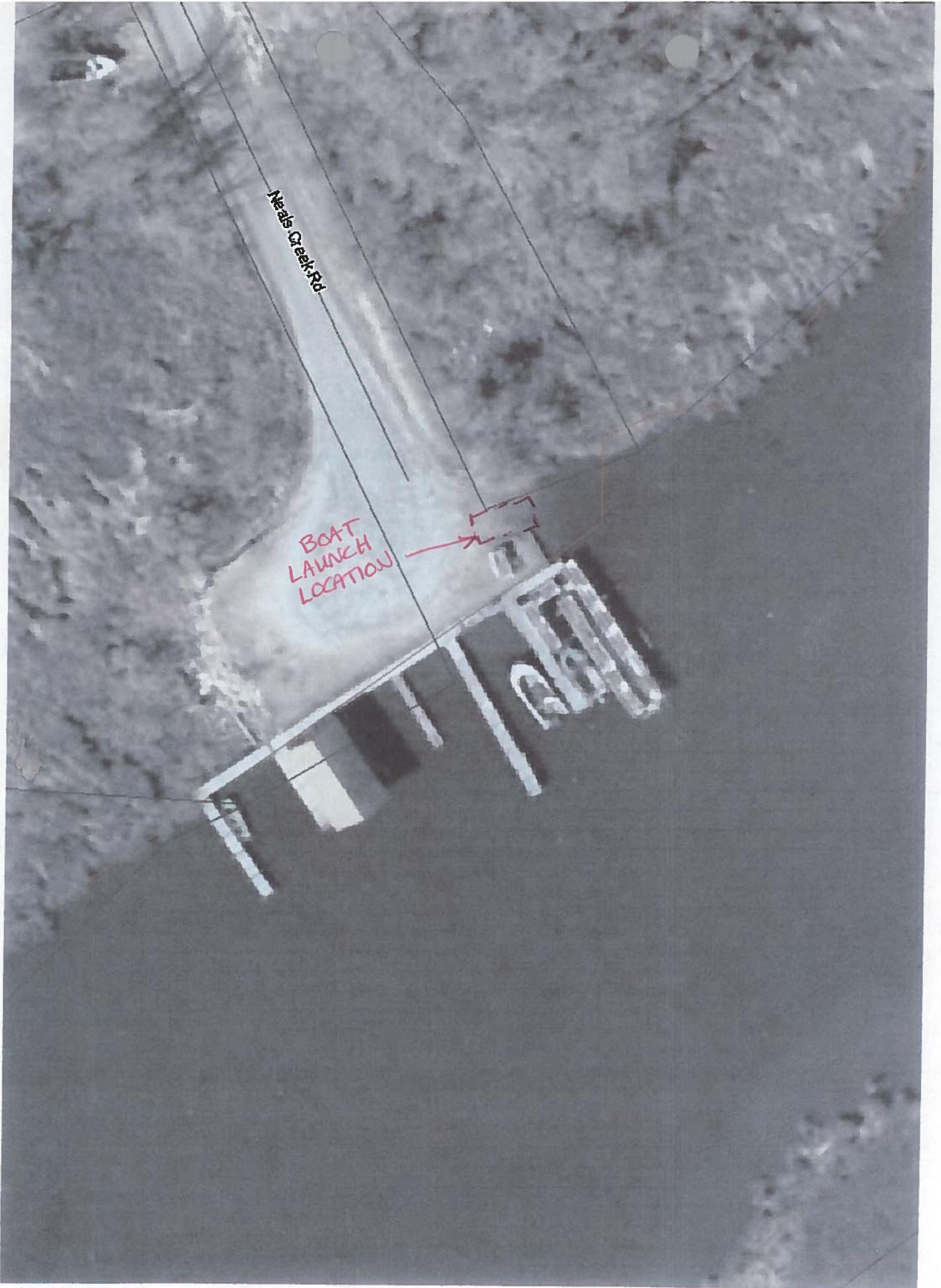
1. All locations have been disturbed by commercial development. An archaeological survey is not recommended.

**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.

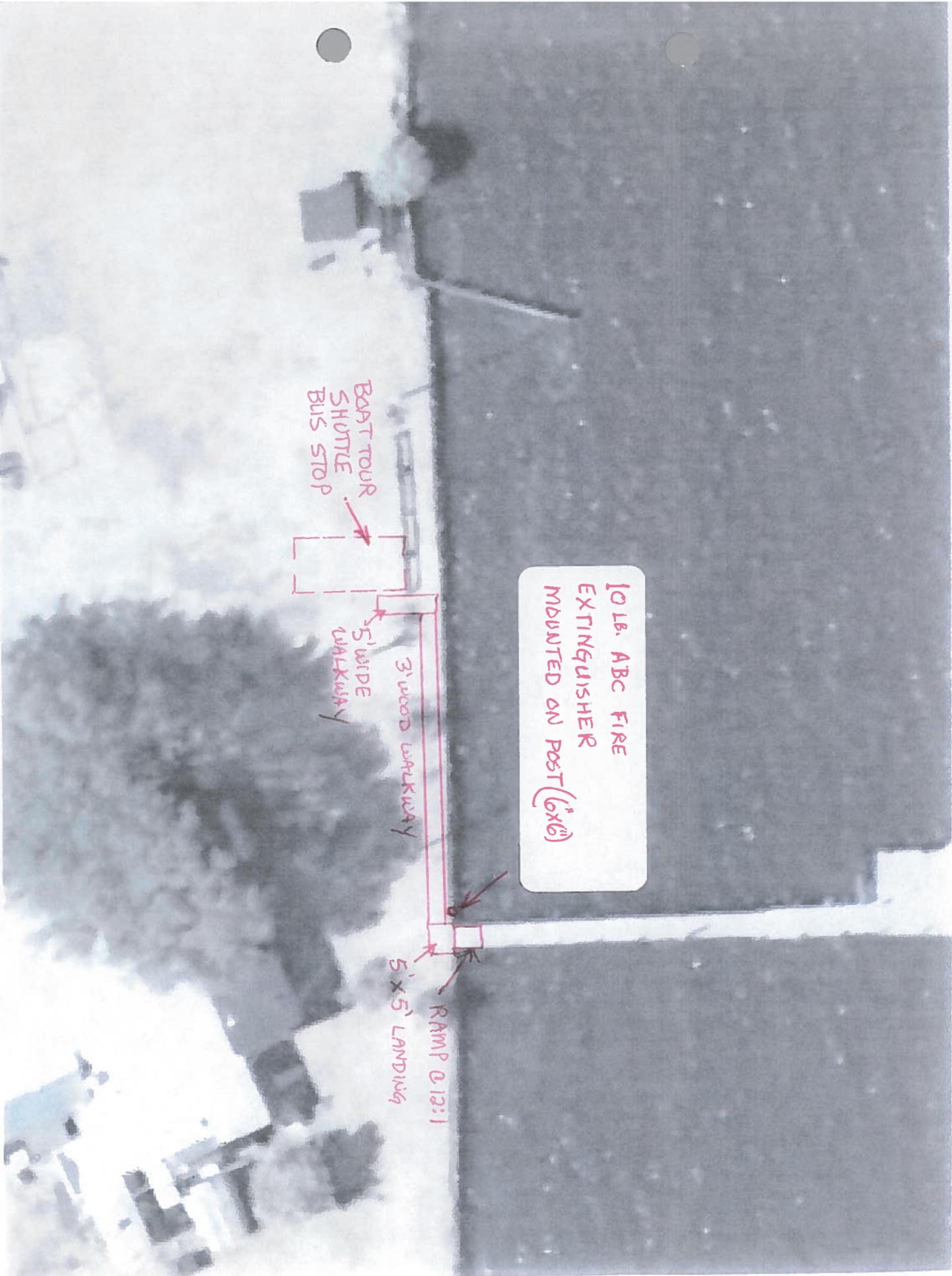


NEIL'S CREEK NEILS CREEK RD, GRANDY BOAT LAUNCH LOCATION



#18 BARRY'S WALNUT ISLAND  
#2 169 WALNUT ISLAND BLVD, GRANDY

#3 BARRY WALNUT ISLAND 1st WALNUT ISLAND BLVD, GRANDY



10 LB. ABC FIRE  
EXTINGUISHER  
MOUNTED ON POST (6' X 6')

BOAT TOUR  
SHUTTLE  
BUS STOP

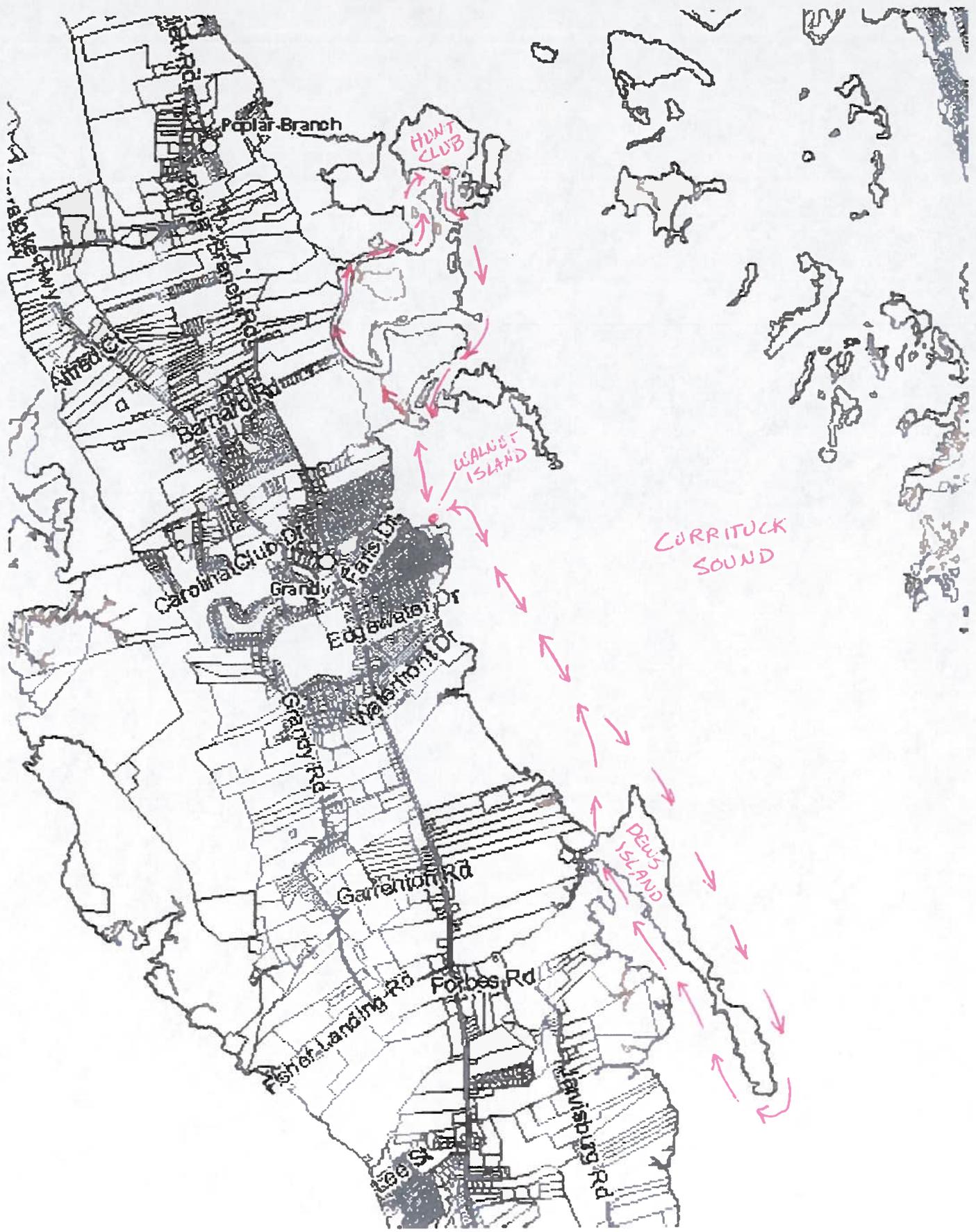
5' WIDE  
WALKWAY

3' WOOD WALKWAY

5' X 5' LANDING

RAMP @ 12:1

#3



#4

BOAT TOUR ROUTES



# Use Permit Application

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

### Contact Information

<b>APPLICANT:</b>	<b>PROPERTY OWNER:</b>
Name: <u>TODD CARTWRIGHT</u>	Name: <u>BARRY NELMS</u>
Address: <u>812 POPLAR BRANCH RD</u> <u>P.O. Box 610, GRANDY, NC 27939</u>	Address: <u>P.O. Box 507</u> <u>GRANDY, NC 27939</u>
Telephone: <u>252-202-8952</u>	Telephone: <u>252-453-2261</u>
E-Mail Address: <u>tarchcelautos@yahoo.com</u>	E-Mail Address: <u>barry@walnutisland.com</u>
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>NONE</u>	

### Property Information

Physical Street Address: 169 WALNUT ISLAND BLVD.

Location: BARRY'S WALNUT ISLAND REST. (BOAT DOCK)

Parcel Identification Number(s): 010700000640000

Total Parcel(s) Acreage: 3.08 AC. (LEGAL)

Existing Land Use of Property: RESTAURANT / MOTEL

### Request

Project Name: INDIAN GAP MAINLAND TOURS (BOAT)

Proposed Use of the Property: OUTDOOR TOURS (OUTDOOR TOUR OPERATOR)

Deed Book/Page Number and/or Plat Cabinet/Slide Number: DB. 439, PG. 423 / P.C. 200, SL. 335

Total square footage of land disturbance activity: N/A

Total lot coverage: N/A      Total vehicular use area: N/A

Existing gross floor area: N/A      Proposed gross floor area: N/A

### Community Meeting

Date Meeting Held: 2/11/13      Meeting Location: BARRY'S WALNUT ISLAND

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

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

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

NO, WILL MEET ALL STANDARDS OF PUBLIC HEALTH & SAFETY

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

NO, WILL NOT INJURED VALUE OF LANDS

YES, WILL BE IN HARMONY WITH OTHER BOATS IN THE AREA

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

YES

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

NO, WILL NOT AFFECT

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

  
Property Owner(s)/Applicant\*

2/13/2013  
Date

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

Use Permit Application  
Page 6 of 9

LODD Ray Contardi

**Special Use Permit Narrative for  
Indian Gap Mainland Tours**

3/25/13

812 Poplar Branch Rd.

P.O. Box 610

Grandy, N.C. 27939

**Purposed Use: Outdoor Tour Operation (Boat Tour)**

**Dates: May 31<sup>st</sup> thru Oct. 31<sup>st</sup>**

**Days: Monday thru Thursday**

**Hours: 10am till 6 pm**

**Tour length: 45 min.**

**All sales will be part of bus tour.**

**Employees: 2 max.**

**Tour will use 24' pontoon boat, 16 passengers**

**Base of Operations: Boats will be stored and refueled at Tarheel Auto**

**Boat will be launched at Neils Creek (see attached aerial #1)**

**Boat Tour times: 10:30, 2:30 & 4:30 pm**

**All passengers will be shuttled to and from boat tour.**

**Pickup Point: Weeping Radish, 6810 Caratoke Hwy., Grandy**

**Shuttle Drop off point/Tour Location:**

**Barry's Walnut Island Rest. 169 Walnut Island Blvd., Grandy (pier)**

**(see attached aerial #2 & 3)**

**Boat Tour Route: (See attached map #4)**

**Option #1: Dews Island (weather permitting)**

**Option #2: Narrows Island Hunt Club**

**Passengers will not disembark during tour.**

**Boat trailer and towing vehicle will be stored @ Tarheel Auto after boat is launched.**

**Wooden walkways shown on aerial #3 will require a CAMA minor permit.**

**Biker events at Barry's are weekends only and will not interfere will boat tour operations.**

**Patrons must be part of boat tour operation. No on-site tour transactions shall occur on the property without providing adequate parking.**

**The tour boat shall not utilize the canals in Walnut Island.**

Outdoor tour operator Use Permit  
@ Barry's Walnut Island (boat)  
Feb. 11<sup>th</sup>, 2013 Community Meeting Summary

2/12/13

1. Mailed 19 letters to property owners within 200' (1/30/13)  
Posted 2'x 3' Community Meeting sign @ Barry's (1/31/13)  
Meeting held Feb. 11<sup>th</sup>, 2013, 4pm @ Barry's Walnut Island  
Number of Attendees: 10 (See attached sheet)
2. Concerns/ questions:  
Added weekend boat traffic in Dowdys Bay?, reply: Monday – Thursday only.  
Would there be canal traffic in W.I.? Reply: tour from bay to Dews island.  
Lauching boat from canals? Reply: boats would be based at Neils creek.
3. Summary: Everybody & Teresa MacPherson (Pres. Prop. Own. Assoc.)  
thought it was a good idea!



**WALNUT ISLAND PROPERTY OWNERS ASSOCIATION**

109 FARIS DRIVE, P.O. BOX 273, GRANDY, NORTH CAROLINA 27939

EMAIL: [WIPOAII@GMAIL.COM](mailto:WIPOAII@GMAIL.COM) (252) 453-0604

March 13, 2013

Dear Ms. Voliva,

My name is Teresa MacPherson I am the President of the Walnut Island Property Owners Association. After attending the public meeting held February 11<sup>th</sup> by Mr. Kevin O'Connell at Barry's Walnut Island Restaurant and discussing the proposed business plan with our Board of Directors we wanted to make clear our position as a community. Based on the information we were given we do not believe that the Indian Gap Outdoor Boat Tour operation will be intrusive to our community provided that the boats will never be stored or launched from the canals. They will only be permitted to launch from sound-side docks of Barry's Walnut Island Restaurant. We were assured that this would not be a concern and we are glad of it. We would like to see this stipulated in the permit. The only other concern that was raised is the recreational area in Dowdy's Bay where many of our property owners often fish and swim. The concern is that depending on the direction the boats launch, would there be any danger to the swimmers. Again we were assured this would not be an issue.

The last question that I had, but did not think of at the meeting was regarding the vehicles that would bring the tourist to the site. I am wondering about the size. Are they full size buses or are they small van-like vehicles? It would not do to have full size buses driving through. Particularly since our roadways are so small and we have so many children at play during the summer months.

We appreciate having the opportunity to share our concerns and trust that you will consider them as you deliberate the matter. Please feel free to contact me if necessary. I may be reached at (252) 453-2506.

Sincerely,

Teresa MacPherson  
Walnut Island Property Owners Association



## Currituck County

153 Courthouse Road, Suite 302  
Currituck, North Carolina 27929  
252-232-6034  
FAX 252-232-3298

Michelle.Perry@CurrituckCountyNC.gov

### MEMORANDUM

**Date:** April 26, 2013

**To:** Board of Commissioners  
Dan Scanlon

**From:** Michelle Perry  
Eric Weatherly

**RE:** Barco Way (Currituck Community Park)  
Recommendation of Award

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The Barco Way project consists of the construction of a service road on the east side of Central Elementary, connecting Hwy 158 to the Maple Commerce Park. When Airport Road is eventually closed due to the construction of the COA Connector Taxiway and future Southern Parallel Taxiway, this road will serve as an entrance for the heavy truck traffic traveling to and from the Transfer Station, as well as the Maple Commerce Park.

A bid opening was held on April 9<sup>th</sup> and there were only two bids received. The project was re-bid on April 19<sup>th</sup> and received bids from: Barnhill Contracting Company, and RPC Contracting, Inc. Barnhill Contracting Company was the low bidder with a Base Bid + Total Unit Prices of \$626,562.00 (see attached Engineer's recommendation letter and Bid Tab). Not included in this bid is an estimate to relocate Dominion's power lines underground for \$110,000.

Staff recommends the award go to Barnhill Contracting Company in the amount of \$626,562.00. Staff also recommends a project ordinance for Barco Way in the amount of \$810,000, to include this award to Barnhill, the Dominion power line relocation and \$73,438 in contingency on the project.

April 22, 2013

Mr. Eric T. Weatherly, PE - County Engineer  
Currituck County  
P. O. Box 38  
Currituck, NC 27929-0038

Subject: Bid Opening and Recommendation of Award  
Barco Way Road Extension  
H&R Project Number: 120243

Dear Mr. Weatherly:

On Friday, April 19, 2013, at 11:00 am bids were opened for the re-bid of the Barco Way Road Extension project. Two bids were received from the following contractors: RPC Contracting, Inc., and Barnhill Contracting Company.

The apparent low bidder was Barnhill Contracting Company with a Base Bid + Total Unit Prices of \$ 626,562.00. Hyman & Robey PC engineer's estimate for the work associated with the bid is \$702,367.50.

After final review of the bid documents, we recommend the contract be awarded to Barnhill Contracting Company in the amount of the total bid price of \$626,562.00.

Enclosed please find a copy of the Bid Summary sheet as well as copies of the actual bid documents. If you have additional questions, please do not hesitate to call me directly at (252) 337-8988.

Sincerely,



Sean C. Robey, PE  
Principal Engineer



4-22-13

Enclosure(s): Bid Summary Sheet  
Bid Documents

Date of Bid Opening :

April 19, 2013 11:00 AM

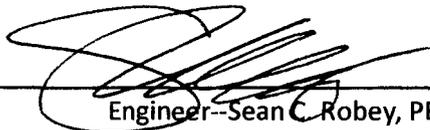
**BARCO WAY ROAD EXTENSION  
Bid Tabulation Results**



Owner: Currituck County

				Barnhill Contracting Company		RPC Contracting, Inc.	
	Description	Quantity	Unit	Unit Price	Total Amout	Unit Price	Total Amout
Base Bid	Base Bid	1	EA	\$ 557,812.00	\$ 557,812.00	\$ 563,590.00	\$ 563,590.00
100	Undercut and Backfill	5750	CY	\$ 4.00	\$ 23,000.00	\$ 9.40	\$ 54,050.00
101	Off-site Select Borrow	2875	CY	\$ 6.00	\$ 17,250.00	\$ 7.50	\$ 21,562.50
102	Additional Clearing	1	AC	\$ 6,500.00	\$ 6,500.00	\$ 7,790.00	\$ 7,790.00
103	Allowance-Liquid Binder Adjustment	1	LS	\$ 10,500.00	\$ 10,500.00	\$ 10,500.00	\$ 10,500.00
104	Onsite Select Borrow	2875	CY	\$ 4.00	\$ 11,500.00	\$ 4.80	\$ 13,800.00
Total Unit Prices					\$ 68,750.00		\$ 107,702.50
				As Read	\$ 626,562.00	As Read	\$ 671,292.50
<b>Base Bid + Total Unit Prices</b>				<b>As Calculated</b>	<b>\$ 626,562.00</b>	<b>As Calculated</b>	<b>\$ 671,292.50</b>

The above bid results for this project were reviewed and approved by:

  
 \_\_\_\_\_  
 Engineer--Sean C. Robey, PE

4-22-13  
 \_\_\_\_\_  
 Date

SENIOR CITIZEN ADVISORY BOARD  
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Heidi Montalbine	District 1		Vance Aydlett	2/20/12	1st 3/1/2015
Edith Meekins	District 2		David Griggs	7/5/2011	Unexpired Term 7/20/2013
<b>Rose Wright*</b>	<b>District 3</b>		<b>Butch Petrey</b>	<b>3/1/2010</b>	<b>1st 3/15/2013</b>
Doris Ballance	District 4		Kevin McCord	9/7/2010	1st 11/1/2013
Rosalie Rose	District 5		Marion Gilbert	2/21/2011	2nd 2/1/2014
Marcia Steele	At-Large		Paul Martin	7/5/2011	Unexpired Term 2/1/2014
Joanne DiBello	At-Large		Paul O'Neal	6/4/2012	Unexpired Term 4/15/2014

**\*May be Reappointed**

Commissioner Martin

GAME COMMISSION  
2 Year Terms

<b>Incumbent</b>	<b>Nominated by</b>	<b>New Appointee</b>	<b>Nominated by</b>	<b>Date of Appointment</b>	<b>End of Term</b>
Richard Williams	District 1		Vance Aydlett	5/7/2012	<b>2nd term</b> 6/1/2014
Jeremy Midgette	District 2		David Griggs	5/7/2012	<b>1st term</b> 6/1/2014
Andy Newbern	District 3		Butch Petrey	5/7/2012	<b>1st term</b> 6/1/2014
Clay Cartwright	District 4		Kevin McCord	5/16/2011	<b>2nd term</b> 6/1/2013
Willie Austin	District 5		Marion Gilbert	6/20/2011	<b>3rd term</b> 6/1/2013
Chandler Sawyer	At-Large		Paul Martin	5/16/2011	<b>1st term</b> 6/1/2013
Jimmy Markert	At-Large		Paul O'Neal	5/16/2011	<b>2nd term</b> 6/1/2013



## APPLICATION FOR ADVISORY BOARDS & COMMITTEES

Date: 3-27-13

Name: FRED WATERFIELD JR

Address: 280 Woodheigh RD

KNOTTS ISLAND NC 27950

Phone: 252 429 2009

Email: Kbirderc@verizon.net

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

Please check

- |  |  |
|--|--|
| <input checked="" 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 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 checked="" type="checkbox"/> Game Commission      | <input type="checkbox"/> Tourism Advisory Board                  |
| <input type="checkbox"/> Jury Commission                 | <input checked="" 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 have lived in Currituck City for a long time and would like to serve on a board as part of my civic duty. I feel that citizen participation is important in County government.*

**Gwen Keene**

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**From:** ClientSubmission@co.currituck.nc.us  
**Sent:** Wednesday, March 27, 2013 1:44 AM  
**To:** Debra Embrey; Gwen Keene  
**Subject:**

## Advisory Board Form

**Date:** 03/27/2013  
**Name:** Dayle Gregory  
**Address:** 344 South Gregory Road Shawboro, N.C 27973  
**Phone:** 252-339-3945  
**Email:** [rebel1763@gmail.com](mailto:rebel1763@gmail.com)

### Game Commission

The reason I am seeking the game commission is for several areas I am concern about. I am a avid hunter and fisherman and I see in the future areas of concern. One of the concerns is already here. It has not become a full riot yet. The tention of people moving down here and the hunters" see thier forest, and land being taken over for homes and many diffferant things. I would like to work with the state to create more gamelands and to try to find a medium between the hunters"the new arrivals who are not use to seeing a dog chasing a dear across the yard or a duck being shot out of the air in front of thier picture window facing the sound. Thier is onething that we have to remember that our county slogan is Sportsman Paradise. We have to remember our heritage and also allowing the others to enjoy its" beauty of it that has kept us here.

The fisherman are also feeling the squeeze with the lack of gamefish to catch. I would like to work with the state in creating a buffer zone for safe spawning. If we can create something like that it would protect spawning areas and give them a chance to at least be hatched. We would catch alot of stern words of it at first, but I"m sure it would payoff for a family fishing trip and the commercial side of it. We would also have to keep a eye on overcatch and make not it so attractive to keep doing it. I have lived here all my life and I have heard it all. I am 50 now. I"m young enough to back it up, but also I"m also old enough to listen also. I am medically retired from the Ford company, My disability would not effect my work. I can bring it own everyday.

Thank you for your time

**Gwen Keene**

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**From:** ClientSubmission@co.currituck.nc.us

**Sent:** Friday, April 13, 2012 8:31 AM

**To:** Debra Embrey; Gwen Keene

**Subject:**

**Advisory Board Form**

Date: 04/13/2012

Name: Jeremy Midgette

Address: 267 Harbinger Ridge Road, Harbinger

Phone: 252-202-9262

Email: jdm0314@embarqmail.com

Game Commission

Life-Long county residents and avid outdoorsman.

Four-year College Education, BS (ECU)

Active, Eager to learn and provide for, as well as protect our County.

Thanks for the possible opportunity.

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
51848-599002	JP Knapp and Moy Elem café roofs	\$ 126,000	
51380-425001	Lottery Funds		\$ 126,000
		<u>\$ 126,000</u>	<u>\$ 126,000</u>

**Explanation:** *School Construction (51848)* - Increase in appropriations to record approval by the NC Department of Public Instruction to use lottery funds for the JP Knapp Early College High School and Moyock Elementary School cafeteria roof replacements. These applications were submitted in July 2012 and approval was received March 28, 2013.

**Net Budget Effect:** School Construction Fund (51) - Increased by \$126,000.

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Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12541-590000	Capital Outlay	\$ 18,000	
12390-499900	Appropriated Fund Balance		\$ 18,000
		<u>\$ 18,000</u>	<u>\$ 18,000</u>

**Explanation:** *Fire Services (12541)* - Appropriate funds to purchase a Mask Fit Tester, equipment to insure proper fit of respirator masks used at fire scenes.

**Net Budget Effect:** Fire Services Fund (12) - Increased by \$18,000.

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Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 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>	
10750-557700	Crisis Intervention			\$	1,381
10752-519600	Daycare			\$	21,000
10760-585001	Donations - Currituck Kids	\$	1,500		
10330-431000	DSS Administration			\$	15,306
10330-432800	Daycare	\$	21,000		
10380-487001	Donations - Currituck Kids			\$	1,500
10390-499900	Appropriated Fund Balance	\$	16,687		
		<u>\$ 39,187</u>		<u>\$ 39,187</u>	

**Explanation:** *Social Services - Administration (10750); Public Assistance (10752); County Assistance (10760) - Transfer funds to record Currituck Kids Donation and to adjust to State revised allotments for this fiscal year.*

**Net Budget Effect:** Operating Fund (10) - Decreased by \$36,187.

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The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10531-514000	Travel		\$ 3,500
10531-532000	Supplies	\$ 1,640	
10531-590000	Capital Outlay	\$ 1,860	
		<u>\$ 3,500</u>	<u>\$ 3,500</u>

**Explanation:** *Emergency Management (10531)* - Replace computer for Emergency Management Director and additional funding for EOC supplies.

**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 6th day of May, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10640-532004	FCS Supplies	\$ 1,000	
10330-449900	Miscellaneous Grants		\$ 1,000
10640-545000	Contract Services	\$ 2,261	
10640-513000	Utilities		\$ 2,261
		<u>\$ 3,261</u>	<u>\$ 3,261</u>

**Explanation:** *Cooperative Extension (10640)* - To record SHIIP (Seniors' Health Insurance Information Program) grant funds for FY 2013 and for additional costs for landscaping.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,000.

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## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
68888-532000	Supplies	\$ 1,200	
68888-516000	Repairs & Maintenance		\$ 700
68888-533800	Chemicals		\$ 500
		<u>\$ 1,200</u>	<u>\$ 1,200</u>

**Explanation:** *Walnut Island Sewer (68888)* - To move funds to purchase a DR/890 Colorimeter needed for testing at Waterside Villages.

**Net Budget Effect:** Walnut Island Sewer Fund (68) - No change.

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Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 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>	
10460-531000	Gas	\$	5,500		
10460-545000	Contract Services	\$	7,000		
10460-506000	Health Insurance			\$	2,500
10460-531400	Equipment fuel			\$	500
10460-514000	Travel			\$	1,000
10460-514500	Training			\$	500
10460-516300	Signs			\$	1,000
10460-513000	Utilities			\$	2,500
10380-482000	Miscellaneous			\$	1,400
10380-484001	Insurance Recovery			\$	3,100
		<u>\$</u>	<u>12,500</u>	<u>\$</u>	<u>12,500</u>

**Explanation:** *Public Works (10460)* - Transfer funds for fuel for the Public Works department necessary for operations for the remainder of this fiscal year.

**Net Budget Effect:** Operating Fund (10) - Increased by \$4,500.

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## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-532000	Supplies	\$ 3,000	
61818-545000	Contract Services		\$ 3,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

**Explanation:** *Mainland Water (61818)* - Transfer funds to supplies for operations for the remainder of this fiscal year.

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

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Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10750-590000	Capital Outlay	\$ 11,897	
10441-590000	Capital Outlay		\$ 11,897
		<u>\$ 11,897</u>	<u>\$ 11,897</u>

**Explanation:** *Social Services Administration (10750); Information Technology (10441)* - Transfer funds from ITS to DSS for replacement computers in DSS in order to utilize cost share funding.

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

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Clerk to the Board

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The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
52530-590000	Capital Outlay	\$ 2,520	
52330-558701	DPR1 Grant		\$ 2,520
		\$ 2,520	\$ 2,520

**Explanation:** *Multi-year Grant Fund (52530)* - Increase appropriations to record 100% grant funded cabinets for the Medical bus.

**Net Budget Effect:** Multi-year Grant Fund (52) - Increased by \$2,520.

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Clerk to the Board

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The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10796-532000	Supplies	\$ 3,000	
10796-516000	Repairs & Maintenance		\$ 3,000
		<u>\$ 3,000</u>	<u>\$ 3,000</u>

**Explanation:** *Rural Center (10796)* - Transfer funds for additional supplies needed for operations for the remainder of this fiscal year.

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

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Clerk to the Board

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The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10420-589000	OSD Reserve	\$ 1,000	
10410-526000	Advertising		\$ 1,000
		<u>\$ 1,000</u>	<u>\$ 1,000</u>

**Explanation:** *Governing Body (10420); Administration (10410)* - Transfer funds due to more retirees than anticipated for this fiscal year.

**Net Budget Effect:** Operating Fund (10) - 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>
10490-513000	Utilities - Other	\$ 2,200	
10490-513003	Utilities - Court Facilities		\$ 2,200
10490-545003	Contract Services - Court Facilities	\$ 12,000	
10380-484001	Insurance Recovery		\$ 12,000
		<u>\$ 14,200</u>	<u>\$ 14,200</u>

**Explanation:** *Court Facility Fees (10490)* - Increase appropriations for cost incurred when pipe burst in the Judicial building and transfer funds for utilities.

**Net Budget Effect:** Operating Fund (10) - Increased by \$12,000.

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The Currituck County Board of Commissioners, at a meeting on the 6th day of May, 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
10540-558300	Homeowner's Recovery Fund	\$ 1,800	
10340-457000	Homeowner's Recovery Fund		\$ 1,800
		\$ 1,800	\$ 1,800

**Explanation:**     *Inspections (10540)* - Increase appropriations due to increase in building permit purchases.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,800.

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12546-511006	Telephone & Postage	\$ 900	
12546-513006	Utilities	\$ 2,300	
12546-516006	Repairs & Maintenance		\$ 5,500
12546-516106	Building & Grounds		\$ 2,200
12546-531006	Gas	\$ 800	
12546-532006	Supplies	\$ 500	
12546-553006	Dues & Subscriptions	\$ 2,900	
12546-561006	Professional Fees	\$ 300	
		<u>\$ 7,700</u>	<u>\$ 7,700</u>

**Explanation:** *Corolla Vol Fire Department (12546) - Transfer funds per request of Corolla VFD.*

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

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Clerk to the Board

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10511-531000	Gas	\$ 2,500	
10511-516000	Repairs & Maintenance	\$ 4,000	
10511-547000	Meals		\$ 4,000
10511-590000	Capital Outlay		\$ 2,500
		<u>\$ 6,500</u>	<u>\$ 6,500</u>

**Explanation:** Jail (10511) - Transfer funds for operations for the remainder of this fiscal year.

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

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10512-532000	Supplies		\$ 600
10512-542000	Rabies Clinic	\$ 600	
		<u>\$ 600</u>	<u>\$ 600</u>

**Explanation:** *Animal Control (10512)* - Transfer funds due to increased participation in rabies clinics.

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

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Clerk to the Board

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-533201	Lab Test	\$ 5,000	
60808-590001	Capital Outlay	\$ 26,000	
60808-545001	Contracted Services	\$ 18,000	
60808-561001	Professional Services		\$ 11,500
60808-516001	Repairs and Maint.		\$ 17,500
60808-533601	System Supplies		\$ 7,000
60808-533801	Chemicals		\$ 9,500
60808-514500	Training		\$ 2,500
60808-514000	Travel		\$ 1,000
		<u>\$ 49,000</u>	<u>\$ 49,000</u>

**Explanation:** *Ocean Sands Water and Sewer (60808)* - Transfer funds for emergency replacement of pumps and for lab fees for the remainder of this fiscal year.

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

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Clerk to the Board

CURRITUCK COUNTY  
NORTH CAROLINA  
April 1, 2013

The Board of Commissioners met at 6:00 p.m. to discuss the proposed UDO text regarding internet sweepstakes. After considerable discussion, the Board took no action.

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 Paul O'Neal, Vice-Chair Paul Martin, Commissioners Aydlett, Gilbert, Griggs, Petrey and McCord.

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

Reverend Dennis Crehan, Jarvisburg Church of Christ, was present to give the invocation.

**C) Approval of Agenda**

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

**APPROVED AGENDA**

**7:00 pm Call to Order**

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

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

**Public Hearings**

- A) **Public Hearing and Action:** PB 12-26 Currituck County: Request to amend the Unified Development Ordinance, Chapter 4: Use Standards, Chapter 5: Development Standards and Chapter 10: Definitions and Measurement, to clarify waste related uses and establish standards for Recycling Centers.
- B) **Public Hearing to name a road located in the Caratoke Forest Subdivision from west side of Hwy 168, Crawford Township**

**Administrative Reports**

A) Tracy Sample, Tax Collector, to review the County-wide Revaluation

**New Business**

A) Consent Agenda:

1. Resolution for Fireworks July 4th, Whalehead Club
2. Budget Amendments
3. Resolution supporting Parks and Recreation Grants
4. Resolution Urging Members of the North Carolina General Assembly and Governor McCrory to Revisit and Revise S-191
5. Resolution Surplus Property Social Services
6. Approval of March 18, 2013 Minutes

B) Commissioner's Report

C) County Manager's Report

**Closed Session**

According to G.S. 143-318.11(3) to consult with an attorney in order to preserve the attorney-client privilege, to receive advice from and give direction to the County attorney in the matter of Etheridge v. Currituck County.

Adjourn

D) 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. There being no comments, he closed the public comment period.

**Public Hearings**

A) Public Hearing and Action: PB 12-26 Currituck County:  
Request to amend the Unified Development Ordinance, Chapter 4: Use Standards, Chapter 5: Development Standards and Chapter 10: Definitions and Measurement, to clarify waste related uses and establish standards for Recycling Centers.

Ben Woody, Planning Director, reviewed the request.

Based on information gathered at the Board of Commissioners' March 4<sup>th</sup> work session, staff has updated a proposal that would clarify waste related uses and establish standards for Recycling Centers. This proposal separates the current use of 'Recycling Center' into two distinct uses: 'Recycling Center, Processing',

and 'Recycling Center, Transfer'; while keeping 'Salvage and Junk Yard' as one use.

This proposal provides the Board options for how to regulate Recycling Centers. Those options include permit and building requirements.

Also proposed are modifications to the Use Table, use standards, and parking standards. Staff used other zoning ordinances, the North Carolina General Statutes, and discussion with Bissell Professional Group, to create the definitions and standards.

Currently, the standards in the UDO do not clearly distinguish a recycling center from a salvage/junk yard. This is because of two main reasons: 1. the uses are both similar in the fact that they actively recycle materials; and 2. the uses are separated based on materials used. For example, a recycling center processes "recyclable and recoverable materials", while a salvage/junk yard processes "metals, wood, slush, lumber, glass, paper, rags, cloth,... building material" etc. The materials processed at salvage/junk yard could also be considered a recyclable material and processed at a recycling center. So what is the true difference between the two uses? And why does the UDO allow recycling center to be approved administratively with a 250 foot setback, and a salvage/junk yard to be approved by the BOC with a 1,000 foot setback?

Staff's proposal would answer the questions above. The difference between the uses is not what materials are used, since they both actively recycle them, but that recycling centers are typically indoor operations and salvage/junk yards are outdoor operations. The recycling center would have lesser zoning restrictions because the building would mitigate impacts to adjacent properties (appearance, noise, smell, etc.).

Staff has applied the UDO so that recycling centers can currently only use single stream recyclables (household items like newspapers and milk jugs) and not scrap metal or construction and demolition materials (which are processed at a salvage/junk yard). However, this proposal would allow similar materials to be processed at both recycling centers and salvage/junk yards, while distinguishing the uses through development standards. Under no circumstances can recycling centers or salvage/junk yards accept or process solid, hazardous, toxic, or biodegradable waste.

Staff presented the previous proposal at the December Planning Board meeting. The Planning Board **recommended approval** at their January 8, 2013 meeting as written, but with a change to 'Recycling Center, Transfer' requirement of a fully enclosed building to a 3-sided building. Motion carried unanimously.

Chairman O'Neal opened the public hearing.

Commissioner Aydlett questioned the construction debris and odor at the site.

Commissioner Griggs, questioned the garbage that would be created and opposed expanding the building.

Commissioner Martin stated that the setbacks were not adequate.

Commissioner Petrey also commented on the garbage and odor.

H.D. Newbern, Aydlett, stated that the setback should be more than 250 ft.

James Shawback, Bay Disposal, in Suffolk, Va., stated he would answer any questions the Board may have.

Commissioner Petrey, requested him to explain his procedures.

Mike Norris, property owner and Manager of Bay Disposal, stated that he would bring jobs to the county and was running a clean operation.

Chairman O'Neal stated that having a building would be better than what they have now.

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

Commissioner Griggs moved to deny request and not allow expansion and not to change the definitions. Commissioner Martin seconded the motion. Motion failed with Commissioners Aydlett, Petrey, Gilbert and McCord voting no.

Commissioner Aydlett moved to approve the request as submitted. Commissioner McCord seconded the motion. Motion carried.

Chairman O'Neal stated that they will come back to the Board for their Special Use Permit.

**B) Public Hearing to name a road located in the Caratoke Forest Subdivision from west side of Hwy 168, Crawford Township**

Ike McRee, County Attorney, stated that the applicant Kevin Baiko, would like to name a street in the Caratoke Forest Subdivision next to Laurel Woods Subdivision. The name requested is Enchanted Forest Drive.

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

Commissioner Aydlett moved to approve the name Enchanted Forest Drive. Commissioner Petrey seconded the motion. Motion carried.

**Administrative Reports**

**A) Tracy Sample, Tax Collector, to review the County-wide Revaluation**

Tracy Sample, Tax Collector, reviewed the new preliminary 2013 tax base and how it compares to last year, along with the percentage change by geographical areas. He also provided information about the appeals process and further explained the breakdown of the County Tax Base between the Outer Banks and the Mainland.

Mr. Sample stated that the new tax rate will be available during the budget process.

**New Business**

**A) Consent Agenda:**

1. Resolution for Fireworks July 4th, Whalehead Club

2. Budget Amendments
3. Resolution supporting Parks and Recreation Grants
4. Resolution Urging Members of the North Carolina General Assembly and Governor McCrory to Revisit and Revise S-191
5. Resolution Surplus Property Social Services
6. Approval of March 18, 2013 Minutes

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

**RESOLUTION  
APPROVING THE EXHIBITION, USE AND DISCHARGE OF  
PYROTECHNICS AT THE WHALEHEAD CLUB IN  
COROLLA, NORTH CAROLINA**

**WHEREAS**, pursuant to N.C. Gen. Stat. §14-410 and §14-413, a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the board of commissioners for a county; and

**WHEREAS**, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

**WHEREAS**, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as The Whalehead Club in Corolla, North Carolina, on July 4, 2013, which will be a public exhibition, and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc. is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as The Whalehead Club in Corolla, North Carolina on July 4, 2013.







**Net Budget Effect:** Moyock Central Sewer System Fund (67) - Increased by \$55,650.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
68888-532000	Supplies	\$ 1,250	
68888-533200	Lab Tests	\$ 1,500	
68888-561000	Professional Services	\$ 7,500	
68350-468000	Sale of Fixed Assets		\$ 1,475
68360-480700	Penalties & Interest Fund Balance		\$ 500
68390-499900	Appropriated		\$ 6,325
68888-511000	Telephone & Postage		\$ 700
68888-516000	Repairs & Maintenance		\$ 750
68888-531000	Gas		\$ 500
		\$ 10,250	\$ 10,250

**Explanation:** *Walnut Island Sewer System (68888) - Increase appropriations for operations for the remainder of this fiscal year.*

**Net Budget Effect:** Walnut Island Sewer District Fund (68) - Increased by \$8,300.

**A RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT  
INTEGRITY AND FUNDING  
FOR THE PARKS AND RECREATION TRUST FUND (PARTF)**

**WHEREAS**, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

**WHEREAS**, The Parks and Recreation Trust Fund (PARTF) was established with bi-partisan support on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches and coastal waterways; and

**WHEREAS**, since its inception, The Parks and Recreation Trust Fund has provided \$161 million via 722 grants to 370 local governments in 99 counties and has been matched with \$312 million of local and private dollars for the purchase of local park land, building and renovation of facilities and development of greenways and trails; and

**WHEREAS**, North Carolina's population has grown to make it the 10<sup>th</sup> most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

**WHEREAS**, parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

**WHEREAS**, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

**WHEREAS**, The Parks and Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

**WHEREAS**, The Parks and Recreation Trust Fund has funded capital improvement projects in the state parks such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

**WHEREAS**, the annual economic impact to local economies of all tourists visiting the state parks system was estimated at more than \$400 million in sales and income, as well as nearly 5,000 jobs according to a 2008 study.

**WHEREAS**, a portion of The Parks and Recreation Trust Fund is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beaches accesses; and

**WHEREAS**, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes and high blood pressure; and

**WHEREAS**, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people; and

**WHEREAS**, dedicated, recurring funding of The Parks and Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

**WHEREAS**, the success of The Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Currituck County Board of Commissioners does call on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for The Parks and Recreation Trust Fund.

**A RESOLUTION URGING MEMBERS OF THE NORTH CAROLINA GENERAL ASSEMBLY AND GOVERNOR MCCRORY TO REVISIT AND REVISE THE REQUIREMENTS IN S-191 CONCERNING THE APPOINTMENT OF BOARD MEMBERS TO THE LME BOARD**

**WHEREAS**, Senate Bill 191 has been approved and passed into law in the waning hours of the 2012 Session of the General Assembly; and

**WHEREAS**, the new membership rules for the Boards of Local Management Entities(LMEs) limit the required designation to only one county commissioner from the nineteen (19) participating counties comprising the EAST CAROLINA BEHAVIORAL HEALTH, and limits the total membership to twenty-one (21) members with most of the members having to be representative of a specific occupation or group; and

**WHEREAS**, these new requirements have to be implemented by October 2013; and

**WHEREAS**, the General Assembly has the authority to review and modify these requirements in the current Session, understanding that counties and the State have a vested interest and obligation to provide adequate mental health services and oversight to our citizens in a responsible and realistic way;

**NOW, THEREFORE, BE IT RESOLVED** that Currituck County as a member in the EAST CAROLINA BEHAVIORAL HEALTH LME requests that any LME which represents ten (10) counties or more be given the option of increasing their Governing Board to a maximum of thirty(30)voting members. This would ensure that each county has the ability to appoint a Commissioner or their designee to the LME Board. This increased size would also permit the appointment of individuals with the additional background and expertise required in SB 191.

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the Governor, the Secretary of the NC Department of Health and Human Services, the leadership of the NC General Assembly, and the House and Senate members of the General Assembly representing the EAST CAROLINA BEHAVIORAL HEALTH LME catchment area.

**RESOLUTION**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 1, 2013 authorized the following, pursuant to GS 160A and 270(b), that the property listed below for Social Services, be disposed of :

Asset 2812A-F Stackable Chairs  
Asset 2815 Table  
Asset 3386 Fellows Power Shred 400 Shredder

**B) Commissioner's Report**

Commissioner Gilbert requested a meeting with DOT and Ranchland property owners to discuss drainage.

**C) County Manager's Report**

**No comments**

**Closed Session**

According to G.S. 143-318.11(3) to consult with an attorney in order to preserve the attorney-client privilege, to receive advice from and give direction to the County attorney in the matter of Etheridge v. Currituck County.

Chairman O'Neal moved to go into closed session as stated above. Commissioner Gilbert seconded the motion. Motion carried.

**Adjourn**

After reconvening from closed session, no action was taken.

There being no further business, the meeting adjourned.



# **Juvenile Crime Prevention Council County Plan**

## **Currituck County**

**2013-14**

### **Table of Contents**

- I. Executive Summary (Year 1 and subsequent year updates)
- II. JCPC County Recommended Funding Plan with attached Program Descriptions
- III. Juvenile Crime Prevention Council Organization
- IV. County Risk & Needs Assessment Summary with attached Data & Resources
- V. Research-Based Programs Summary
- VI. Juvenile Crime Prevention Council Action Plan
- VII. County Juvenile Crime Prevention Council Request for Proposals
- VIII. Funding Decisions Summary

# I. Executive Summary

## Currituck County

### Juvenile Crime Prevention Council

#### (3<sup>rd</sup> Year)

The **Currituck** County Juvenile Crime Prevention Council (JCPC), in fulfillment of the duties and responsibilities as set forth in the General Statutes of the State of North Carolina, has completed the activities required to develop this County Plan for FY 2013-14.

The JCPC has identified the issues and factors which have an influence and impact upon delinquent youth, at-risk youth, and their families in **Currituck** County. Further, the JCPC has identified the strategies and services most likely to reduce/prevent delinquent behavior.

JCPC Action Plan: A JCPC Action Plan to impact delinquent behavior has been developed. The JCPC proposes to:

*Prevent and reduce delinquent behavior*

*Increase public awareness about delinquency prevention*

*Provide a continuum of community resources to address delinquent and at-risk behavior*

Priorities for Funding: Through a risk & needs assessment and a resource assessment, the JCPC has determined that the following services are needed to reduce/prevent delinquency in **Currituck** County.

1. Teen Court
2. Mentoring
3. Restitution/Community Service
4. Parent/Family Skills
5. Tutoring/Academic Enhancement Services
6. Interpersonal Skills
7. Substance Abuse Treatment
8. Psychological Assessments
9. Counseling
10. Home-Based Family Counseling

Monitoring and Evaluation: Each program funded in the past year by the JCPC has been monitored, and the forms and recommendations are on file in the DJJ Area Office. The monitoring results and program outcomes and evaluations were considered in making funding allocation decisions. **Monitoring results are on file for the following programs:**

- **PASS Counseling Program – continued funding without conditions**
- **Teen Court – continued funding without conditions**
- **Restitution/Community Service – continued funding without conditions**

Funding Recommendations: The JCPC published the Request for Proposals beginning January 14, 2013, with program applications due March 1, 2013 by noon. Furthermore, the

JCPC exceeded the 30-day minimum publication requirement by nearly two weeks. A district wide grant-writing workshop was provided on February 1, 2013 in Edenton.

The JCPC screened submitted proposals and determined those which best meet advertised needed services.

As required by statute, the JCPC recommends allocation of Juvenile Crime Prevention Funds to the following Programs in the amounts specified below for FY 2013-14:

<b>Program Recommendations</b>	<b>DJJDP Funding</b>	<b>Local Cash Match</b>	<b>Total</b>
JCPC Administrative Certification Funds	\$15,000		\$15,000
PASS with Teen Court component	\$43,967	\$13,190	\$57,157
	\$14,949	\$4,485	\$19,434
Restitution	\$7,914	\$2,374	\$10,288

Program descriptions and service statistics are attached to the JCPC Funding Plan in Section II.

**Currituck**  
**II. JCPC County Funding Plan**

Revised Available Funds:       \$81,830       Local Match:       \$20,049       Rate:       30%      

**Program Descriptions and Service Statistics** are included as an attachment to this funding plan.

#	Program Provider	JCPC Funding	LOCAL FUNDING		OTHER	OTHER	Total
			Local Cash Match	Local In-Kind	State/Federal	Funds	
1	JCPC Certification	\$15,000					\$15,000
2	PASS	\$58,916	\$17,675				\$76,591
3	Restitution	\$7,914	\$2,374				\$10,288
4							\$0
5							\$0
6							\$0
7							\$0
8							\$0
9							\$0
10							\$0
	<b>TOTALS:</b>	<b>\$81,830</b>	<b>\$20,049</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$101,879</b>

The above plan was derived through a planning process by the       Currituck       County  
 Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in  
 FY       2013-14

## Section II(a) Funded Program Descriptions

### Program Name/Component Type(s)/Sponsoring Agency:

Currituck Restitution/Currituck County

### List the priority risk/needs and protective factors addressed by this program:

Early and persistent delinquent behavior

Protective factor: High accountability

### Provide a brief description of each program component:

Provides the means whereby victims of juvenile crime are compensated for their losses. Also provides worksite placements for juveniles ordered to perform community service, or those referred under a diversion plan or contract.

## Funded Program Description

### Program Name/Component Type(s)/Sponsoring Agency:

Teen Court/Currituck County Schools

### List the priority risk/needs and protective factors addressed by this program:

Negative peer associations

Protective factor: Positive peer associations

### Provide a brief description of each program component:

Teen court provides the first time non-violent offender admitting guilt a diversion resource. The qualifying defendant appears before a jury of his/her peers to receive a constructive sentence. He/she must then agree to serve at least one jury duty as part of the constructive sentence. Currituck County's teen court is taught in high school as an elective course.

## Funded Program Descriptions (cont.)

### **Program Name/Component Type(s)/Sponsoring Agency:**

**Partnership for Adolescent Support Services/ Individual Counseling/  
Currituck Co. Schools**

### **List the priority risk/needs and protective factors addressed by this program:**

Negative peer associations  
Serious behavior problems in school  
Protective factor: School motivation and bonding; positive peer associations

### **Provide a brief description of each program component:**

PASS provides individual counseling to court referred juveniles. The program offers cognitive behavioral training in order to provide participants with replacement behaviors and help them stay on the right track in school. Also has a contract with a family therapist for specific referrals.

New for this coming year is the addition of an evidence-based Parent/Family Skill Building service, Strengthening Families.

# Program Services 2011-12

Currituck County Comprehensive Strategy														
		Delinquency Prevention						Court Supervision						
NCJOIN & ALLIES Data July 1, 2011 - June 30, 2012	All Youth	Youth At Greatest Risk			Immediate Intervention			Graduated Sanctions						
	County Youth ages 10-17	2010-11 School Year Short & Long Term Out-of-School Suspension	JCPC Non-Court Admissions	Juveniles at Intake	Diversion Plans/ Contracts	Juveniles Apprvd for Court	Adjudicated Juveniles	Protective Supervision	Supervised Probation	Detention Adms	YDC Commitments	Post Release Supvs		
	2,672	595 ST/3 LT		58	29	26	24	1	19	5	0	0		
JCPC Youth Admitted 2011-2012		Youth At-Risk	Court Counselor Consultation	Legal Status Unknown	Intake/ Diverted	Petition Filed	Undisciplined	Adjudicated	Protective Supervision	Supervised Probation		Community Commitment	District Court (Deferred)	Program Totals
Teen Court – Diversion		5	1		9	1								16
Restitution/Community Service – Diversion, Level I and II dispositional alternative			14			2				13				29
Partnership of Adolescent Support Services (PASS) – Diversion, Level I and II dispositional alternative			1		12	1				4				18
														63

### III. Juvenile Crime Prevention Council Organization

	Name	Organization	Title
<b>Chairperson</b>	Jennifer Goscinski	School Counselor	CCMS
<b>Vice-Chairperson</b>	Ray Matusko	Administrative Office of the Courts	Clerk
<b>Secretary</b>	Bobbi Blount	Currituck County Schools	Prog. Assistant
<b>Treasurer</b>	Sandra Hill	Currituck County	Finance Officer
<b>Assessment Committee Chairperson</b>	Full Council		
<b>Funding Committee Chairperson</b>	Sandra Hill	Currituck County	Finance Officer

**Number of members:**                     26                    

List meeting dates during the current fiscal year and identify the number of JCPC members in attendance for each.

Meeting Date	Number of Members in Attendance	Quorum Present? Yes/No
September 10	17	yes
October 8	15	yes
November	no meeting	
December 10	9	no
January 14	16	yes
February 11	16	yes
March 11	14	yes
April 8	scheduled	
May 13	scheduled	

## IV. RISK & NEEDS ASSESSMENT SUMMARY REPORT

- I. Risk Assessment Summary
- II. Needs Assessment Summary
- III. Resource Assessment Summary
- IV. Summary of Gaps and Barriers in the Community Continuum
- V. Proposed Priority Services for Funding

### Part I. Risk

The JCPC reviewed data gleaned from the Juvenile Risk Assessment instrument administered by Juvenile Court Counselors after juveniles are referred with a complaint alleging that a delinquent act has occurred and prior to adjudication of the juvenile. The Juvenile Risk Assessment is an instrument used to predict the likelihood of the juvenile being involved in future delinquent behavior. For some youth, some of the individual item ratings may be heavily dependent upon information reported by the juvenile or the parent(s). For these items (*represented with a star next to them*), there is a likelihood of under-reporting the incidence of a particular behavior and the actual incidence may be higher than suggested by these figures. In those cases, the figure should be interpreted as a measure of the minimum level of occurrence.

See attached Risk Comparison data.

### Part II. Needs

The JCPC also reviewed data gleaned from the Juvenile Needs Assessment instrument administered by Juvenile Court Counselors prior to court disposition of a juvenile and at subsequent 90-day intervals through the period of court supervision. The Juvenile Needs Assessment is an instrument used to examine a youth's needs in the various domains of his life: The Individual Domain, The School Domain, The Peer Domain, and the Community Domain. This instrument was designed to detect service intervention needs as an aid in service planning. As with the Juvenile Risk Assessment, some of the individual item ratings may be heavily dependent upon information reported by the juvenile or the parent(s). For these items (*represented with a star next to them*), there is a likelihood of under-reporting the incidence of a particular behavior and the actual incidence may be higher than suggested by these figures. In those cases, the figure should be interpreted as a measure of the minimum level of occurrence.

See attached Needs Comparison data.

### **Part III. Summary of the Existing Community Resources**

(See attached Resource Continuum)

### **Part IV. Summary of Gaps and Barriers in the Continuum of Services**

- Geographical challenges – county is long and narrow; separated by water
- Transportation issues
- Connectivity to community resources is limited
- Lack of consistent phone services and permanent addresses for juveniles/families

### **Part V. Proposed Priority Services for Funding**

The JCPC compared the services needed to address elevated Juvenile Risk Factors and Juvenile Needs with services currently available in the community. Services which are currently available in the community from other resources, and sufficient to meet the needs of court involved youth or those youth most at-risk for court involvement are not considered as a priority for JCPC funding.

**The JCPC proposed the following services be approved as the funding priorities for FY 20013-14 and advertised in the annual Request for Proposal.**

- Teen Court
- Mentoring
- Restitution/Community Service
- Parent/Family Skills
- Tutoring/Academic Enhancement Services
- Interpersonal Skills
- Substance Abuse Treatment
- Psychological Assessments
- Counseling
- Home-Based Family Counseling

See attached Rationale for Advertising in the RFP.

Also, Section VII. Request for Proposals

CURRITUCK	Juvenile Court Data			
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**Overall Risk Level:** 84.6 % of 52 juveniles were at low risk of reoffending.

**Elevated Risk**

- 1) Juveniles rejected by pro-social peers;
- 2) Some SA/needs assessment\*; and
- 3) Moderate behavior problems in school

**Overall Needs**

**Level:** 85.3 % of 68 juveniles had low needs.

**Elevated Needs**

- 1) Moderate behavior problems in school;
- 2) Some delinquent peers;
- 3) Some substance abuse/needs assessment\*; and
- 4) Some family substance/alcohol abuse\*

**2010-11 School Data**

**Statewide:**

There are a total of 16 reportable acts: possession of a controlled substance, possession of a weapon, possession of alcoholic beverage, possession of a firearm/explosive, assault on school personnel, assault with weapon, assault inflicting serious injury, sexual assault, sexual offense, indecent liberties, bomb threat, robbery with a weapon, burning of a school building, kidnapping, rape, and death by other than natural causes. Robbery without a weapon was dropped. The number of reportable acts statewide in 2010-11 was 11657 with 6096 of those occurring at the high school level.

"Elementary, middle, and high schools differ in the types of acts most frequently reported. Acts most frequently reported in elementary school were 1) possession of a weapon excluding firearms, 2) assault on school personnel, and 3) possession of a controlled substance. In middle school the order was 1) possession of a weapon excluding firearms, 2) possession of a controlled substance, and 3) possession of an alcoholic beverage; while in high school the order was 1) Possession of a controlled substance, 2) possession of a weapon excluding firearms, and 3) possession of an alcoholic beverage."

Statewide school data continues to indicate a trend in suspensions where black males in 8th or 9th grade were most likely to be out-of-school. Of exceptional students, the "Specific Learning Disabled" group was more likely to be suspended. However, multiple short term suspensions were slightly down over a five-year period beginning in 2006-07 to 2010-11. Long-term suspensions and expulsions were down.

The gender of most out-of-school disciplinary action is statistically significant as it is predominantly male. The race is less significant from county to county depending on the demographic. In the east, suspended students in Currituck and Dare counties are more likely to be white with Gates and Perquimans as likely to suspend white or black students.

**County:**

In county high schools, the number and rate per 1000 students for reportable acts: **25 with a rate of 20.89; the state rate is 14.15**. For every minority student suspended out of school, there were seven white students suspended.

The total number of short-term suspensions was 595, long-term 3, and no expulsions. The number/rate per 100 high school students for short-term suspensions was 420 **or 35.09 with the state at only 29.00**.

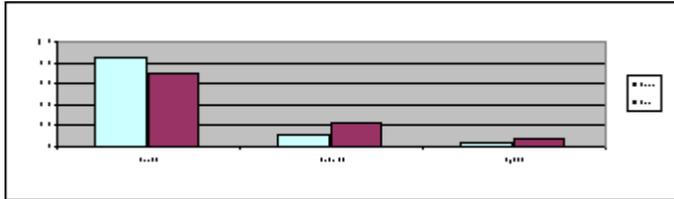
**County Drop-Out Information:**

County dropout statistics indicate a rate of **3.16 in 2009-10 to 3.73 in 2010-11**; an increase of **20.0%**.

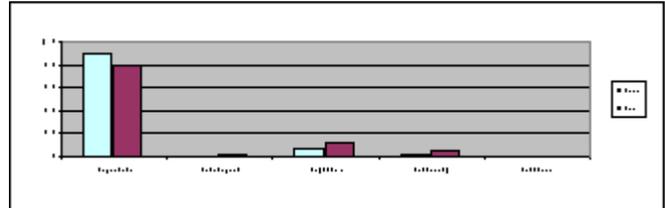


Distinct Juveniles

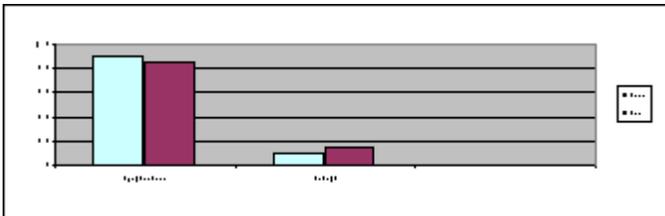
Overall Risk	County	State
Low Risk	84.6%	69.4%
Medium Risk	11.5%	23.0%
High Risk	3.8%	7.6%



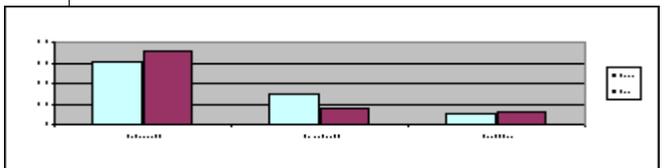
Prior Adjudication	County	State
No prior adjudic.	90.4%	79.3%
Prior Undisciplined	0.0%	2.4%
Prior 1 - 3 Misdemn	7.7%	12.0%
Prior F-I Felony, A1	1.9%	5.8%
Prior A-E Felony	0.0%	0.5%



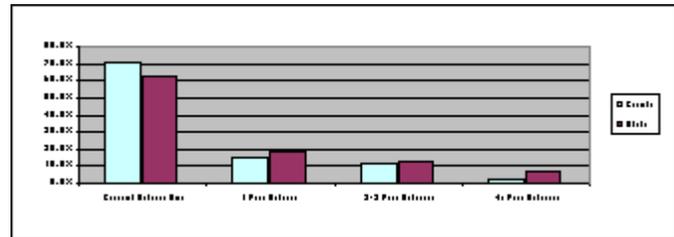
Age at First Complnt	County	State
Age 12 and over	90.4%	85.7%
Under 12	9.6%	14.3%



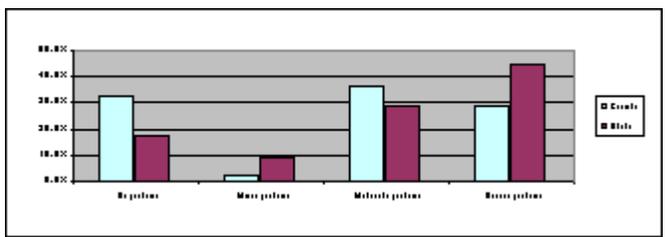
Substance Abuse	County	State
No known SA	61.5%	71.8%
Some abuse N/A	28.8%	15.7%
Need Asst/Treatmt	9.6%	12.5%



Referrals to Court	County	State
Current Referral Only	71.2%	62.5%
1 Prior Referral	15.4%	18.1%
2-3 Prior Referrals	11.5%	12.2%
4+ Prior Referrals	1.9%	7.2%

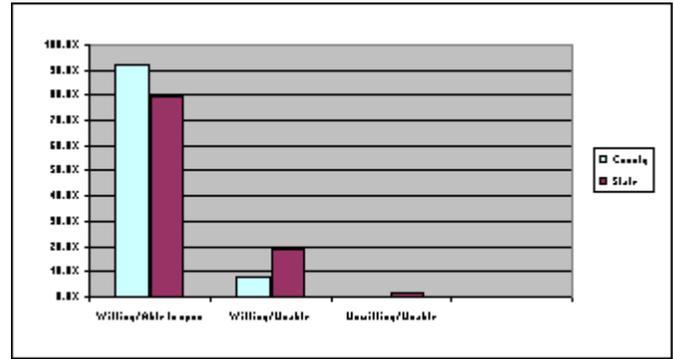
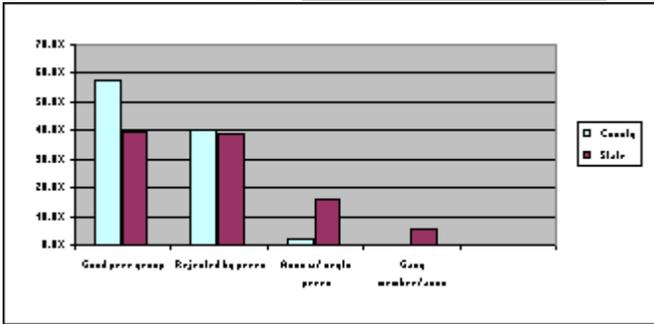


School Discipline	County	State
No problems	32.7%	17.3%
Minor problems	1.9%	9.2%
Moderate problems	36.5%	28.6%
Serious problems	28.8%	44.9%



Peer Group	County	State
Good peer group	57.7%	39.4%
Rejected by peers	40.4%	39.1%
Assc w/ negtv peers	1.9%	16.2%
Gang member/assc	0.0%	5.3%

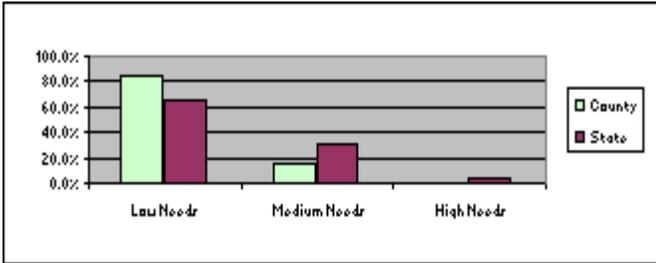
Parental Supvs	County	State
Willing/Able to spvs	92.3%	79.6%
Willing/Unable	7.7%	19.0%
Unwilling/Unable	0.0%	1.4%



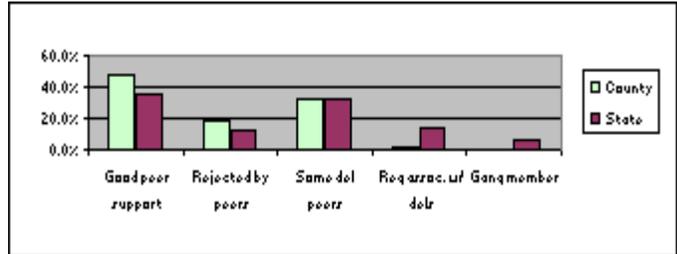
82.7% had no prior assaults; 94.2% had no prior runaway behaviors.

(Individual Characteristics)

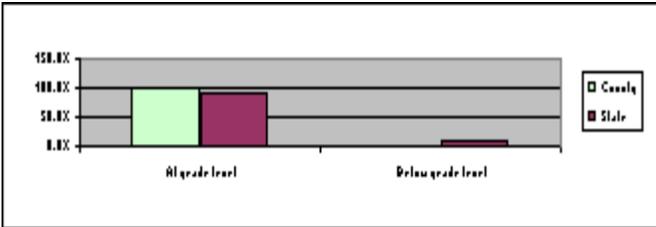
Overall Needs	County	State
Low Needs	85.3%	64.7%
Medium Needs	14.7%	31.0%
High Needs	0.0%	4.2%



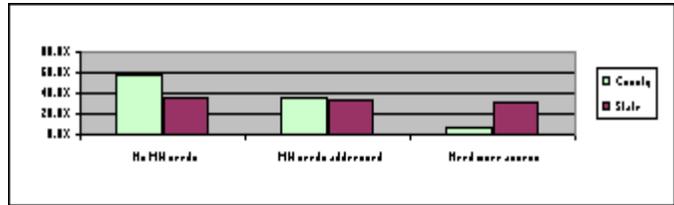
Peers	County	State
Good peer support	47.1%	35.8%
Rejected by peers	19.1%	11.8%
Some del peers	32.4%	32.3%
Reg assoc. w/ dels	1.5%	13.9%
Gang member	0.0%	6.1%



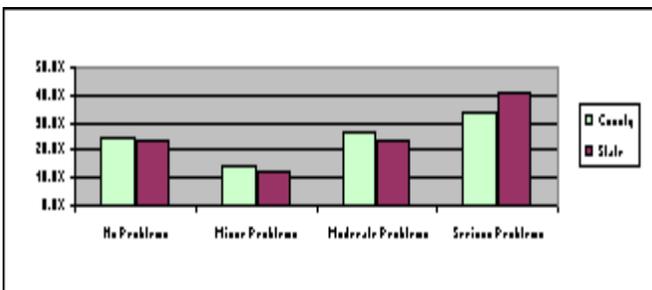
Academic Function	County	State
At grade level	100.0%	90.6%
Below grade level	0.0%	9.4%



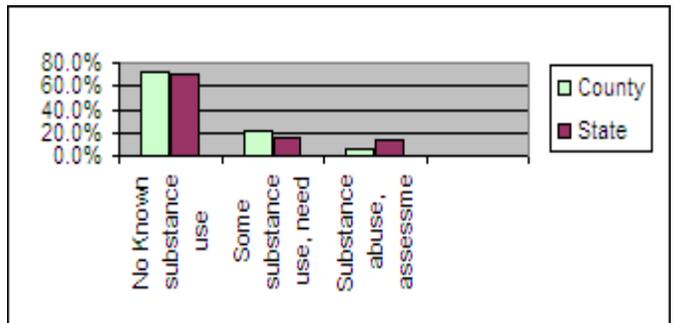
Mental Health	County	State
No MH needs	58.8%	35.5%
MH needs addressed	35.3%	32.9%
Need more assess	5.9%	31.6%



School Behavior	County	State
No Problems	25.0%	23.4%
Minor Problems	14.7%	12.4%
Moderate Problems	26.5%	23.8%
Serious Problems	33.8%	40.4%

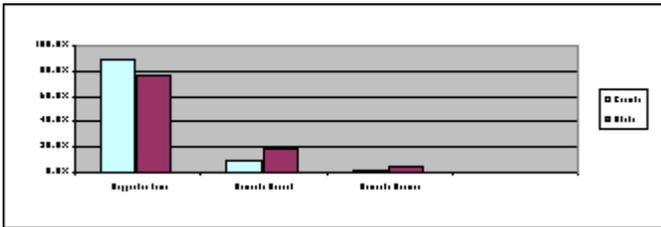


Alcohol/SA	County	State
No Known substance use	72.1%	70.3%
Some substance use, need further assessment	22.1%	16.2%
Substance abuse, assessment or treatment needed	5.9%	13.5%

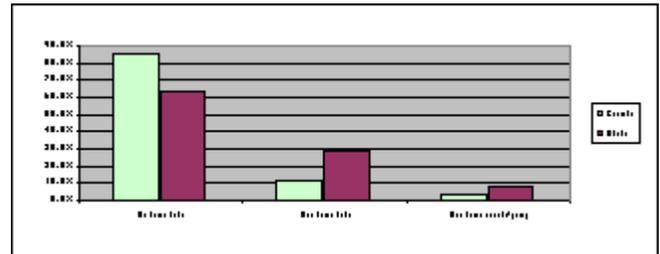


**(Family Characteristics)**

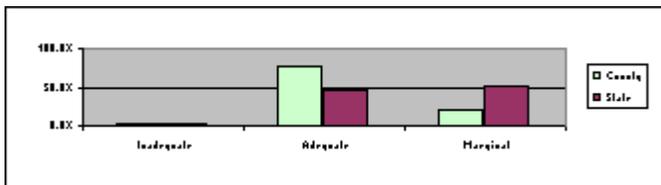
<b>Domestic Discord</b>	<b>County</b>	<b>State</b>
Supportive home	89.7%	76.5%
Domestic Discord	8.8%	18.1%
Domestic Violence	1.5%	5.4%



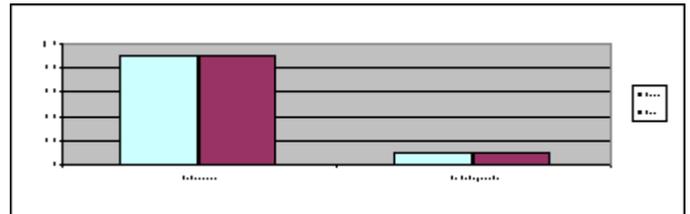
<b>Family Criminality</b>	<b>County</b>	<b>State</b>
No family histx	85.3%	63.5%
Has family histx	11.8%	28.8%
Has family court/gang	2.9%	7.7%



<b>Parenting Skills</b>	<b>County</b>	<b>State</b>
Inadequate	1.5%	3.8%
Adequate	77.9%	45.0%
Marginal	20.6%	51.2%



<b>Fam SA/Alcohol Use</b>	<b>County</b>	<b>State</b>
No known use	89.7%	89.9%
Fam. Uses drugs/alcohol	10.3%	10.1%



# County Resource Continuum - At a Glance

**Instructions: Adjust arrows to cover target populations**



JCPC funded

## Comprehensive Strategy

*Prevention*

*Graduated Sanctions*

## Target Populations

Program Services & Structures Categories	Available Programs/Services	All Youth	Youth at Greatest Risk	Pre-Adjudicated Youth	Delinquent- Level I/ Prot. Supervision	Delinquent- Level II Youth	Delinquent- Level III Youth	Post Release Youth
<b>Structured Activities</b>	Grades 3-5 Too Good for Drugs 4-H Programming Countywide Recreation							
	School Based Tutoring (as needed) Northeast Workforce Development Board YMCA (Site & School-based programming)  Currituck MS After-School Program							
<b>Restorative Services</b>	Teen Court Restitution/Community Service							

<b>Community Day Programs</b>	<b>Currituck County Learning Center &amp; Twilight Program</b>						
<b>Assessmnt Services</b>	PASS - Assessments GAIN - Assessments (Uplift Comprehensive)  Mobile Crisis - Integrated Family Svc						
<b>Clinical Treatment</b>	PASS - Counseling PASS - Family Counseling (Jessica Heider) JJ/MH Partnership (MST Uplift Comprehensive)  MST - Uplift Comprehensive  ECBH - In School Therapist AMI Kids - Functional Family Therapy; Level II only  Intensive In-Home Services						
<b>Residential</b>	Wescare - Females only; Vance County Pete Thompson MP Home  Eckerd @ Candor/Boomer - Males only Tarheel Challenge						



<b>Structured Activities</b>		* Indicate the programs the JCPC is planning to advertise in their RFP and provide a rationale for each
Mentoring	×	Needed to fill a gap - no structured mentoring program in the county
Parent/Family Skills	×	Needed to address family discord and inadequate parenting
Interpersonal Skills	×	Needed to provide social competency training, life skills, conflict/anger management, communication skills, etc.
Experiential Skills		
Tutoring/Academic Enhancement	×	Needed to improve the academic performance of adjudicated and at-risk juveniles
Vocational Skills		
<b>Restorative Services</b>		
Mediation		
Restitution	×	Needed for Diversion, Level I and II restitution and community service as ordered by the court
Teen Court	×	Needed as a strong community based court diversion resource; offers positive peer modeling
<b>Community Day Program</b>		
Structured Day		
<b>Assessment Programs</b>		
Psychological Assessment	×	Needed for those ordered by the court
<b>Clinical Treatment</b>		
Counseling	×	Needed for diverted and court involved juveniles - cognitive approach; school based with some case management
Home Based Family Counseling	×	More home-focused interventions are needed for the higher risk offender and undisciplined juveniles
Crisis Counseling		
Substance Abuse Treatment		
Sexual Offender Treatment		
<b>Residential Programs</b>		
Group Home		
Temporary Shelter		
Runaway Shelter		
Specialized Foster Care		
Temporary Foster Care		

Currituck County V. Research-Based Programs Summary						
JCPC Funded Program Name or Type	Does program provide service(s) or is it a structure?	Primary Service	Supplemental Service	Prior SPEP Rating	Current SPEP Rating	Research-Based Rationale
PASS - Counseling	Service	Counseling	Cognitive Behavioral Training	65/80 CS 65/80 PR	55/80CS 64/80 PR	The Standardized Program Evaluation Protocol (Lipsey-SPEP) does not take into account the program's receipt of referrals from juvenile court that are non-adjudicated youth.
Restitution	Service	Restitution	Behavior Management	58/80	58/80	Program score improved by adding behavior management as a supplemental service; each restitution participant signs a contract for completion of their part of the program and understanding of their behavioral expectations for successful termination.
Teen Court	Structure					No SPEP score is available for this program

**VI. Juvenile Crime Prevention Council Action Plan: 2013-14**

**Goal: To prevent or reduce delinquent and at-risk behavior in the County and particularly among JCPC participants**

<b>Objective</b>	<b>Activities</b>	<b>Output/Outcome Measures</b>	<b>Person(s) Responsible</b>
1.0 To reduce alcohol and substance abuse/use among court involved and at-risk juveniles	JCPC funded programs will address substance abuse and alcohol prevention with skills training or curriculum as appropriate; referral forms will identify juveniles who have known alcohol/substance abuse issues	The actual number of juveniles in JCPC programs receiving SA prevention, education, assessment, or treatment services	Department staff and program staff
2.0 To reduce subsequent complaints	Local programs will build relationships and provide cognitive interventions that are designed to redirect negative or inappropriate behaviors	The percentage of subsequent complaints among juvenile offenders will decrease	Department and program staff
3.0 To reduce violations of community supervision	Local programs provide curriculum and activities that are designed to redirect negative or inappropriate behaviors Increased communication between program staff and court counselors	The total number of violations compared from one year to the next	Department and program staff
4.0 To reduce subsequent convictions	Local programs will build relationships and provide cognitive interventions that are designed to redirect negative or inappropriate behaviors; adjudicated juveniles will be referred to programs that provide evidence-based interventions that reduce delinquency and recidivism	The percentage of subsequent adjudications among juvenile offenders will decrease	Department and program staff

5.0 To increase fulfillment of restitution obligations to victims	Restitution program will set this as a measurable objective	The percentage of successful or satisfactory completions	Restitution Coordinator
6.0 To increase parental accountability among parents of juveniles served	JCPC funded programs must address parent involvement with the service plan or participant agreement	Percentage of parents with at least some improvement; number of parent involvement events	Program staff using an individual service plan and client contacts to document
7.0 To increase improvement with the court among court referred juveniles served in JCPC programs	JCPC funded programs serving court involved juveniles will track their progress with the court through termination in the client tracking system and develop a plan or strategy for following up with participants regarding additional court involvement 12 months post termination	Percentage of court involved juveniles participating in JCPC funded programs that demonstrate improvement with juvenile court	Department and program staff
<b>Goal:</b>			
<b>To increase public awareness of delinquency prevention and intervention strategies</b>	The JCPC will provide limited sponsorship for the DREAM Team at the high school.	DREAM Team activities throughout the year - High School athletes mentor other students at the elementary and middle school as well as the culminating field trip for DT volunteers	PASS Program Coordinator and Assistant reporting
<b>Goal:</b>			
<b>To ensure a continuum of community services to address the needs of juveniles and their families</b>	The JCPC studies available resources and uses information to determine funding for applicant programs.	Annual resource assessment and recommended programs for funding	JCPC leadership and members

## VII. Request for Proposals

### JCPC Continuation Funding FY 2013-14

**Currituck**  
County

**\$81830**  
Anticipated County Allocation

**January 14, 2013**  
Date Advertised

The Juvenile Crime Prevention Council having studied the needs of juveniles in the county hereby publishes this Request for Proposals.

The North Carolina Department of Public Safety (NCDPS) anticipated funds in the above stated amount will be available for programs serving delinquent and at-risk youth for the state fiscal year: **2013-14** beginning on or after July 1, **2013**. Local match rate for JCPC funds required: 30%.

Based on identified needed programs and possible gaps in the service continuum, the following program types will be considered for funding:

<input checked="" type="checkbox"/> Mentoring Services	<input checked="" type="checkbox"/> Restitution/Community Service
<input checked="" type="checkbox"/> Parent/Family Skill Building	<input checked="" type="checkbox"/> Teen Court
<input checked="" type="checkbox"/> Interpersonal Skill Building	<input checked="" type="checkbox"/> Psychological Assessments
<input checked="" type="checkbox"/> Counseling	<input checked="" type="checkbox"/> Substance Abuse Treatment
<input checked="" type="checkbox"/> Home Based Family Counseling	<input checked="" type="checkbox"/> Tutoring/Academic Enhancement

As a result of the Needs Assessment in the above named county, programs that reduce risk, address the needs of juveniles, and increase protective factors will be considered for funding.

Elevated risk factors for delinquency:

- 1) Juveniles rejected by pro-social peers;
- 2) Some SA/needs assessment; and
- 3) Moderate behavior problems in school

Elevated Needs for adjudicated juveniles:

- 1) Moderate behavior problems in school;
- 2) Some delinquent peers;
- 3) Some substance abuse/needs assessment; and
- 4) Some family alcohol/substance abuse

Protective Factors to address risk and needs:

Pro-social peers; self efficacy; and strong school motivation.

The web-based program application is available on line at the Department of Public Safety web-site:  
[http://www.ncdijdp.org/jcpc/forms\\_agreements.html](http://www.ncdijdp.org/jcpc/forms_agreements.html)

A grant-writing workshop is planned for February 1 at 305 West Freemason Street, Edenton. Please register by calling 252-355-9013.

Once applications are completed on line, print the entire application and submit signed originals per instructions below. All applications must be printed and submitted by the deadline below to be considered for funding.

Only local public agencies, 501 ©3 non-profit corporations and local housing authorities will be considered for funding. For additional information regarding the application process:

Sandra Hill, Finance Officer

252-232-2381

JCPC Chairperson / or Designee

Telephone #

Technical assistance is available by contacting:

Nancy Hodges, Area Consultant at 252-947-1565.

The deadline for receiving applications is 3/1/2013 by noon. Mail or deliver 5 applications to:

Sandra Hill  
153 Courthouse Road  
Currituck, NC 27929

Program Funded	Reason for Funding (Check all that apply)
PASS - Counseling	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints, violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input checked="" type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input type="checkbox"/> Other <input type="checkbox"/> Other <input checked="" type="checkbox"/> Would increase funding to this service if funds were available
Restitution	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints, violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input checked="" type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input checked="" type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input type="checkbox"/> Other <input checked="" type="checkbox"/> Other Cost effective - no paid staff <input checked="" type="checkbox"/> Would increase funding to this service if funds were available
Teen Court	<input checked="" type="checkbox"/> Meets funding priority <input type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints, violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input checked="" type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input checked="" type="checkbox"/> Other Needed for diverted juveniles <input checked="" type="checkbox"/> Other Cost effective - part time only <input checked="" type="checkbox"/> Would increase funding to this service if funds were available
	<input type="checkbox"/> Meets funding priority <input type="checkbox"/> Compatible with research <input type="checkbox"/> Cost efficient <input type="checkbox"/> Addresses reductions of complaints, violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Would increase funding to this service if funds were available

Program Not Funded	Reason for Not Funding (Check all that apply)
No others applicants	<input type="checkbox"/> Lack of funding, addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it's type <input type="checkbox"/> Greater cost than program of same type and quality <input type="checkbox"/> Other <input type="checkbox"/> Other
	<input type="checkbox"/> Lack of funding, addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it's type <input type="checkbox"/> Greater cost than program of same type and quality <input type="checkbox"/> Other <input type="checkbox"/> Other

# **Juvenile Crime Prevention Council County Plan**

## **Currituck County**

**2013-14**

### **Table of Contents**

- I. Executive Summary (Year 1 and subsequent year updates)
- II. JCPC County Recommended Funding Plan with attached Program Descriptions
- III. Juvenile Crime Prevention Council Organization
- IV. County Risk & Needs Assessment Summary with attached Data & Resources
- V. Research-Based Programs Summary
- VI. Juvenile Crime Prevention Council Action Plan
- VII. County Juvenile Crime Prevention Council Request for Proposals
- VIII. Funding Decisions Summary

# I. Executive Summary

## Currituck County

### Juvenile Crime Prevention Council

#### (3<sup>rd</sup> Year)

The **Currituck** County Juvenile Crime Prevention Council (JCPC), in fulfillment of the duties and responsibilities as set forth in the General Statutes of the State of North Carolina, has completed the activities required to develop this County Plan for FY 2013-14.

The JCPC has identified the issues and factors which have an influence and impact upon delinquent youth, at-risk youth, and their families in **Currituck** County. Further, the JCPC has identified the strategies and services most likely to reduce/prevent delinquent behavior.

JCPC Action Plan: A JCPC Action Plan to impact delinquent behavior has been developed. The JCPC proposes to:

*Prevent and reduce delinquent behavior*

*Increase public awareness about delinquency prevention*

*Provide a continuum of community resources to address delinquent and at-risk behavior*

Priorities for Funding: Through a risk & needs assessment and a resource assessment, the JCPC has determined that the following services are needed to reduce/prevent delinquency in **Currituck** County.

1. Teen Court
2. Mentoring
3. Restitution/Community Service
4. Parent/Family Skills
5. Tutoring/Academic Enhancement Services
6. Interpersonal Skills
7. Substance Abuse Treatment
8. Psychological Assessments
9. Counseling
10. Home-Based Family Counseling

Monitoring and Evaluation: Each program funded in the past year by the JCPC has been monitored, and the forms and recommendations are on file in the DJJ Area Office. The monitoring results and program outcomes and evaluations were considered in making funding allocation decisions. **Monitoring results are on file for the following programs:**

- **PASS Counseling Program – continued funding without conditions**
- **Teen Court – continued funding without conditions**
- **Restitution/Community Service – continued funding without conditions**

Funding Recommendations: The JCPC published the Request for Proposals beginning January 14, 2013, with program applications due March 1, 2013 by noon. Furthermore, the

JCPC exceeded the 30-day minimum publication requirement by nearly two weeks. A district wide grant-writing workshop was provided on February 1, 2013 in Edenton.

The JCPC screened submitted proposals and determined those which best meet advertised needed services.

As required by statute, the JCPC recommends allocation of Juvenile Crime Prevention Funds to the following Programs in the amounts specified below for FY 2013-14:

<b>Program Recommendations</b>	<b>DJJDP Funding</b>	<b>Local Cash Match</b>	<b>Total</b>
JCPC Administrative Certification Funds	\$15,000		\$15,000
PASS with Teen Court component	\$43,967	\$13,190	\$57,157
	\$14,949	\$4,485	\$19,434
Restitution	\$7,914	\$2,374	\$10,288

Program descriptions and service statistics are attached to the JCPC Funding Plan in Section II.

**Currituck**  
**II. JCPC County Funding Plan**

Revised Available Funds:       \$81,830       Local Match:       \$20,049       Rate:       30%      

**Program Descriptions and Service Statistics** are included as an attachment to this funding plan.

#	Program Provider	JCPC Funding	LOCAL FUNDING		OTHER	OTHER	Total
			Local Cash Match	Local In-Kind	State/Federal	Funds	
1	JCPC Certification	\$15,000					\$15,000
2	PASS	\$58,916	\$17,675				\$76,591
3	Restitution	\$7,914	\$2,374				\$10,288
4							\$0
5							\$0
6							\$0
7							\$0
8							\$0
9							\$0
10							\$0
	<b>TOTALS:</b>	<b>\$81,830</b>	<b>\$20,049</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$101,879</b>

The above plan was derived through a planning process by the       Currituck       County  
 Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in  
 FY       2013-14

## Section II(a) Funded Program Descriptions

### Program Name/Component Type(s)/Sponsoring Agency:

Currituck Restitution/Currituck County

### List the priority risk/needs and protective factors addressed by this program:

Early and persistent delinquent behavior

Protective factor: High accountability

### Provide a brief description of each program component:

Provides the means whereby victims of juvenile crime are compensated for their losses. Also provides worksite placements for juveniles ordered to perform community service, or those referred under a diversion plan or contract.

## Funded Program Description

### Program Name/Component Type(s)/Sponsoring Agency:

Teen Court/Currituck County Schools

### List the priority risk/needs and protective factors addressed by this program:

Negative peer associations

Protective factor: Positive peer associations

### Provide a brief description of each program component:

Teen court provides the first time non-violent offender admitting guilt a diversion resource. The qualifying defendant appears before a jury of his/her peers to receive a constructive sentence. He/she must then agree to serve at least one jury duty as part of the constructive sentence. Currituck County's teen court is taught in high school as an elective course.

## Funded Program Descriptions (cont.)

### **Program Name/Component Type(s)/Sponsoring Agency:**

**Partnership for Adolescent Support Services/ Individual Counseling/  
Currituck Co. Schools**

### **List the priority risk/needs and protective factors addressed by this program:**

Negative peer associations  
Serious behavior problems in school  
Protective factor: School motivation and bonding; positive peer associations

### **Provide a brief description of each program component:**

PASS provides individual counseling to court referred juveniles. The program offers cognitive behavioral training in order to provide participants with replacement behaviors and help them stay on the right track in school. Also has a contract with a family therapist for specific referrals.

New for this coming year is the addition of an evidence-based Parent/Family Skill Building service, Strengthening Families.

Program Services 2011-12													
Currituck County		Comprehensive Strategy											
		Delinquency Prevention						Court Supervision					
NCJOIN & ALLIES Data July 1, 2011 - June 30, 2012	All Youth	Youth At Greatest Risk				Immediate Intervention			Graduated Sanctions				
	County Youth ages 10-17	2010-11 School Year Short & Long Term Out-of-School Suspension	JCPC Non-Court Admissions	Juveniles at Intake	Diversion Plans/ Contracts	Juveniles Apprvd for Court	Adjudicated Juveniles	Protective Supervision	Supervised Probation	Detention Adms	YDC Commitments	Post Release Supvs	
	2,672	595 ST/3 LT		58	29	26	24	1	19	5	0	0	
JCPC Youth Admitted 2011-2012		Youth At-Risk	Court Counselor Consultation	Legal Status Unknown	Intake/ Diverted	Petition Filed	Undisciplined	Adjudicated	Protective Supervision	Supervised Probation	Community Commitment	District Court (Deferred)	Program Totals
Teen Court – Diversion		5	1		9	1							16
Restitution/Community Service – Diversion, Level I and II dispositional alternative			14			2				13			29
Partnership of Adolescent Support Services (PASS) – Diversion, Level I and II dispositional alternative			1		12	1				4			18
													63

### III. Juvenile Crime Prevention Council Organization

	Name	Organization	Title
<b>Chairperson</b>	Jennifer Goscinski	School Counselor	CCMS
<b>Vice-Chairperson</b>	Ray Matusko	Administrative Office of the Courts	Clerk
<b>Secretary</b>	Bobbi Blount	Currituck County Schools	Prog. Assistant
<b>Treasurer</b>	Sandra Hill	Currituck County	Finance Officer
<b>Assessment Committee Chairperson</b>	Full Council		
<b>Funding Committee Chairperson</b>	Sandra Hill	Currituck County	Finance Officer

**Number of members:**                     26                    

List meeting dates during the current fiscal year and identify the number of JCPC members in attendance for each.

Meeting Date	Number of Members in Attendance	Quorum Present? Yes/No
September 10	17	yes
October 8	15	yes
November	no meeting	
December 10	9	no
January 14	16	yes
February 11	16	yes
March 11	14	yes
April 8	scheduled	
May 13	scheduled	

## IV. RISK & NEEDS ASSESSMENT SUMMARY REPORT

- I. Risk Assessment Summary
- II. Needs Assessment Summary
- III. Resource Assessment Summary
- IV. Summary of Gaps and Barriers in the Community Continuum
- V. Proposed Priority Services for Funding

### Part I. Risk

The JCPC reviewed data gleaned from the Juvenile Risk Assessment instrument administered by Juvenile Court Counselors after juveniles are referred with a complaint alleging that a delinquent act has occurred and prior to adjudication of the juvenile. The Juvenile Risk Assessment is an instrument used to predict the likelihood of the juvenile being involved in future delinquent behavior. For some youth, some of the individual item ratings may be heavily dependent upon information reported by the juvenile or the parent(s). For these items (*represented with a star next to them*), there is a likelihood of under-reporting the incidence of a particular behavior and the actual incidence may be higher than suggested by these figures. In those cases, the figure should be interpreted as a measure of the minimum level of occurrence.

See attached Risk Comparison data.

### Part II. Needs

The JCPC also reviewed data gleaned from the Juvenile Needs Assessment instrument administered by Juvenile Court Counselors prior to court disposition of a juvenile and at subsequent 90-day intervals through the period of court supervision. The Juvenile Needs Assessment is an instrument used to examine a youth's needs in the various domains of his life: The Individual Domain, The School Domain, The Peer Domain, and the Community Domain. This instrument was designed to detect service intervention needs as an aid in service planning. As with the Juvenile Risk Assessment, some of the individual item ratings may be heavily dependent upon information reported by the juvenile or the parent(s). For these items (*represented with a star next to them*), there is a likelihood of under-reporting the incidence of a particular behavior and the actual incidence may be higher than suggested by these figures. In those cases, the figure should be interpreted as a measure of the minimum level of occurrence.

See attached Needs Comparison data.

### **Part III. Summary of the Existing Community Resources**

(See attached Resource Continuum)

### **Part IV. Summary of Gaps and Barriers in the Continuum of Services**

- Geographical challenges – county is long and narrow; separated by water
- Transportation issues
- Connectivity to community resources is limited
- Lack of consistent phone services and permanent addresses for juveniles/families

### **Part V. Proposed Priority Services for Funding**

The JCPC compared the services needed to address elevated Juvenile Risk Factors and Juvenile Needs with services currently available in the community. Services which are currently available in the community from other resources, and sufficient to meet the needs of court involved youth or those youth most at-risk for court involvement are not considered as a priority for JCPC funding.

**The JCPC proposed the following services be approved as the funding priorities for FY 2013-14 and advertised in the annual Request for Proposal.**

- Teen Court
- Mentoring
- Restitution/Community Service
- Parent/Family Skills
- Tutoring/Academic Enhancement Services
- Interpersonal Skills
- Substance Abuse Treatment
- Psychological Assessments
- Counseling
- Home-Based Family Counseling

See attached Rationale for Advertising in the RFP.

Also, Section VII. Request for Proposals

CURRITUCK	Juvenile Court Data			
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**Overall Risk Level:** 84.6 % of 52 juveniles were at low risk of reoffending.

**Elevated Risk**

- 1) Juveniles rejected by pro-social peers;
- 2) Some SA/needs assessment\*; and
- 3) Moderate behavior problems in school

**Overall Needs**

**Level:** 85.3 % of 68 juveniles had low needs.

**Elevated Needs**

- 1) Moderate behavior problems in school;
- 2) Some delinquent peers;
- 3) Some substance abuse/needs assessment\*; and
- 4) Some family substance/alcohol abuse\*

**2010-11 School Data**

**Statewide:**

There are a total of 16 reportable acts: possession of a controlled substance, possession of a weapon, possession of alcoholic beverage, possession of a firearm/explosive, assault on school personnel, assault with weapon, assault inflicting serious injury, sexual assault, sexual offense, indecent liberties, bomb threat, robbery with a weapon, burning of a school building, kidnapping, rape, and death by other than natural causes. Robbery without a weapon was dropped. The number of reportable acts statewide in 2010-11 was 11657 with 6096 of those occurring at the high school level.

"Elementary, middle, and high schools differ in the types of acts most frequently reported. Acts most frequently reported in elementary school were 1) possession of a weapon excluding firearms, 2) assault on school personnel, and 3) possession of a controlled substance. In middle school the order was 1) possession of a weapon excluding firearms, 2) possession of a controlled substance, and 3) possession of an alcoholic beverage; while in high school the order was 1) Possession of a controlled substance, 2) possession of a weapon excluding firearms, and 3) possession of an alcoholic beverage."

Statewide school data continues to indicate a trend in suspensions where black males in 8th or 9th grade were most likely to be out-of-school. Of exceptional students, the "Specific Learning Disabled" group was more likely to be suspended. However, multiple short term suspensions were slightly down over a five-year period beginning in 2006-07 to 2010-11. Long-term suspensions and expulsions were down.

The gender of most out-of-school disciplinary action is statistically significant as it is predominantly male. The race is less significant from county to county depending on the demographic. In the east, suspended students in Currituck and Dare counties are more likely to be white with Gates and Perquimans as likely to suspend white or black students.

**County:**

In county high schools, the number and rate per 1000 students for reportable acts: **25 with a rate of 20.89; the state rate is 14.15**. For every minority student suspended out of school, there were seven white students suspended.

The total number of short-term suspensions was 595, long-term 3, and no expulsions. The number/rate per 100 high school students for short-term suspensions was 420 **or 35.09 with the state at only 29.00**.

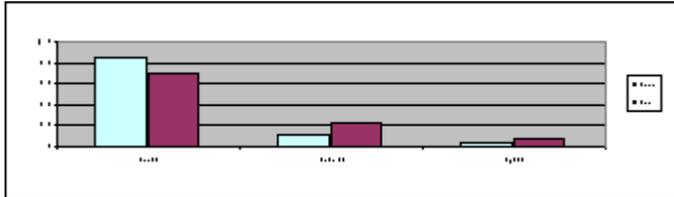
**County Drop-Out Information:**

County dropout statistics indicate a rate of **3.16 in 2009-10 to 3.73 in 2010-11**; an increase of **20.0%**.

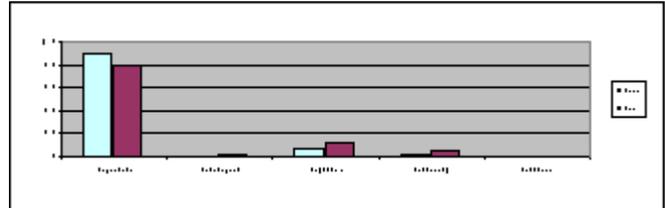


Distinct Juveniles

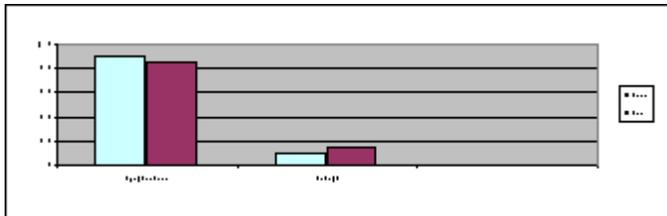
Overall Risk	County	State
Low Risk	84.6%	69.4%
Medium Risk	11.5%	23.0%
High Risk	3.8%	7.6%



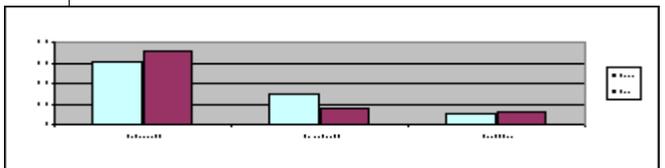
Prior Adjudication	County	State
No prior adjudic.	90.4%	79.3%
Prior Undisciplined	0.0%	2.4%
Prior 1 - 3 Misdemn	7.7%	12.0%
Prior F-I Felony, A1	1.9%	5.8%
Prior A-E Felony	0.0%	0.5%



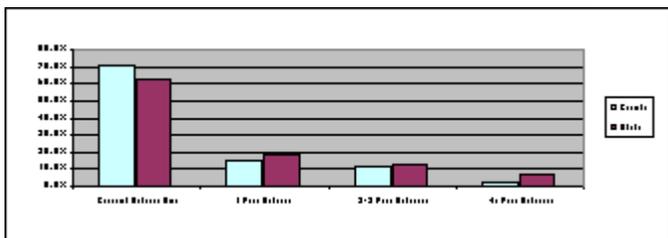
Age at First Complnt	County	State
Age 12 and over	90.4%	85.7%
Under 12	9.6%	14.3%



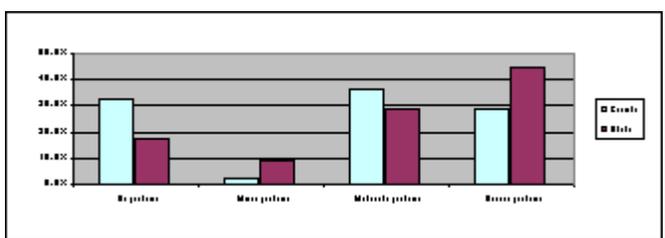
Substance Abuse	County	State
No known SA	61.5%	71.8%
Some abuse N/A	28.8%	15.7%
Need Asst/Treatmt	9.6%	12.5%



Referrals to Court	County	State
Current Referral Only	71.2%	62.5%
1 Prior Referral	15.4%	18.1%
2-3 Prior Referrals	11.5%	12.2%
4+ Prior Referrals	1.9%	7.2%

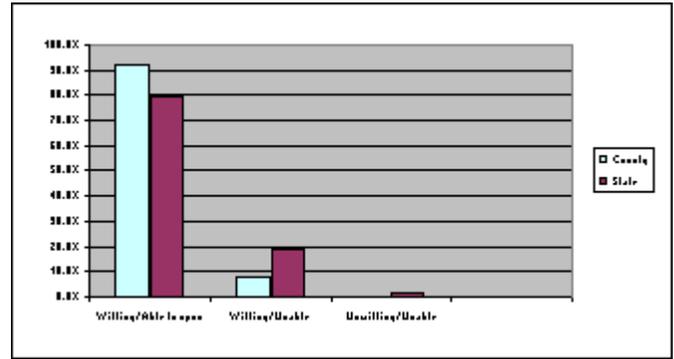
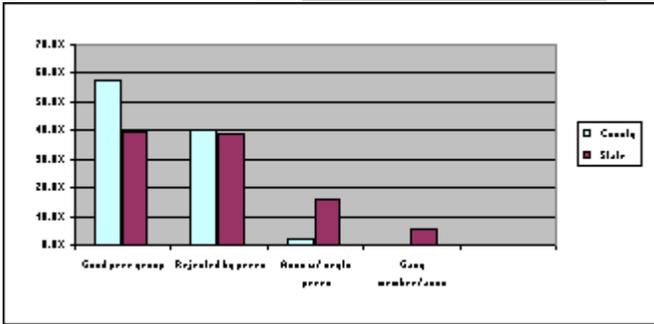


School Discipline	County	State
No problems	32.7%	17.3%
Minor problems	1.9%	9.2%
Moderate problems	36.5%	28.6%
Serious problems	28.8%	44.9%



Peer Group	County	State
Good peer group	57.7%	39.4%
Rejected by peers	40.4%	39.1%
Assc w/ negtv peers	1.9%	16.2%
Gang member/assc	0.0%	5.3%

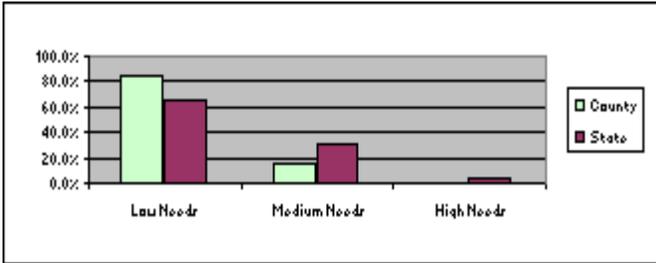
Parental Supvs	County	State
Willing/Able to spvs	92.3%	79.6%
Willing/Unable	7.7%	19.0%
Unwilling/Unable	0.0%	1.4%



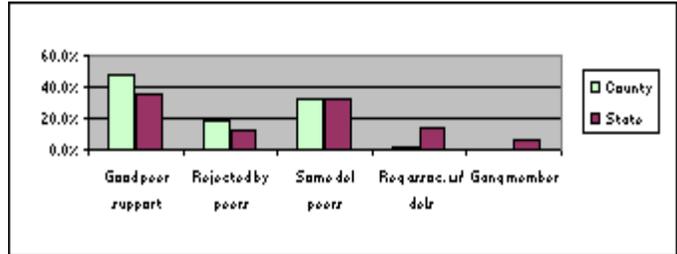
82.7% had no prior assaults; 94.2% had no prior runaway behaviors.

(Individual Characteristics)

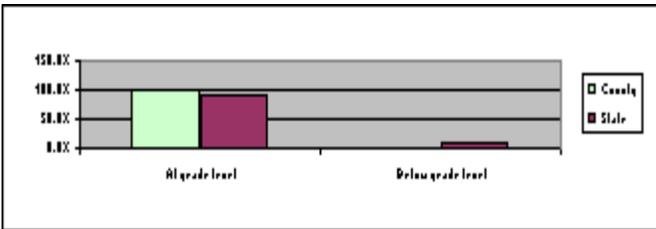
Overall Needs	County	State
Low Needs	85.3%	64.7%
Medium Needs	14.7%	31.0%
High Needs	0.0%	4.2%



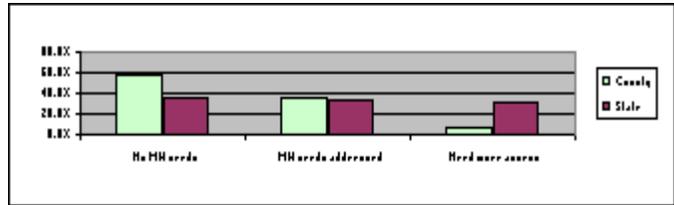
Peers	County	State
Good peer support	47.1%	35.8%
Rejected by peers	19.1%	11.8%
Some del peers	32.4%	32.3%
Reg assoc. w/ dels	1.5%	13.9%
Gang member	0.0%	6.1%



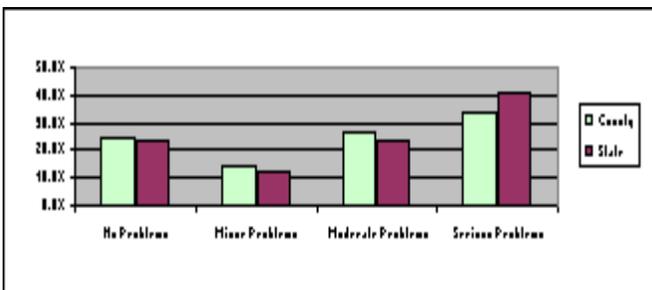
Academic Function	County	State
At grade level	100.0%	90.6%
Below grade level	0.0%	9.4%



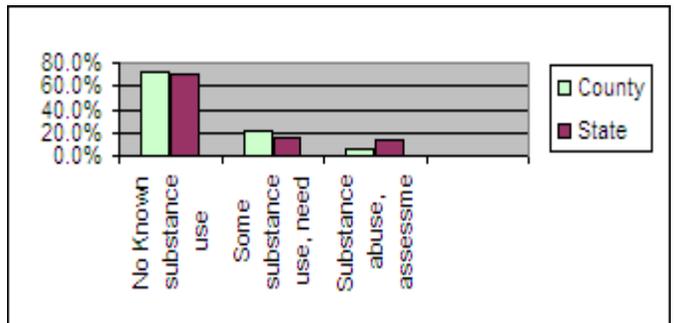
Mental Health	County	State
No MH needs	58.8%	35.5%
MH needs addressed	35.3%	32.9%
Need more assess	5.9%	31.6%



School Behavior	County	State
No Problems	25.0%	23.4%
Minor Problems	14.7%	12.4%
Moderate Problems	26.5%	23.8%
Serious Problems	33.8%	40.4%

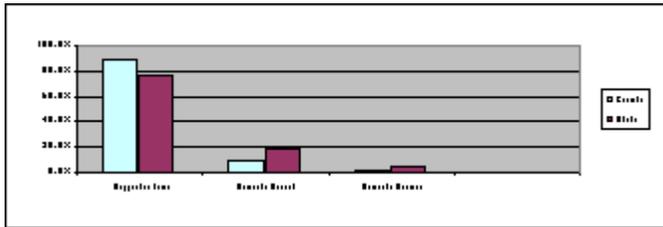


Alcohol/SA	County	State
No Known substance use	72.1%	70.3%
Some substance use, need further assessment	22.1%	16.2%
Substance abuse, assessment or treatment needed	5.9%	13.5%

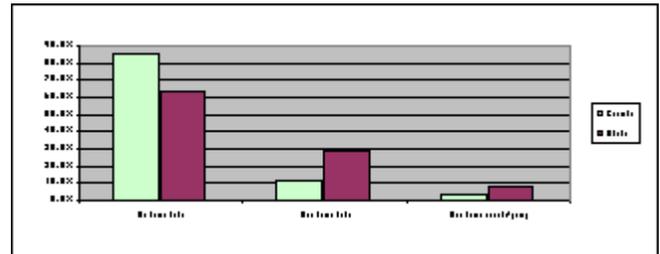


**(Family Characteristics)**

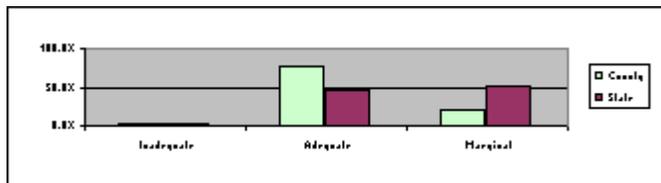
<b>Domestic Discord</b>	<b>County</b>	<b>State</b>
Supportive home	89.7%	76.5%
Domestic Discord	8.8%	18.1%
Domestic Violence	1.5%	5.4%



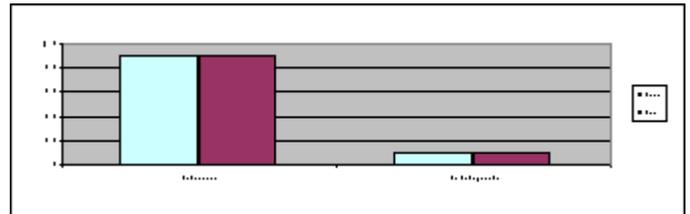
<b>Family Criminality</b>	<b>County</b>	<b>State</b>
No family histx	85.3%	63.5%
Has family histx	11.8%	28.8%
Has family court/gang	2.9%	7.7%



<b>Parenting Skills</b>	<b>County</b>	<b>State</b>
Inadequate	1.5%	3.8%
Adequate	77.9%	45.0%
Marginal	20.6%	51.2%



<b>Fam SA/Alcohol Use</b>	<b>County</b>	<b>State</b>
No known use	89.7%	89.9%
Fam. Uses drugs/alcohol	10.3%	10.1%



## County Resource Continuum - At a Glance

**Instructions: Adjust arrows to cover target populations**

 JCPC funded

### Comprehensive Strategy

*Prevention*

*Graduated Sanctions*

### Target Populations

Program Services & Structures Categories	Available Programs/Services	All Youth	Youth at Greatest Risk	Pre-Adjudicated Youth	Delinquent- Level I/ Prot. Supervision	Delinquent- Level II Youth	Delinquent- Level III Youth	Post Release Youth
<b>Structured Activities</b>	Grades 3-5 Too Good for Drugs 4-H Programming Countywide Recreation							
	School Based Tutoring (as needed) Northeast Workforce Development Board YMCA (Site & School-based programming) Currituck MS After-School Program							
<b>Restorative Services</b>	Teen Court Restitution/Community Service							

<b>Community Day Programs</b>	<b>Currituck County Learning Center &amp; Twilight Program</b>						
<b>Assessmnt Services</b>	PASS - Assessments GAIN - Assessments (Uplift Comprehensive)  Mobile Crisis - Integrated Family Svc						
<b>Clinical Treatment</b>	PASS - Counseling PASS - Family Counseling (Jessica Heider) JJ/MH Partnership (MST Uplift Comprehensive)  MST - Uplift Comprehensive  ECBH - In School Therapist AMI Kids - Functional Family Therapy; Level II only  Intensive In-Home Services						
<b>Residential</b>	Wescare - Females only; Vance County Pete Thompson MP Home  Eckerd @ Candor/Boomer - Males only Tarheel Challenge						



<b>Structured Activities</b>		* Indicate the programs the JCPC is planning to advertise in their RFP and provide a rationale for each
Mentoring	×	Needed to fill a gap - no structured mentoring program in the county
Parent/Family Skills	×	Needed to address family discord and inadequate parenting
Interpersonal Skills	×	Needed to provide social competency training, life skills, conflict/anger management, communication skills, etc.
Experiential Skills		
Tutoring/Academic Enhancement	×	Needed to improve the academic performance of adjudicated and at-risk juveniles
Vocational Skills		
<b>Restorative Services</b>		
Mediation		
Restitution	×	Needed for Diversion, Level I and II restitution and community service as ordered by the court
Teen Court	×	Needed as a strong community based court diversion resource; offers positive peer modeling
<b>Community Day Program</b>		
Structured Day		
<b>Assessment Programs</b>		
Psychological Assessment	×	Needed for those ordered by the court
<b>Clinical Treatment</b>		
Counseling	×	Needed for diverted and court involved juveniles - cognitive approach; school based with some case management
Home Based Family Counseling	×	More home-focused interventions are needed for the higher risk offender and undisciplined juveniles
Crisis Counseling		
Substance Abuse Treatment		
Sexual Offender Treatment		
<b>Residential Programs</b>		
Group Home		
Temporary Shelter		
Runaway Shelter		
Specialized Foster Care		
Temporary Foster Care		

Currituck County V. Research-Based Programs Summary						
JCPC Funded Program Name or Type	Does program provide service(s) or is it a structure?	Primary Service	Supplemental Service	Prior SPEP Rating	Current SPEP Rating	Research-Based Rationale
PASS - Counseling	Service	Counseling	Cognitive Behavioral Training	65/80 CS 65/80 PR	55/80CS 64/80 PR	The Standardized Program Evaluation Protocol (Lipsey-SPEP) does not take into account the program's receipt of referrals from juvenile court that are non-adjudicated youth.
Restitution	Service	Restitution	Behavior Management	58/80	58/80	Program score improved by adding behavior management as a supplemental service; each restitution participant signs a contract for completion of their part of the program and understanding of their behavioral expectations for successful termination.
Teen Court	Structure					No SPEP score is available for this program

**VI. Juvenile Crime Prevention Council Action Plan: 2013-14**

**Goal: To prevent or reduce delinquent and at-risk behavior in the County and particularly among JCPC participants**

<b>Objective</b>	<b>Activities</b>	<b>Output/Outcome Measures</b>	<b>Person(s) Responsible</b>
1.0 To reduce alcohol and substance abuse/use among court involved and at-risk juveniles	JCPC funded programs will address substance abuse and alcohol prevention with skills training or curriculum as appropriate; referral forms will identify juveniles who have known alcohol/substance abuse issues	The actual number of juveniles in JCPC programs receiving SA prevention, education, assessment, or treatment services	Department staff and program staff
2.0 To reduce subsequent complaints	Local programs will build relationships and provide cognitive interventions that are designed to redirect negative or inappropriate behaviors	The percentage of subsequent complaints among juvenile offenders will decrease	Department and program staff
3.0 To reduce violations of community supervision	Local programs provide curriculum and activities that are designed to redirect negative or inappropriate behaviors Increased communication between program staff and court counselors	The total number of violations compared from one year to the next	Department and program staff
4.0 To reduce subsequent convictions	Local programs will build relationships and provide cognitive interventions that are designed to redirect negative or inappropriate behaviors; adjudicated juveniles will be referred to programs that provide evidence-based interventions that reduce delinquency and recidivism	The percentage of subsequent adjudications among juvenile offenders will decrease	Department and program staff

5.0 To increase fulfillment of restitution obligations to victims	Restitution program will set this as a measurable objective	The percentage of successful or satisfactory completions	Restitution Coordinator
6.0 To increase parental accountability among parents of juveniles served	JCPC funded programs must address parent involvement with the service plan or participant agreement	Percentage of parents with at least some improvement; number of parent involvement events	Program staff using an individual service plan and client contacts to document
7.0 To increase improvement with the court among court referred juveniles served in JCPC programs	JCPC funded programs serving court involved juveniles will track their progress with the court through termination in the client tracking system and develop a plan or strategy for following up with participants regarding additional court involvement 12 months post termination	Percentage of court involved juveniles participating in JCPC funded programs that demonstrate improvement with juvenile court	Department and program staff
<b>Goal:</b>			
<b>To increase public awareness of delinquency prevention and intervention strategies</b>	The JCPC will provide limited sponsorship for the DREAM Team at the high school.	DREAM Team activities throughout the year - High School athletes mentor other students at the elementary and middle school as well as the culminating field trip for DT volunteers	PASS Program Coordinator and Assistant reporting
<b>Goal:</b>			
<b>To ensure a continuum of community services to address the needs of juveniles and their families</b>	The JCPC studies available resources and uses information to determine funding for applicant programs.	Annual resource assessment and recommended programs for funding	JCPC leadership and members

## VII. Request for Proposals

### JCPC Continuation Funding FY 2013-14

**Currituck**  
County

**\$81830**  
Anticipated County Allocation

**January 14, 2013**  
Date Advertised

The Juvenile Crime Prevention Council having studied the needs of juveniles in the county hereby publishes this Request for Proposals.

The North Carolina Department of Public Safety (NCDPS) anticipated funds in the above stated amount will be available for programs serving delinquent and at-risk youth for the state fiscal year: **2013-14** beginning on or after July 1, **2013**. Local match rate for JCPC funds required: 30%.

Based on identified needed programs and possible gaps in the service continuum, the following program types will be considered for funding:

<input checked="" type="checkbox"/> Mentoring Services	<input checked="" type="checkbox"/> Restitution/Community Service
<input checked="" type="checkbox"/> Parent/Family Skill Building	<input checked="" type="checkbox"/> Teen Court
<input checked="" type="checkbox"/> Interpersonal Skill Building	<input checked="" type="checkbox"/> Psychological Assessments
<input checked="" type="checkbox"/> Counseling	<input checked="" type="checkbox"/> Substance Abuse Treatment
<input checked="" type="checkbox"/> Home Based Family Counseling	<input checked="" type="checkbox"/> Tutoring/Academic Enhancement

As a result of the Needs Assessment in the above named county, programs that reduce risk, address the needs of juveniles, and increase protective factors will be considered for funding.

Elevated risk factors for delinquency:

- 1) Juveniles rejected by pro-social peers;
- 2) Some SA/needs assessment; and
- 3) Moderate behavior problems in school

Elevated Needs for adjudicated juveniles:

- 1) Moderate behavior problems in school;
- 2) Some delinquent peers;
- 3) Some substance abuse/needs assessment; and
- 4) Some family alcohol/substance abuse

Protective Factors to address risk and needs:

Pro-social peers; self efficacy; and strong school motivation.

The web-based program application is available on line at the Department of Public Safety web-site:  
[http://www.ncdijdp.org/jcpc/forms\\_agreements.html](http://www.ncdijdp.org/jcpc/forms_agreements.html)

A grant-writing workshop is planned for February 1 at 305 West Freemason Street, Edenton. Please register by calling 252-355-9013.

Once applications are completed on line, print the entire application and submit signed originals per instructions below. All applications must be printed and submitted by the deadline below to be considered for funding.

Only local public agencies, 501 ©3 non-profit corporations and local housing authorities will be considered for funding. For additional information regarding the application process:

Sandra Hill, Finance Officer

252-232-2381

JCPC Chairperson / or Designee

Telephone #

Technical assistance is available by contacting:

Nancy Hodges, Area Consultant at 252-947-1565.

The deadline for receiving applications is 3/1/2013 by noon. Mail or deliver 5 applications to:

Sandra Hill  
153 Courthouse Road  
Currituck, NC 27929

Program Funded	Reason for Funding (Check all that apply)
PASS - Counseling	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints, violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input checked="" type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input type="checkbox"/> Other <input type="checkbox"/> Other <input checked="" type="checkbox"/> Would increase funding to this service if funds were available
Restitution	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints, violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input checked="" type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input checked="" type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input type="checkbox"/> Other <input checked="" type="checkbox"/> Other Cost effective - no paid staff <input checked="" type="checkbox"/> Would increase funding to this service if funds were available
Teen Court	<input checked="" type="checkbox"/> Meets funding priority <input type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints, violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input checked="" type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input checked="" type="checkbox"/> Other Needed for diverted juveniles <input checked="" type="checkbox"/> Other Cost effective - part time only <input checked="" type="checkbox"/> Would increase funding to this service if funds were available
	<input type="checkbox"/> Meets funding priority <input type="checkbox"/> Compatible with research <input type="checkbox"/> Cost efficient <input type="checkbox"/> Addresses reductions of complaints, violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Would increase funding to this service if funds were available

Program Not Funded	Reason for Not Funding (Check all that apply)
No others applicants	<input type="checkbox"/> Lack of funding, addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it's type <input type="checkbox"/> Greater cost than program of same type and quality <input type="checkbox"/> Other <input type="checkbox"/> Other
	<input type="checkbox"/> Lack of funding, addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it's type <input type="checkbox"/> Greater cost than program of same type and quality <input type="checkbox"/> Other <input type="checkbox"/> Other

# **AIA<sup>®</sup> Document G701™ – 2001**

## Change Order

<b>PROJECT</b> <i>(Name and address):</i> COA Aviation Training Facility Currituck, North Carolina	<b>CHANGE ORDER NUMBER:</b> 002 <b>DATE:</b> 04/01/13	<b>OWNER:</b> <input checked="" type="checkbox"/> <b>ARCHITECT:</b> <input checked="" type="checkbox"/> <b>CONTRACTOR:</b> <input checked="" type="checkbox"/> <b>FIELD:</b> <input type="checkbox"/> <b>OTHER:</b> <input type="checkbox"/>
<b>TO CONTRACTOR</b> <i>(Name and address):</i> Sussex Development Corporation 1604 Hilltop West Executive Center, Suite 300 Virginia Beach, Virginia 23451	<b>ARCHITECT'S PROJECT NUMBER:</b> 1120 <b>CONTRACT DATE:</b> 07/25/11 <b>CONTRACT FOR:</b> General Construction	

**THE CONTRACT IS CHANGED AS FOLLOWS:**

*(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)*

RFC#6: Undercut and add stone beneath bulding footings	\$2,308.88
RFC#9: Additional landscaping and irrigation per 11.06.12 plan	\$20,984.85
RFC#10: Furnish and install alternate T-1 light fixture	(\$907.00)
RFC#12: Shift driveway to accomodate Dominion Power location of transformer	\$3,074.24
RFC#16: Credit for shared savings on project	(\$62,355.00)

The original Guaranteed Maximum Price was	\$ 6,992,890.20
The net change by previously authorized Change Orders	\$ -235,469.00
The Guaranteed Maximum Price prior to this Change Order was	\$ 6,757,421.20
The Guaranteed Maximum Price will be decreased by this Change Order in the amount of	\$ 36,894.03
The new Guaranteed Maximum Price including this Change Order will be	\$ 6,720,527.17

The Contract Time will be increased by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

MBAJ Architecture <b>ARCHITECT</b> <i>(Firm name)</i> 9131 Anson Way, Suite 204, Raleigh, North Carolina 27615, <b>ADDRESS</b>  <b>BY</b> <i>(Signature)</i> Stephen H. Wilt, AIA <i>(Typed name)</i> 4/8/13 <b>DATE</b>	Sussex Development Corporation <b>CONTRACTOR</b> <i>(Firm name)</i> 1604 Hilltop West Executive Center, Suite 300, Virginia Beach, Virginia 23451 <b>ADDRESS</b>  <b>BY</b> <i>(Signature)</i> Mr. Harry L. Davis, III <i>(Typed name)</i> 4/12/13 <b>DATE</b>	County of Currituck, North Carolina <b>OWNER</b> <i>(Firm name)</i> 153 Courthouse Road, Currituck, North Carolina 27929 <b>ADDRESS</b>  <b>BY</b> <i>(Signature)</i> Daniel F. Scanlon, II <i>(Typed name)</i>  <b>DATE</b>
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**SUSSEX**  
**DEVELOPMENT**  
**CORPORATION**

September 24, 2012

Daniel F. Scanlon, II  
County Manager  
County of Currituck, North Carolina  
153 Courthouse Road  
Currituck, North Carolina 27929

**PROJECT: COA Aviation and Technical Training Facility**  
**SUBJECT: Request for Change # 6**

**SDC Project # 201210**

Dear Mr. Scanlon:

Sussex Development Corporation respectfully submits our proposal to provide requested or needed changes to the above referenced project as described below and detailed on the attached support documentation:

Undercut and add stone beneath building footings per GET recommendation.

**Total Cost** **\$2,308.88**

This proposal is valid for 30 days, or as noted in the support documentation. Please sign below acknowledging your formal acceptance of this request and return a copy for our files. I may be contacted at the telephone number listed below if you have any questions or require additional information.

Sincerely,



Harry L. Davis, III  
Vice President

 4 9 - 13  
County of Currituck Date

cc: MBAJ Architects  
COA

**SUSSEX**  
**DEVELOPMENT**  
**CORPORATION**

December 5, 2012

Daniel F. Scanlon, II  
County Manager  
County of Currituck, North Carolina  
153 Courthouse Road  
Currituck, North Carolina 27929

**PROJECT:** COA Aviation and Technical Training Facility  
**SUBJECT:** Request for Change # 9

**SDC Project # 201210**

Dear Mr. Scanlon:

Sussex Development Corporation respectfully submits our proposal to provide requested or needed changes to the above referenced project as described below and detailed on the attached support documentation:

Furnish and install additional landscaping and irrigation as per revised plan dated 11/06/12.

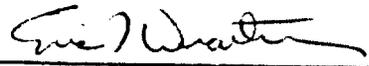
**Total Cost** **\$20,984.85**

This proposal is valid for 30 days, or as noted in the support documentation. Please sign below acknowledging your formal acceptance of this request and return a copy for our files. I may be contacted at the telephone number listed below if you have any questions or require additional information.

Sincerely,



Mike Spicer  
Vice President

  
County of Currituck

4-9-13  
Date

cc: MBAJ Architects  
COA

**SUSSEX**  
**DEVELOPMENT**  
**CORPORATION**

December 10, 2012

Daniel F. Scanlon, II  
County Manager  
County of Currituck, North Carolina  
153 Courthouse Road  
Currituck, North Carolina 27929

**PROJECT:** COA Aviation and Technical Training Facility  
**SUBJECT:** Request for Change # 10

**SDC Project # 201210**

Dear Mr. Scanlon:

Sussex Development Corporation respectfully submits our proposal to provide requested or needed changes to the above referenced project as described below and detailed on the attached support documentation:

Furnish and install alternate T1 fixture per response to RFI#29.

**Total Credit**

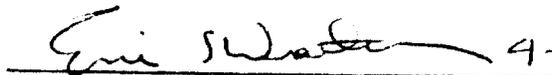
**(\$907.00)**

This proposal is valid for 30 days, or as noted in the support documentation. Please sign below acknowledging your formal acceptance of this request and return a copy for our files. I may be contacted at the telephone number listed below if you have any questions or require additional information.

Sincerely,



Mike Spicer  
Vice President

 4-9-13  
County of Currituck Date

cc: MBAJ Architects  
COA

**SUSSEX**  
**DEVELOPMENT**  
**CORPORATION**

January 15, 2013

Daniel F. Scanlon, II  
County Manager  
County of Currituck, North Carolina  
153 Courthouse Road  
Currituck, North Carolina 27929

**PROJECT:** COA Aviation and Technical Training Facility  
**SUBJECT:** Request for Change # 12

**SDC Project # 201210**

Dear Mr. Scanlon:

Sussex Development Corporation respectfully submits our proposal to provide requested or needed changes to the above referenced project as described below and detailed on the attached support documentation:

Driveway shift required due to mislocation of transformer by subcontractor for North Carolina Power.

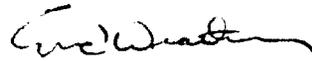
**Total Cost** **\$3,074.24**

This proposal is valid for 30 days, or as noted in the support documentation. Please sign below acknowledging your formal acceptance of this request and return a copy for our files. I may be contacted at the telephone number listed below if you have any questions or require additional information.

Sincerely,



Mike Spicer  
Vice President



County of Currituck

4-9-13

Date

cc: MBAJ Architects  
COA

**SUSSEX**  
**DEVELOPMENT**  
**CORPORATION**

March 28, 2013

Daniel F. Scanlon, II  
County Manager  
County of Currituck, North Carolina  
153 Courthouse Road  
Currituck, North Carolina 27929

**PROJECT: COA Aviation and Technical Training Facility**  
**SUBJECT: Request for Change # 16**

**SDC Project # 201210**

Dear Mr. Scanlon:

Sussex Development Corporation respectfully submits our proposal to provide requested or needed changes to the above referenced project as described below and detailed on the attached support documentation:

Credit to County for shared savings on project

Total Project Savings	(\$124,709.99)
Less 50% Shared Savings	<u>\$62,355.00</u>
Total Credit to County	(\$62,355.00)

This proposal is valid for 30 days, or as noted in the support documentation. Please sign below acknowledging your formal acceptance of this request and return a copy for our files. I may be contacted at the telephone number listed below if you have any questions or require additional information.

Sincerely,



Mike Spicer  
Vice President

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

4/9-13  
Date

cc. MBAJ Architects  
COA

NORTH CAROLINA  
CURRITUCK COUNTY

"An Ordinance Ordering Demolition of  
Diane C. Donlan Property  
Located at 4317 Caratoke Highway,  
Barco, NC"

WHEREAS, Article 19 of Chapter 160A of the North Carolina General Statutes authorizes counties to adopt an ordinance providing for minimum housing standards and by such ordinance exercise police power to repair, close or demolish dwellings found to be unfit for human habitation; and

WHEREAS, pursuant to Article 19 of Chapter 160A of the North Carolina General Statutes the Board of Commissioners for the County of Currituck adopted an ordinance on July 20, 1992 entitled "Ordinance Establishing Minimum Housing Standards and Adopting the Repair, Closing and Demolition Conditions of N.C.G.S. 160A-443" which is now codified as Chapter 4, of Article IV of the Code of Ordinances of Currituck County; and

WHEREAS, pursuant to the ordinance and following a hearing and inspection on January 7, 2013, the Chief Building Inspector issued an Order on January 29, 2013, in which the heirs of Diane C. Donlan, owners of a dwelling and accessory structures located in Crawford Township (the "Owners") were ordered to remove the structure and accessory structures within 60 days of the date of the Order.

WHEREAS, the owners have failed to comply with the Order of the Chief Building Inspector and have not appealed the Order of the Chief Building Inspector to the Zoning Board of Adjustment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Currituck, North Carolina that the following ordinance be enacted:

Section 1. The Chief Building Inspector is ordered to proceed to effectuate the intent of the Ordinance Establishing Minimum Housing Standards and his order issued January 29, 2013 (a copy of which is attached to this ordinance as Exhibit "A") by causing the dwelling and accessory structures on property owned by the heirs of Diane C. Donlan, and found to be unfit for human habitation, to be demolished and removed from its location in Crawford Township, Currituck County, North Carolina, more precisely described as Parcel Number 0070-000-040A-0000, and recorded in Deed Book 289 at Page 98 in the Office of the Register of Deeds of Currituck County.

Section 2. A lien in the amount of the cost of demolition and removal of the dwelling and accessory structures from its location described in Section 1 shall be placed against the real property and filed in the Office of the Register of Deeds of Currituck County. The Chief Building Inspector is authorized to sell materials of the dwelling and any personal

property fixtures or appurtenances found in or personal property fixtures or appurtenances found in or attached to the dwelling and shall credit the proceeds of the sale against the cost of the demolition and removal and any balance remaining shall be deposited with the Currituck County Clerk of Superior Court to be secured and distributed by the court to those entitled to those monies by final decree of the court.

Section 3. The Clerk to the Board shall file this ordinance with the Register of Deeds of Currituck County and it shall be indexed in the name of the property owners, Diane C. Donlan and Diane C. Donlan Heirs, in the grantor index.

Section 4. This ordinance shall take effect upon its adoption.

ADOPTED this \_\_\_\_\_ day of May, 2013

Board of Commissioners for the County of Currituck

By: \_\_\_\_\_  
S. Paul O'Neal, Chairman

ATTEST:

\_\_\_\_\_  
Clerk to the Board  
Date adopted: \_\_\_\_\_  
Motion to adopt by Commissioner \_\_\_\_\_  
Second by Commissioner \_\_\_\_\_  
Ayes \_ Nays \_

I, \_\_\_\_\_, Clerk for the Board of Commissioners of Currituck County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of an Ordinance Ordering the Demolition and Removal of a Dwelling by the Board of Commissioners for said County at a regular meeting held \_\_\_\_\_, 2013, recorded in Minute Book \_\_\_\_\_ of the minutes of said Board.

WITNESS by hand and the common seal of said County, this \_\_\_\_\_ day of May, 2013.

(SEAL)

\_\_\_\_\_  
Clerk to the Board of Commissioners of Currituck County

NORTH CAROLINA

CURRITUCK COUNTY

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that she is Clerk to the Board of County Commissioners of Currituck County and that by authority duly given and as the act of the County, the foregoing instrument was signed in its name by its Chairman, sealed with its county seal and attested by its Clerk to the Board.

Witness my hand and official stamp or seal, this \_\_\_\_ day of May, 2013.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

My Commission Expires:

\_\_\_\_\_

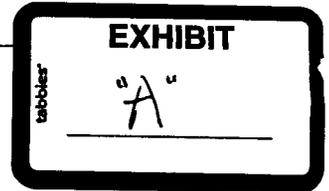
(OFFICIAL STAMP/SEAL)

NORTH CAROLINA

BEFORE THE CHIEF BUILDING INSPECTOR

CURRITUCK COUNTY

File No. \_\_\_\_\_



IN THE MATTER OF THE DWELLING :  
 LOCATED AT 4317 CARATOKE HWY. :  
 BARCO, NORTH CAROLINA :  
 \_\_\_\_\_ :

ORDER

This matter came on for hearing before the undersigned Chief Building Inspector for the County of Currituck, North Carolina on January 7, 2013 upon a complaint filed pursuant to Article IV, Chapter 4 of the Currituck County Code of Ordinances alleging that the dwelling located at 4317 Caratoke Highway, Barco, North Carolina is in a condition that appears to be unfit for human habitation and violative of said ordinance.

Based on review of the complaint and record the Chief Building Inspector makes the following FINDINGS OF FACT, that:

1. This matter was initiated following the Chief Building Inspector's investigation of the dwelling and accessory structures located at 4317 Caratoke Highway, Barco, North Carolina, (the "Property"), and upon that investigation a complaint alleging that the dwelling and accessory structures were unfit for human habitation.

2. The owners of the Property are the heirs of Diane C. Donlan, namely Mark Donlan, Robert Lotterhand, Scott Lotterhand, and other unknown heirs of Diane C. Donlan.

3. The following efforts were made to ascertain the heirs of Diane C. Donlan:

a. A title search of the Currituck County Public Records was performed and disclosed the listed owner of the subject property as Diane C. Donlan. There was no death certificate or Estate filed in the name of Diane C. Donlan of record in the offices of the Currituck County Register of Deeds or the Clerk of Superior Court. Tax records disclosed the property is listed in the name of Diane C. Donlan and the taxes are paid each year by Mark L. Donlan. The last payment received was December 31, 2012 for payment in full of the 2012 real estate taxes.

b. Internet searches were performed in an effort to locate possible heirs.

- c. On February 8, 2011, Robert Lotterhand, son of Diane C. Donlan was contacted by Eileen Wirth, paralegal with Currituck County Attorney's office. Mr. Lotterhand informed Ms. Wirth that he was Diane Donlan's son, that Mark L. Donlan was his step-father and was married to Diane Donlan at the time of her death. Mr. Lotterhand said he would forward a copy of his mother's Will along with a death certificate and current addresses for the heirs which he said included Mark Donlan, Scott Lotterhand, two sisters, another brother whom he did not name, and himself. Mr. Lotterhand stated that he would contact the Clerk of Court in Currituck and make arrangements to have his mother's Will filed in Currituck County. He stated he would contact the heirs to discuss the situation and call back at the end of that week. Mr. Lotterhand did not follow through with providing any further information even after multiple requests by telephone and email.
- d. On June 25, 2012, Mark Donlan was contacted by Chief Building Inspector Spence Castello. Mr. Donlan told Mr. Castello that the property was in the estate of nine children but he did not have their addresses. He stated that Robert Lotterhand seemed to be the leader of the family and gave his address.
- e. On July 10, 2012, letters were mailed by Chief Building Inspector Spence Castello to the known heirs and possible heirs discovered in internet searches in another attempt to make contact with family members.
- f. On September 18, 2012, Currituck County paralegal Eileen Wirth spoke with Robert Lotterhand by telephone. Mr. Lotterhand stated he thought the house had been demolished. He said one of his brothers had spoken to Chief Building Inspector Spence Castello and he thought they had worked through the demolition process and that it had been completed. Mr. Lotterhand said he would contact Mark Donlan and other family members and be back in touch in a couple of days. This was the last telephone contact with Robert Lotterhand.
- g. On September 18, 2012, Currituck County paralegal Eileen Wirth contacted the postmaster at the Pembroke, MA post office to confirm that the mailing address for Diane C. Donlan was correct. The postmaster confirmed the post office box was an active box. She stated the carrier knew Ms. Donlan died several years ago. The postmaster also confirmed Robert Lotterhand's address. Letters mailed by Currituck County to Ms. Donlan's post office box and Mr. Lotterhand's street address were continually returned marked "unclaimed".
- h. On September 18, 2012, Eileen Wirth contacted the Plymouth County Clerk at the county seat for Pembroke MA and Bob McCarthy, the Plymouth County Register of Deeds. Messages were left.
- i. On November 7, 2012, Currituck County paralegal Eileen Wirth placed a telephone call to Mark Donlan, and Scott Lotterhand, brother of Robert Lotterhand. Messages were left on answering machines to which there was no response.
- j. On November 9, 2012, Currituck County paralegal Eileen Wirth placed telephone calls to possible heirs of Diane C. Donlan; Richard H. Ayers, Robbin A. Flaherty, Page T. (Ayers) Harding, and Teresa Lotterhand. Messages were left on answering machines to which there was no response.

k. On November 9, 2012, Currituck County paralegal Eileen Wirth placed telephone calls to Mark L. Donlan and Scott Lotterhand. Messages were left on answering machines to which there was no response.

l. On November 9, 2012 Currituck County paralegal Eileen Wirth spoke with the Clerk in the satellite office of the Plymouth County Clerk's office and requested any estate information available for Diane C. Donlan, recorded Will or Death Certificate. The Clerk searched the records and stated she found no listing of Probate, Will or Death Certificate for Diane C. Donlan.

4. Proper notice of the hearing in this matter was subsequently published in December 13, 2012 in the Coastland Times, a newspaper of general circulation in Currituck County, North Carolina as required by the General Statutes of North Carolina.

5. All known heirs and possible heirs of Diane C. Donlan were properly notified of the complaint and hearing by registered mail.

6. A copy of the newspaper publication of the notice of hearing was mailed to all known and possible heirs of Diane C. Donlan.

7. At the call of this matter for hearing no one appeared for the owners of the Property.

8. At the inspection of the Property which precipitated the complaint in this matter, the Chief Building Inspector observed that the dwelling and accessory structures located on the Property were in a state of disrepair in that many structural members of the dwelling and accessory structures were compromised by rot, vegetation was invading the structures, electrical wiring was in disrepair and rendered inoperable and the plumbing system was found to be beyond repair.

9. The Chief Building Inspector further observed that the accessory structures were collapsed and there was no personal property or other items of value observed on the Property.

Based upon the foregoing FINDINGS OF FACT, the Chief Building Inspector CONCLUDES AS A MATTER OF LAW, that:

1. The dwelling and accessory structures located at 4317 Caratoke Highway, Barco, North Carolina are unfit for human habitation and in a condition that constitutes a fire or safety hazard or renders the dwelling and accessory structures dangerous to life and health.

2. The dwelling and accessory structures located at 4317 Caratoke Highway, Barco, North Carolina are not repairable at a reasonable cost in relation to the value of the dwelling and accessory structures.

WHEREFORE, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is hereby ORDERED that:

A. The dwelling and all accessory structures located at 4317 Caratoke Highway, Barco, North Carolina shall be demolished and all debris removed from the property within 60 days from the date of this Order.

B. Demolition permits must be applied for, issued and work completed within 60 days from the date of this Order.

C. All material removed from the property shall be disposed of in accordance with the laws, regulations, rules and ordinances of the State of North Carolina and County of Currituck.

D. If the terms of this Order are not met in the time specified by this Order, the Chief Building Inspector may cause removal of the dwelling and accessory structures and debris from the property the cost of which shall become a lien upon the property.

This the 29TH day of January, 2013.



---

Spencer Castello  
Chief Building Inspector

FILED

'91 AUG 27 PM 4 18

CHARLENE Y. DOWDY  
REGISTER OF DEEDS  
CURRITUCK COUNTY, N.C.

NORTH CAROLINA EXCISE STAMPS  
ATTACHED AND CANCELLED *None*

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....  
Verified by ..... County on the ..... day of ....., 19 ....  
by .....

Mail after recording to ..... William Brumsey, III  
P.O. Box 100, Currituck, NC 27929

This instrument was prepared by ..... William Brumsey, III/hdt

Brief description for the Index ..... .918 acres - Coinjock

**NORTH CAROLINA SPECIAL WARRANTY DEED**

THIS DEED made this 27th day of August, 1991, by and between

**GRANTOR**  
MARK L. DONLAN, husband of  
DIANE C. DONLAN

**GRANTEE**  
DIANE C. DONLAN  
P.O. Box 254  
Coinjock, NC 27923

Enter in appropriate block for each party; name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ..... Crawford ..... Township,

Currituck County, North Carolina and more particularly described as follows:  
BEGINNING at a point located in the Eastern right of way line of U.S. Highway #158, said point being currently designated by an iron pin and being the point of intersection of the North line of the property now or formerly owned by P.L. Hampton with said right of way line; running thence North 17° 52' 30" West along said highway right of way line a distance of 190.73 feet to a point marked by an iron pipe, said point being located in the South line of the land now or formerly owned by L.A. Powell; running thence North 52° 25' 00" East a distance of 73.81 feet to a point marked by an iron pin, said point being the Northwestern corner of the Hampton family cemetery; running thence South 28° 53' 00" East a distance of 19.85 feet to a point marked by iron pin; running thence North 61° 21' 15" East 61.90 feet to a pin; running thence North 50° 46' 45" East 84.27 feet to a point marked by an iron pin, running thence South 39° 44' 01" East a distance of 142.10 feet to a point marked by an iron pin; running thence South 50° 16' 00" West a distance of 286.04 feet to a point marked by an iron pin.

The property herein described is shown and delineated on a plat prepared by Hassell and Folkes, Surveyors and Engineers, entitled: "Plat Showing Survey of Property Owned by P.L. Hampton Heirs To Be Conveyed to Walton H. Carter, Located at Coinjock, Currituck County, North Carolina", a copy of said plat is recorded in Deed Book 145 at Page 471 in the office of the Register of Deeds of Currituck County.

LAND TRANSFER TAX  
AMOUNT None-NCD  
DATE PAID 8-27-91  
COLLECTOR

FILED

SEP 19 1996

The property hereinabove described was acquired by Grantor by instrument recorded in Book 284 Page 601

Currituck County Register of Deeds

A map showing the above described property is recorded in Plat Book 145 page 471 TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

This conveyance is made subject to existing easements and rights of way to telephone and utility companies.

Subject to that Deed of Trust of record in Deed Book 284, Page 603, in the Office of the Register of Deeds of Currituck County, in favor of Walton H. Carter, in the original sum of \$45,000.00.

IN WITNESS WHEREOF, the Grantee has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: President

ATTEST: Secretary (Corporate Seal)

USE BLACK INK ONLY

Mark L. Donlan (SEAL)

Mark L. Donlan (SEAL)

(SEAL)

(SEAL)

(SEAL)



NORTH CAROLINA, Currituck County.

I, a Notary Public of the County and State aforesaid, certify that Mark L. Donlan

Grantee,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my

hand and official stamp or seal, this 27 day of August 1991

My commission expires: 8/14/96 Heather D. Surford Notary Public

SEAL - STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that

personally came before me this day and acknowledged that he is Secretary of

a North Carolina corporation, and that by authority duly

given and on the part of the corporation, the foregoing instrument was signed in his name by his

President, sealed with its corporate seal and attested by as its Secretary.

Witness my hand and official stamp or seal, this day of 19

My commission expires: Notary Public

The foregoing Certificate(s) of Heather D. Surford Notary Public Currituck

County, N.C.

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the

first page hereof.

By: Nancy L. Janderli REGISTER OF DEEDS FOR Currituck COUNTY

Deputy/Assistant-Register of Deeds.















## County Management Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provision of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. *Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.*

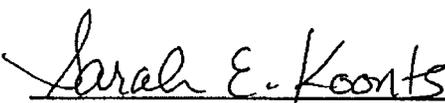
This local government agency and the Department of Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow these records to be destroyed when "*administrative value ends.*" The local government agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "*destroy when administrative value ends.*" If a county does not establish internal policies and retention periods, the county is not complying with the provisions of this retention schedule and is not authorized by the Department of Cultural Resources to destroy the records with the disposition instruction "*destroy when administrative value ends.*"

The local government agency and the Department of Cultural Resources concur that the long-term and/or permanent preservation of electronic records require additional commitment and active management by the agency. The agency agrees to comply with all policies, standards, and best practices published by the Department of Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

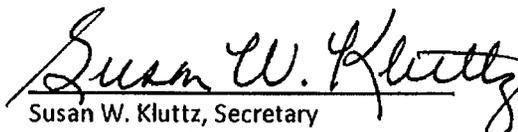
### APPROVAL RECOMMENDED

\_\_\_\_\_  
Chief Administrative Officer/  
County Manager

  
Sarah E. Koonts, Director  
Division of Archives and Records

### APPROVED

\_\_\_\_\_  
Chairman, Bd. County Commissioners

  
Susan W. Kluttz, Secretary  
Department of Cultural Resources

County: \_\_\_\_\_

April 15, 2013

NORTH CAROLINA

LEASE AGREEMENT

CURRITUCK COUNTY

THIS LEASE AGREEMENT, made and entered into by and between, CURRITUCK COUNTY, a political subdivision of the State of North Carolina, hereinafter referred to as "Lessor"; and THE TRUCK ACCESSORY CENTER, INC., a North Carolina corporation, hereinafter referred to as "Lessee" ;

WITNESSETH:

That subject to the terms and conditions hereinafter set out, said Lessor does hereby let and lease unto said Lessee, and said Lessee does hereby accept as tenant of Lessor, space for storing recreational vehicles as inventory for Lessee's business which space is a portion of that certain 4.32 acres tract or parcel of land owned by Lessor which is shown on that plat map recorded in Plat Book K, Page 106, Currituck County Registry, and located at 106 Caratoke Highway, Moyock Township, Currituck County, North Carolina and more particularly described as follows, (the "Premises"):

Beginning at an existing iron rebar situated in the southwest corner of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry, the northeast corner of Lot 55, Phase 2, North Point Subdivision more particularly shown at Plat Cabinet D, Slide 76 of the Currituck County Registry and northwest corner of Frank C. Bernard, Jr. and wife, Phyllis A. Bernard property more particularly described at Deed Book 283, Page 179 of the Currituck County Registry; thence from the point of beginning along the western boundary line of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry North 32 degrees 59 minutes 55 seconds West 167.00 feet to a point, cornering; thence North 57 degrees 00 minutes 05 seconds East 274.85 feet to a set rebar in the southeastern boundary line of Currituck County property more particularly shown at Plat Cabinet K, Slide 106 of the Currituck County Registry, cornering; thence South 32 degrees 59 minutes 55 seconds East 167.00 feet to a set rebar; thence South 57 degrees 00 minutes 05 seconds West 274.85 feet to the point and place of beginning.

The terms and conditions of this Lease are as follows:

- 1) The term of this Lease shall be for a period of ONE (1) year beginning on the FIRST day of, May, 2013, and ending on the LAST day of April, 2014, unless extended or terminated under the other provisions of this Lease.
- 2) As rental for said premises, Lessee shall pay to Lessor, at the address noted below, and without notice or demand therefore, the sum of EIGHTEEN THOUSAND AND NO/ONE HUNDRED DOLLARS (\$18,000.00) payable upon execution of this lease agreement.
- 3) Lessee shall use and occupy the premises for the purpose of storing recreational

vehicles as inventory for Lessee's business and in connection thereto, shall comply with all laws, ordinances, orders, or regulations of any lawful authority having jurisdiction over the premises and the use thereof.

- 4) It is understood and agreed that Lessee shall be responsible for any improvement to the Property and for the upkeep, repair, and maintenance of the Property and any improvements during the term of this Lease or any extension hereof. Notwithstanding the foregoing, the Lessor shall be responsible for the upkeep, repair and maintenance of the pond area located on the Premises. At the expiration of the term of this Lease, or the prior termination of said Lease as herein provided, Lessee shall be responsible for removing any improvements from the Property and restoring the Property to substantially the same condition as existed on the date this lease agreement was entered into, normal wear and tear excepted.
- 5) During the term of this Lease, Lessee shall maintain comprehensive general liability insurance on an occurrence basis with maximum limits of liability in the amount of Three Hundred Thousand Dollars (\$300,000.00) for property damage, bodily injury, personal injury or death to anyone person; Lessee shall also maintain excess liability coverage with a per occurrence limit of One Million Dollars (\$1,000,000.00); and Lessee shall keep its property on the demised premises insured against loss or damage by fire or other casualties.
- 6) Lessee shall neither use nor occupy the demised premises or any part thereof for any unlawful or ultrahazardous business purpose nor operate or conduct its business in a manner constituting a nuisance of any kind.
- 7) Lessee shall pay prior to delinquency all taxes and assessments of every kind and nature which may be imposed or assessed upon or with respect to the structure and equipment placed on the premises by Lessee.
- 8) If the premises are wholly or partially destroyed by fire or other casualty, rental shall abate in proportion to the loss of use thereof, and Lessee shall, at its own expense, promptly restore the premises to substantially the same condition as existed before damage or destruction, whereupon full rental shall resume.
- 9) If the whole of the premises, or such portion thereof as will make the premises unsuitable for use contemplated hereby, shall be taken under the power of eminent domain (including any conveyance in lieu thereof), then the term hereof shall cease as of the date possession thereof is taken by the condemnor, and rental shall be accounted for as between Lessor and Lessee as of that date.
- 10) All applications in connection with necessary utility services on the Premises shall be made in the name of Lessee only, and Lessee shall be solely liable for utility charges as they become due, including those for electricity, gas, water, sewer, and telephone services.

- 11) Lessee shall be in exclusive control and possession of the Premises, and Lessor shall not be liable for any injury or damages to any property or to any person on or about the Premises nor for any injury or damage to any property of Lessee. Lessee shall defend, indemnify and hold harmless the Lessor from and against any claims, damages, or expenses (including reasonable attorney's fees), whether due to damage to the premises, claims for injuries to persons or property, or administrative or criminal action by governmental authority, where such claims, damages, or expenses result from the negligence, misconduct or breach of any provision of this Lease Agreement by Lessee, its agents, employees or invitees.
- 12) If Lessee shall pay the rent and perform and observe all the other covenants and conditions to be performed and observed by it hereunder, Lessee shall at all times during the term hereof have the peaceable and quiet enjoyment of the Premises without interference from Lessor or any person lawfully claiming through Lessor.
- 13) All notices provided for in this Lease Agreement shall be in writing and shall be deemed to have been given when sent by registered or certified mail addressed to Lessor at:

Currituck County Manager  
153 Courthouse Road, Suite 204  
Currituck, North Carolina 27929

and to Lessee at:

The Truck Accessory Center  
Attn: Frank C. Bernard, President  
126 Caratoke Highway  
Moyock, North Carolina 27958

- 14) This Lease Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina.
- 15) This Lease Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.
- 16) This Lease Agreement contains the complete agreement of the parties regarding the terms and conditions of the lease of the premises, and there are no oral or written conditions, terms, warranties, understandings or other agreements pertaining thereto which have not been incorporated herein. This Lease Agreement may be modified only by written instrument duly executed by both parties or their respective successors in interest.
- 17) If any provision of this Lease shall be declared invalid or unenforceable, the remainder of the Lease shall continue in full force and effect.

[THIS PORTION INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

COUNTY OF CURRITUCK

By: \_\_\_\_\_  
Chairman, Board of Commissioners

ATTEST:

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

(COUNTY SEAL)

THE TRUCK ACCESSORY  
CENTER, INC.

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

ATTEST:

\_\_\_\_\_  
Secretary

(SEAL)

# TRUCK ACCESSORY CENTER

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

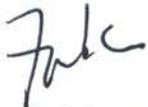
Dear Mr. Scanlon:

I am writing to request the rental of property shown as trac 5 on the attached tax map. This property was purchased from me because the Welcome Center was on the old septic system and the old system was located on this piece of land. The Welcome Center is now on the county system and they have no use for this vacant piece of property. I am interested in renting from the north property corner 150' west then south to my existing property line. I will maintain the entire piece of property (cutting grass, etc) except for the pond and that would remain the county's responsibility. The property would be used to store extra travel trailers for my new business, TAC Trailer and RV Sales Center.

I would like to rent the property for 2 years with the option to renew every 2 years for 15 years at \$18,000.00 a year beginning May 1, 2013. Payment would be made annually on the first day of May of each year. This agreement would remain in effect as long as the county had no use for the property or the TAC Trailer and RV Sales Center remained in business. Rental agreement could be cancelled by the county, with 60 days written notice, if Currituck county needed the use of the property. TAC Trailer and RV Sales Center could cancel the rental agreement if it were to no longer be in business or with 60 days written notice to the county.

Please contact me with any questions. I look forward to hearing from you.

Sincerely,

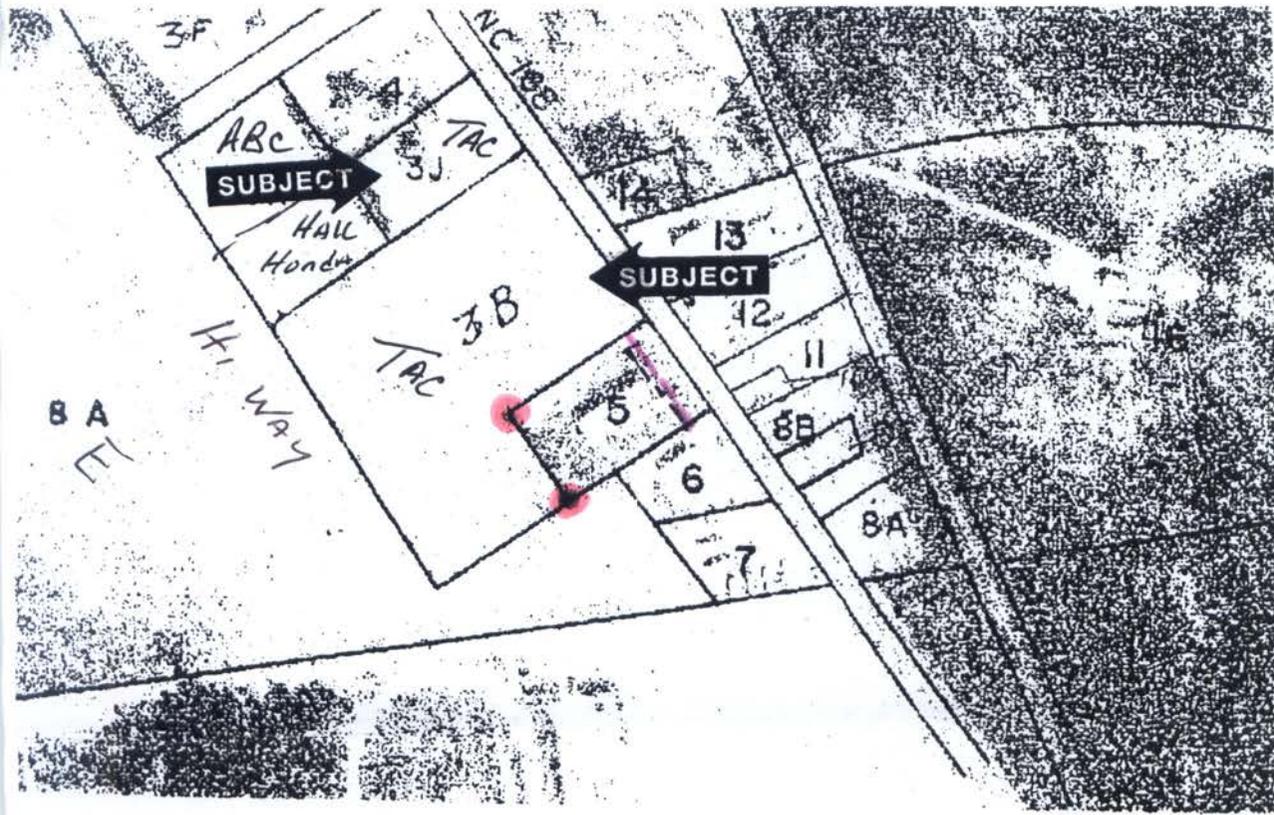


Frank C. Bernard  
President/Owner

TAX MAP

S

W



N



**RESOLUTION OPPOSING HOUSE BILL 983  
DESIGNATING RED DRUM, SPOTTED SEA TROUT AND STRIPED BASS AS  
COASTAL GAME FISH**

**WHEREAS**, the Fisheries Reform Act (FRA) recognizes that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State while struggling to earn a living in an industry whose resources are managed by both State and Federal agencies and whose labor accounts for revenue, jobs, and a significant tax base; and

**WHEREAS**, designating “game fish status” for red drum, spotted sea trout, striped bass, and other fish species will deprive consumers in North Carolina and across the nation of access to fresh locally harvested seafood; and

**WHEREAS**, allocating 100% of the resources to less than 3% of the population of our state and to specific user groups would be a travesty of fairness, a violation of the FRA, and devastating to the economies of coastal communities; and

**WHEREAS**, degrading a resource to “game fish status only” has never enhanced the resource, and will threaten coastal communities with the loss of jobs and access for all citizens; and

**WHEREAS**, North Carolina as a recognized leading producer of seafood has one of the most diverse fisheries in the United States and should be allowed to continue harvesting wild caught fish species in order to bring to market a wonderfully fresh, sustainably managed, revenue producing, protein resource for all its citizens.

**NOW, THEREFORE, BE IT RESOLVED** that the Currituck County Board of Commissioners opposes designating red drum, spotted sea trout and striped bass as game fish by the North Carolina General Assembly and asks that they honor the Fisheries Reform Act by continuing to make all fish species available for the benefit and enjoyment of all North Carolina citizens.

**ADOPTED** this the 6th day of May, 2013.

\_\_\_\_\_  
S. Paul O’Neal, Chairman

ATTEST:

\_\_\_\_\_  
Gwen H. Keene, CMC  
Clerk to the Board

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H

1

HOUSE BILL 983

Short Title: 2013 Fisheries Economic Development Act. (Public)

Sponsors: Representatives Murry, Wray, Moffitt, and J. Bell (Primary Sponsors).  
*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Commerce and Job Development, if favorable, Finance, if favorable,  
Appropriations.

April 18, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO DESIGNATE RED DRUM, SPOTTED SEA TROUT, AND STRIPED BASS  
3 AS COASTAL GAME FISH; TO COMPENSATE COMMERCIAL FISHERMEN FOR  
4 CERTAIN LOSSES DUE TO COASTAL GAME FISH DESIGNATIONS; TO  
5 INCREASE COASTAL RECREATIONAL FISHING LICENSE FEES; TO  
6 APPROPRIATE FUNDS TO SUPPORT THE MARINE FISHERIES OBSERVER  
7 PROGRAM; AND TO PROVIDE FUNDING FOR THE DREDGING OF SHALLOW  
8 DRAFT NAVIGATION CHANNELS.

9 Whereas, the State of North Carolina has one of the most diverse fisheries in the  
10 United States; and

11 Whereas, the General Assembly recognizes that commercial fishermen perform an  
12 essential function by providing wholesome food for the citizens of the State and thereby  
13 properly earn a livelihood; and

14 Whereas, the General Assembly recognizes the economic contribution and  
15 important heritage of traditional full-time and part-time commercial fishing; and

16 Whereas, the General Assembly recognizes that for many citizens fishing is an  
17 important recreational activity and that recreational fishing is a source of great personal  
18 enjoyment and satisfaction; and

19 Whereas, the General Assembly recognizes the importance of providing plentiful  
20 fishery resources to maintain and enhance tourism as a major contributor to the economy of the  
21 State; and

22 Whereas, the General Assembly recognizes the need to protect our coastal fishery  
23 resources and to balance the commercial and recreational interests through better management  
24 of these resources; and

25 Whereas, the General Assembly recognizes the vital importance of safe, navigable  
26 coastal waterways to recreational and commercial fishing, coastal tourism, and recreational  
27 boating; Now, therefore,

28 The General Assembly of North Carolina enacts:

29

30 **PART I. DESIGNATION OF COASTAL GAME FISH; MITIGATION PAYMENTS;**  
31 **INCREASE COASTAL RECREATIONAL FISHING LICENSE FEES**

32 **SECTION 1.** Article 15 of Chapter 113 of the General Statutes is amended by  
33 adding a new section to read:

34 **"§ 113-192. Coastal game fish.**



1       (a) Designation. – The General Assembly hereby designates all of the following species  
2 as coastal game fish:

- 3           (1) Red drum (*Sciaenops ocellatus*) is designated as a coastal game fish for all  
4 coastal fishing waters.  
5           (2) Spotted sea trout (*Cynoscion nebulosus*) is designated as a coastal game fish  
6 for all coastal fishing waters.  
7           (3) Striped bass (*Morone saxatilis*) is designated as a coastal game fish for all  
8 coastal fishing waters except for the Atlantic Ocean.

9       (b) Requirements. – Species designated as coastal game fish under subsection (a) of this  
10 section are subject to all of the following requirements:

- 11           (1) In coastal fishing waters where they have been designated as a coastal game  
12 fish, they may only be taken by hook-and-line.  
13           (2) Except as provided in subsection (c) of this section, they may not be bought,  
14 sold, bartered, or exchanged.  
15           (3) Except as provided in subsection (c) of this section, they may not be  
16 possessed for the purpose of purchase, sale, barter, exchange, or for transport  
17 or shipment in commerce within the State or for export from the State.

18       (c) Exceptions. – The purchase, sale, barter, exchange, possession, and transport of  
19 species designated as coastal game fish under subsection (a) of this section is allowed under  
20 any of the following circumstances:

- 21           (1) The fish are lawfully raised in an aquaculture operation.  
22           (2) The fish are lawfully imported from a State without a game fish designation.  
23           (3) The fish are lawfully purchased for sale by a restaurant.  
24           (4) The fish are possessed by an individual, including an individual customer of  
25 a guided trip, who possesses the fish within the individual's lawful daily  
26 limit and for the individual's personal use."

27       **SECTION 2.(a)** Notwithstanding G.S. 113-175.1, the Marine Fisheries  
28 Commission shall make mitigation payments from the North Carolina Marine Resources Fund  
29 to commercial fishermen licensed under Article 14A of this Chapter who can demonstrate  
30 actual financial losses due to a coastal game fish designation under G.S. 113-192, as enacted by  
31 Section 1 of this act.

32       **SECTION 2.(b)** Subject to the limitation contained in subsection (c) of this  
33 section, the Marine Fisheries Commission shall make mitigation payments for all of the  
34 following:

- 35           (1) The average annual income to a commercial fisherman from the sale of fish  
36 designated as coastal game fish under G.S. 113-192, as enacted by Section 1  
37 of this act, over the period 2010 through 2012. The Marine Fisheries  
38 Commission shall make an annual payment in this amount to an eligible  
39 commercial fisherman in the years 2014, 2015, and 2016.  
40           (2) The 2012 value of commercial fishing gear used in 2012 to exclusively take  
41 fish designated as coastal game fish under G.S. 113-192, as enacted by  
42 Section 1 of this act. The Marine Fisheries Commission shall make this  
43 payment in 2014.

44       **SECTION 2.(c)** Payments made under this section shall be limited to a total of one  
45 million dollars (\$1,000,000).

46       **SECTION 2.(d)** The Marine Fisheries Commission may adopt any rules necessary  
47 for the implementation of this section.

48       **SECTION 3.** G.S. 113-174.2(c) reads as rewritten:

49       "(c) **Types of CRFLs; Fees; Duration.** – The Wildlife Resources Commission shall issue  
50 the following CRFLs:

- 1 (1) Annual Resident CRFL. – ~~\$15.00~~–\$20.00. This license is valid for a period  
2 of one year from the date of issuance. This license shall be issued only to an  
3 individual who is a resident of the State.
- 4 (1a) Annual Nonresident CRFL. – ~~\$30.00~~–\$40.00. This license is valid for a  
5 period of one year from the date of issuance. This license shall be issued  
6 only to an individual who is not a resident of the State.
- 7 (2) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- 8 (3) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- 9 (4) Ten-Day Resident CRFL. – ~~\$5.00~~–\$10.00. This license is valid for a period  
10 of 10 consecutive days, as indicated on the license. This license shall be  
11 issued only to an individual who is a resident of the State.
- 12 (4a) Ten-Day Nonresident CRFL. – ~~\$10.00~~–\$20.00. This license is valid for a  
13 period of 10 consecutive days, as indicated on the license. This license shall  
14 be issued only to an individual who is not a resident of the State.
- 15 (5) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- 16 (6) Lifetime CRFLs. – Except as provided in sub-subdivision j. of this  
17 subdivision, CRFLs issued under this subdivision are valid for the lifetime of  
18 the licensee.
- 19 a. –d. Repealed by Session Laws 2005-455, s. 1.4, effective January 1,  
20 2007.
- 21 e. Infant Lifetime CRFL. – \$100.00. This license shall be issued only to  
22 an individual younger than one year of age.
- 23 f. Youth Lifetime CRFL. – \$150.00. This license shall be issued only to  
24 an individual who is one year of age or older but younger than 12  
25 years of age.
- 26 g. Resident Adult Lifetime CRFL. – \$250.00. This license shall be  
27 issued only to an individual who is 12 years of age or older but  
28 younger than 65 years of age and who is a resident of the State.
- 29 h. Nonresident Adult Lifetime CRFL. – \$500.00. This license shall be  
30 issued only to an individual who is 12 years of age or older and who  
31 is not a resident of the State.
- 32 i. Resident Age 65 Lifetime CRFL. – \$15.00. This license shall be  
33 issued only to an individual who is 65 years of age or older and who  
34 is a resident of the State.
- 35 j. Resident Disabled Veteran CRFL. – \$10.00. This license shall be  
36 issued only to an individual who is a resident of the State and who is  
37 a fifty percent (50%) or more disabled veteran as determined by the  
38 United States Department of Veterans Affairs. This license remains  
39 valid for the lifetime of the licensee so long as the licensee remains  
40 fifty percent (50%) or more disabled.
- 41 k. Resident Totally Disabled CRFL. – \$10.00. This license shall be  
42 issued only to an individual who is a resident of the State and who is  
43 totally and permanently disabled as determined by the Social  
44 Security Administration."  
45

46 **PART II. APPROPRIATE FUNDS TO SUPPORT THE MARINE FISHERIES**  
47 **OBSERVER PROGRAM**

48 **SECTION 4.** There is appropriated from the General Fund to the Division of  
49 Marine Fisheries of the Department of Environment and Natural Resources the sum of one  
50 million three hundred thousand dollars (\$1,300,000) in nonrecurring funds for the 2013-2014

1 fiscal year to be used for the administration and implementation of the Marine Fisheries  
2 Observer Program.

3  
4 **PART III. FUNDING FOR DREDGING OF SHALLOW DRAFT NAVIGATION**  
5 **CHANNELS**

6 SECTION 5.(a) G.S. 105-449.126 reads as rewritten:

7 "**§ 105-449.126. Distribution of part of Highway Fund allocation to Wildlife Resources**  
8 **Fund, Fund and Shallow Draft Navigation Channel Dredging Fund.**

9 (a) The Secretary shall credit to the Wildlife Resources Fund one-sixth of one percent  
10 (1/6 of 1%) of the amount that is allocated to the Highway Fund under G.S. 105-449.125 and is  
11 from the excise tax on motor fuel. Revenue credited to the Wildlife Resources Fund under this  
12 section may be used only for the boating and water safety activities described in G.S. 75A-3(c).  
13 The Secretary must credit revenue to the Wildlife Resources Fund on an annual basis.

14 (b) The Secretary shall credit to the Shallow Draft Navigation Channel Dredging Fund  
15 one-half of one percent (1/2 of 1%) of the amount that is allocated to the Highway Fund under  
16 G.S. 105-449.125 and is from the excise tax on motor fuel. Revenue credited to the Shallow  
17 Draft Navigation Channel Dredging Fund under this section may be used only for the dredging  
18 activities described in G.S. 143-215.73F. The Secretary must credit revenue to the Shallow  
19 Draft Navigation Channel Dredging Fund on an annual basis."

20 SECTION 5.(b) Article 21 of Chapter 143 of the General Statutes is amended by  
21 adding a new Part to read:

22 "Part 8B. Shallow Draft Navigation Channel Dredging Fund.

23 "**§ 143-215.73F. Shallow Draft Navigation Channel Dredging Fund.**

24 The Shallow Draft Navigation Channel Dredging Fund is established as a special revenue  
25 fund. The Fund consists of fees credited to it under G.S. 105-449.126. Revenue in the Fund  
26 may only be used to provide the State's share of the costs associated with any dredging project  
27 designed to keep a shallow draft navigation channel located in State waters navigable and safe.  
28 Any project funded by revenue from the Fund must be cost-shared with non-State dollars on a  
29 one-to-one basis. For purposes of this section, "shallow draft navigation channel" means (i) a  
30 waterway connection, with a maximum depth of 14 feet, between the Atlantic Ocean and a bay  
31 or the Atlantic Intracoastal Waterway; (ii) a river entrance to the Atlantic Ocean through which  
32 tidal and other currents flow; or (iii) other interior coastal waterways. "Shallow draft navigation  
33 channel" includes the Atlantic Intracoastal Waterway and its side channels, Beaufort Harbor,  
34 Bogue Inlet, Carolina Beach Inlet, the channel from Back Sound to Lookout Back, channels  
35 connected to federal navigation channels, Lockwoods Folly River, Manteo/Shallowbag Bay,  
36 including Oregon Inlet, Masonboro Inlet, New River, New Topsail Inlet, Rodanthe, Rollinson,  
37 Shallotte River, Silver Lake Harbor, and the waterway connecting Pamlico Sound and Beaufort  
38 Harbor."

39  
40 **PART IV. EFFECTIVE DATE**

41 SECTION 6. This act becomes effective July 1, 2013.

**RESOLUTION AUTHORIZING THE “PIGGYBACKING” ON A PURCHASE AGREEMENT FROM THE STATE OF NORTH CAROLINA FOR PURCHASE OF 800Mhz RADIOS AND ASSOCIATED EQUIPMENT FROM MOTOROLA SOLUTIONS, INC.**

WHEREAS, the County of Currituck desires to piggyback on a purchase agreement by the State of North Carolina for 800Mhz radios and associated equipment; and

WHEREAS, the conditions of “piggybacking” on the original contract have been met in accordance with N.C. Gen. Stat. §143-129; and

WHEREAS, public notice of purchase of the equipment set forth above was published in The Coastland Times on April 25, 2013 .

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

Section 1. The County of Currituck is authorized to “piggyback” on the State of North Carolina contract with Motorola Solutions, Inc. for purchase of 800 Mhz radios and associated equipment as set forth on Exhibit A attached hereto and incorporated herein by reference.

Section 2. This resolution shall be effective upon its adoption.

This the 6th day of May, 2012.

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S. Paul O’Neal, Chairman  
Board of Commissioners

ATTEST:

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Clerk to the Board of Commissioners

(COUNTY SEAL)

EXHIBIT

**A**



To: Currituck County Emergency Management  
Atten: Mary Beth Newns



From: Motorola Solutions, Inc  
Warren Bell  
320 West Lake Drive  
Kill Devil Hills, NC 27948

Phone: (252) 232-2115

North Carolina Sales Team

Phone: 252-441-2066  
Fax: 252-441-0913

Qty	Model #	Description	Your Price	Extended Price
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*Currituck Sheriffs Office*

98	H98UCF9PW6 N	<b>Currituck SPECIAL Package Incl:</b> <i>APX6000 Model 2.5 - 700/800Mhz -870ch</i>	Incl. in Bulk Price <i>Incl. Above</i>	<b>\$317,990.40</b>
98	Q806	<i>Model 2.5 Incl. Belt Clip, Display and Limited Ke.</i>	<i>Incl. Above</i>	
98	H38	<i>ASTRO Digital CAI Operation</i>	<i>Incl. Above</i>	
98	Q361	<i>SmartZone Operation</i>	<i>Incl. Above</i>	
98	Q393	<i>P25 9600 Baud Trunking</i>	<i>Incl. Above</i>	
98		<i>Impress Smart Battery FM approved 2000 MAH</i>	<i>Incl. Above</i>	
98		<i>ADP Software Based Encryption</i>	<i>Incl. Above</i>	
98		<i>7/800mhz Antenna</i>	<i>Incl. Above</i>	
98	H885BK	<i>Enh: 2 Year Repair Service Advantage</i>	<i>Incl. Above</i>	
98	WPLN7080	<i>Impress Smart Rapid Rate Charger</i>	<i>Incl. Above</i>	
98	G996	Over The Air Programming	\$72.00	<b>\$7,056.00</b>
98	Q947	Radio Packet Gateway	\$144.00	<b>\$14,112.00</b>
19	NNTN7624B	Vehicular Charger (IMPRES)	\$300.30	<b>\$5,705.70</b>
4	RLN6434A	Travel Charger	\$73.15	<b>\$292.60</b>
2	NNTN7073B	Multi Unit Gang Charger (IMPRES)	\$1,039.50	<b>\$2,079.00</b>
98	PMLN5657A	Leather Carry Case with 2.75" swivel belt loop	\$46.20	<b>\$4,527.60</b>
98	PMMN4062A	Remote Speaker mic, RX-Jack	\$68.53	<b>\$6,715.94</b>
98	RLN4941A	Receive only earpiece w/ translucet tube	\$44.66	<b>\$4,376.68</b>
10	RMN4049A	Binaural Headset with in-line PTT	\$173.25	<b>\$1,732.50</b>
65	M25URS9PW1 N	<b>APX6500 (764-870 Mhz), 10-35 watt</b>	Incl. in Bulk Price	<b>\$231,472.80</b>
65	G66AF	<i>Dash Mount</i>	<i>Incl. Above</i>	
65	W22AR	<i>Palm microphone</i>	<i>Incl. Above</i>	
65		<i>ADP Software DSP Based Encryption</i>	<i>Incl. Above</i>	
65	G806	<i>XTL Software Astro Digital CAI operation</i>	<i>Incl. Above</i>	
65	W947	<i>RS232 &amp; IV &amp; D Packet Data Interface</i>	<i>Incl. Above</i>	
65	G444	<i>Control Head software</i>	<i>Incl. Above</i>	
65	G442	<i>XTL-2500 Control Head</i>	<i>Incl. Above</i>	
65	G308	<i>USB Data Interface Cable (Dash)</i>	<i>Incl. Above</i>	
65	G51	<i>Software (Smartzone / Singletone)</i>	<i>Incl. Above</i>	
65	B18	<i>Auxiliary Speaker (7.5 watt)</i>	<i>Incl. Above</i>	
65		<i>Enhanced Digital ID Display</i>	<i>Incl. Above</i>	
65	G361	<i>Astro Project 25 Trunking software</i>	<i>Incl. Above</i>	
65	G996	<i>Over the air programming</i>	<i>Incl. Above</i>	
65	G335	<i>Antenna 1/4 wave (764-870 Mhz)</i>	<i>Incl. Above</i>	
10	M25URS9PW1 N	<b>APX6500 (764-870 Mhz), 10-35 watt</b>	Incl. in Bulk Price	<b>\$36,849.60</b>
10	G67AK	<i>Remote Mount</i>	<i>Incl. Above</i>	
10	W22AR	<i>Palm microphone</i>	<i>Incl. Above</i>	

10		<i>ADP Software DSP Based Encryption</i>	<i>Incl. Above</i>	
10	G806BD	<i>XTL Software Astro Digital CAI operation</i>	<i>Incl. Above</i>	
10	G304AA	<i>RS232 Data Interface Cable (Trunk)</i>	<i>Incl. Above</i>	
10	W947AL	<i>RS232 &amp; IV &amp; D Packet Data Interface</i>	<i>Incl. Above</i>	
10	G444AA	<i>Control Head software</i>	<i>Incl. Above</i>	
10	G442AA	<i>XTL-2500 Control Head</i>	<i>Incl. Above</i>	
10	G51AR	<i>Software (Smartzone / Singletone)</i>	<i>Incl. Above</i>	
10	B18CL	<i>Auxiliary Speaker (7.5 watt)</i>	<i>Incl. Above</i>	
10		<i>Enhanced Digital ID Display</i>	<i>Incl. Above</i>	
10	G361AE	<i>Astro Project 25 Trunking software</i>	<i>Incl. Above</i>	
10	G996AE	<i>Over the air programming</i>	<i>Incl. Above</i>	
10	G335AT	<i>Antenna 1/4 wave (764-870 Mhz)</i>	<i>Incl. Above</i>	
3	M25URS9PW1 N	<b>APX6500 (764-870 Mhz), 10-35 watt</b>	<b>Incl. in Bulk Price</b>	<b>\$11,415.60</b>
3	G66AF	<i>Dash Mount</i>	<i>Incl. Above</i>	
3	W382AH	<i>Control Station Desk microphone</i>	<i>Incl. Above</i>	
3		<i>ADP Software DSP Based Encryption</i>	<i>Incl. Above</i>	
3	G91AA	<i>Control Station Power Supply</i>	<i>Incl. Above</i>	
3	W665BE	<i>Control Station operation</i>	<i>Incl. Above</i>	
3	G806BD	<i>XTL Software Astro Digital CAI operation</i>	<i>Incl. Above</i>	
3	W947AL	<i>RS232 &amp; IV &amp; D Packet Data Interface</i>	<i>Incl. Above</i>	
3	G444AA	<i>Control Head software</i>	<i>Incl. Above</i>	
3	G442AA	<i>XTL-2500 Control Head</i>	<i>Incl. Above</i>	
3	G308AA	<i>USB Data Interface Cable (Dash)</i>	<i>Incl. Above</i>	
3	G51AR	<i>Software (Smartzone / Singletone)</i>	<i>Incl. Above</i>	
3	G142AA	<i>Omit Speaker</i>	<i>Incl. Above</i>	
3		<i>Enhanced Digital ID Display</i>	<i>Incl. Above</i>	
3	G361AE	<i>Astro Project 25 Trunking software</i>	<i>Incl. Above</i>	
3	G996AE	<i>Over the air programming</i>	<i>Incl. Above</i>	
3	G89AA	<i>No Mobile antenna needed</i>	<i>Incl. Above</i>	
1	RVN5224T	<b>CPS APX PORT / Mobile Program software</b>		<b>\$375.00</b>
1	PMKN4012	<b>APX6000 Programming Cable USB</b>		<b>\$75.00</b>
1	HKN6184C	<b>APX6500 Programming Cable USB</b>		<b>\$51.00</b>

### ***Currituck Fire / EMS Departments***

27	M25URS9PW1 N	<b>APX6500 (764-870 Mhz), 10-35 watt</b>	<b>Incl. in Bulk Price</b>	<b>\$99,493.92</b>
27	G67AK	<i>Remote Mount</i>	<i>Incl. Above</i>	
27	W22AR	<i>Palm microphone</i>	<i>Incl. Above</i>	
27		<i>ADP Software DSP Based Encryption</i>	<i>Incl. Above</i>	
27	G806BD	<i>XTL Software Astro Digital CAI operation</i>	<i>Incl. Above</i>	
27	G304AA	<i>RS232 Data Interface Cable (Trunk)</i>	<i>Incl. Above</i>	
27	W947AL	<i>RS232 &amp; IV &amp; D Packet Data Interface</i>	<i>Incl. Above</i>	
27	G444AA	<i>Control Head software</i>	<i>Incl. Above</i>	
27	G442AA	<i>XTL-2500 Control Head</i>	<i>Incl. Above</i>	
27	G51AR	<i>Software (Smartzone / Singletone)</i>	<i>Incl. Above</i>	
27	B18CL	<i>Auxiliary Speaker (7.5 watt)</i>	<i>Incl. Above</i>	
27		<i>Enhanced Digital ID Display</i>	<i>Incl. Above</i>	
27	G361AE	<i>Astro Project 25 Trunking software</i>	<i>Incl. Above</i>	
27	G996AE	<i>Over the air programming</i>	<i>Incl. Above</i>	
27	G335AT	<i>Antenna 1/4 wave (764-870 Mhz)</i>	<i>Incl. Above</i>	
53	M25URS9PW1 N	<b>APX6500 (764-870 Mhz), 10-35 watt</b>	<b>Incl. in Bulk Price</b>	<b>\$199,118.88</b>
53	G67AK	<i>Remote Mount</i>	<i>Incl. Above</i>	

106	W22AR	Palm microphone	Incl. Above	
53		ADP Software DSP Based Encryption	Incl. Above	
53	G806BD	XTL Software Astro Digital CAI operation	Incl. Above	
53	G304AA	RS232 Data Interface Cable (Trunk)	Incl. Above	
53	W947AL	RS232 & IV & D Packet Data Interface	Incl. Above	
53	G444AA	Control Head software	Incl. Above	
53	G442AA	XTL-2500 Control Head	Incl. Above	
53	G51AR	Software (Smartzone / Singleton)	Incl. Above	
106	B18CL	Auxiliary Speaker (7.5 watt)	Incl. Above	
53		Enhanced Digital ID Display	Incl. Above	
53	G361AE	Astro Project 25 Trunking software	Incl. Above	
53	G996AE	Over the air programming	Incl. Above	
53	G335AT	Antenna 1/4 wave (764-870 Mhz)	Incl. Above	
53	GA00092AB	Dual Control Hardware	Incl. Above	
53	G609AA	Remote Mount Cable (50 ft)	Incl. Above	
53	G628AB	Remote Mount Cable (17 ft)	Incl. Above	
150	H46UCF9PW6 BN	<b>Currituck FIRE SPECIAL Package Incl:</b>	Incl. in Bulk Price	<b>\$573,120.00</b>
		APX600XE Model 2.5 - 700/800Mhz -870ch	Incl. Above	
		Model 2.5 Incl. Belt Clip, Display and Limited Ke	Incl. Above	
150	Q402006	APX600XE Equipped		
150	Q806	ASTRO Digital CAI Operation	Incl. Above	
150	H38	SmartZone Operation	Incl. Above	
150	Q361	P25 9600 Baud Trunking	Incl. Above	
150		Impress Smart Battery FM approved 2000 MAH	Incl. Above	
150		ADP Software Based Encryption	Incl. Above	
150		7/800mhz Antenna	Incl. Above	
150	H885BK	Enh: 2 Year Repair Service Advantage	Incl. Above	
150	WPLN7080	Impress Smart Rapid Rate Charger	Incl. Above	
150	G996	Over The Air Programming	\$72.00	<b>\$10,800.00</b>
150	Q947	Radio Packet Gateway	\$144.00	<b>\$21,600.00</b>
150	PMMN4065	Speaker mics (IP57)	\$68.15	<b>\$10,222.50</b>
150	NNTN7624B	Vehicular Charger (IMPRES)	\$300.30	<b>\$45,045.00</b>
7	NNTN7073B	Multi Unit Gang Charger (IMPRES)	\$1,039.50	<b>\$7,276.50</b>
7	NLN7967A	Wall Mount bracket	\$16.17	<b>\$113.19</b>

Notes: 1. North Carolina sales tax has not been included in this quotation.  
2. Prices in accordance with North Carolina State Contract #725G  
3. Proposal Valid for 30 Days

QI Volume Incentive (S215,736.83)

<b>Proposal Name:</b>	Currituck County EM (800 Subscribers)	<b>Equipment</b>	<b>\$1,395,880.58</b>
<b>Payment Terms:</b>	Net 30 days	<b>Installation</b>	n/a
<b>Delivery:</b>	Approx. 30 Days from receipt of PO	<b>Total ***</b>	<b>1,395,880.58</b>
<b>Proposal Date:</b>	March 12, 2013	***Includes Bulk Discount for Currituck	

**BUSINESS RESOLUTION AND AGREEMENT AUTHORIZING  
WIRE TRANSFERS WITH VANTAGE SOUTH BANK**

**TYPE OF ORGANIZATION (CHECK ONE):**

- |   |   |
|---|---|
| <input type="checkbox"/> North Carolina Corporation   | <input type="checkbox"/> Foreign Corporation (State of _____)               |
| <input type="checkbox"/> Sole Proprietorship  | <input type="checkbox"/> Partnership  |
| <input type="checkbox"/> Limited Liability Company/Partnership                                | <input checked="" type="checkbox"/> Other (Specify) <u>Local Government</u> |
| <input type="checkbox"/> Unincorporated Organization (Association, Church, Club, Lodge, etc.) |   |

The undersigned attesting Secretary or, as applicable, the proprietor, partner, member, or other authorized person of County of Currituck, which is the type of organization checked above certifies to Vantage South Bank that the following resolutions were duly and regularly enacted by the organizations' governing board (or other body having authority under the law to bind it) on the 6<sup>th</sup> day of May, 2013; That, as applicable, a quorum was present at that meeting; and, that the resolutions are in full force and effect and have not been amended or rescinded.

RESOLVED, that any one of the following named person(s) ("Authorized Representative(s)") is authorized under the terms of the Agreement set forth below to wire transfer funds or to verify wire request(s) from any of the organization's deposit accounts with Vantage South Bank upon written, faxed, telephone, or email other electronic request for wire service ("request for wire transfer").

<u>SIGNATURE</u>	<u>PRINTED NAME</u>	<u>TITLE</u>
<u>Sandra L. Hill</u>	<u>Sandra L. Hill</u>	<u>Finance Director</u>
<u>Bridget Brinkley</u>	<u>BRIDGET BRINKLEY</u>	<u>FINANCIAL/BUDGET ASST</u>
_____	_____	_____
_____	_____	_____

RESOLVED, that any one of the following named person(s) ("Verifier(s)") is authorized under the terms of the Agreement to confirm prior wiring instructions via call-back from any representative of Vantage South Bank. It is the sole responsibility of account holder to immediately notify Vantage South Bank of any and all changes in authorized Verifiers. Notification should be made to Vantage South Bank by written instruction of the account holder. Vantage South Bank shall be held harmless for completion of wire transfer when account holder fails to promptly notify Bank of change or revocation of designated Verifier(s). [Refer to Call-back paragraph, Page 2 of Wire Transfer Agreement]

<u>AUTHORIZED VERIFIER (Print)</u>	<u>AUTHORIZATION EFFECTIVE</u>	<u>DATE REVOKED</u>	<u>REVOKED BY (Inits.)</u>
<u>Sandra L. Hill</u>	<u>4.29.13</u>	_____	_____
<u>Bridget Brinkley</u>	<u>4.29.13</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RESOLVED, that this Resolution shall continue in full force and effect until after actual receipt in writing by Vantage South Bank of a Resolution either amending or rescinding this Resolution.

RESOLVED, that the following Agreement, which has been duly executed on behalf of the organization, shall apply to any request for wire transfer made to Vantage South Bank by any Authorized Representative listed above:

**WIRE TRANSFER AGREEMENT**

The above named organization (herein referred to as "you", "your", or "customer") authorizes Vantage South Bank (herein referred to as "Bank", "we", "our", or "us") to wire transfer funds from the account upon the request, whether verbal or written, including faxed request for wire transfer of any one of the Authorized Representatives named above. You are required to make pre-notification to us of wire request being submitted by faxed request. By signing this Agreement, you agree to the following terms and conditions, including those terms and agreements previously disclosed in your deposit account agreement. Unless otherwise defined herein, the terms used shall have the meaning assigned by applicable state law, or if none, Federal Reserve Board Regulation J and all applicable circulars governing the payment orders. A request for wire transfer shall initiate a payment order.

To initiate a wire transfer request, your Authorized Representative will give the following transfer information: amount, debit account, receiving bank, receiving bank's routing number and address, beneficiaries name and account number. You agree to have collected, available funds in your debit account for the amount of wire plus all applicable fees. Your Representative is also authorized, on behalf of the above organization, to establish Recurring Wire Transfers by completing the appropriate Master-Recurring Wire Transfer Request Form. You will initiate all requests for wire transfers through your branch of account with an authorized Bank representative.

You are notified that payment of a wire order issued by you through Bank may be made by to beneficiary's bank on the basis of the identifying or bank account number you give even if that number identifies a person different for the intended, named beneficiary. YOU ARE CAUTIONED TO VERIFY THAT THE BENEFICIARY'S NAME AND IDENTIFYING OR BANK ACCOUNT NUMBER YOU GIVE US, WHETHER VERBAL OR WRITTEN, ARE CORRECT BEFORE WE WIRE TRANSFER ANY FUNDS ON YOUR BEHALF.

Bank will receive and process your request through Fedwire, a funds transfer system operated by the Federal Reserve Banks or through any other system(s) acceptable and available to Bank on behalf of customer. Bank will use best efforts to process wire as requested and on any banking day requested except those wires requested after the daily cut-off time. Wire cut off time may be adjusted from time to time by Bank. Fedwire system or other system(s) used by Bank. Requests by you after wire cut-off time will be processed next banking day. Bank does not guarantee or warrant time of day that beneficiary receives, or should receive a wire transfer. Bank will not be liable for failure of processing your wire request due to electrical, computer, telephone line, or any other equipment failures or for any reason which is not controlled by Bank. We will use best efforts to provide oral, written, or electronic notice to you of rejection of a payment order as soon as practicable after Bank is notified of such rejection.

Per your request, Bank will use best efforts to implement instructions to amend or cancel a payment order accepted; provided however, that Bank shall not be liable for its failure or inability to effect such amendment or cancellation, in which case you shall continue to be obligated to pay us the amount on your original payment order. Subject to Subsection (a), Section 4A-211 of Regulation J, a communication by you to cancel or amend a wire order is effective if your request for cancellation or amendment of a wire order is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication *before the bank accepts the payment order*. After a payment order has been accepted by the receiving bank, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system or Regulation J rule allows cancellation or amendment without agreement of the bank.

Bank reserves the right to issue and institute the use of an assigned P.I.C. (Personal Identification Code) to Customer, to be used for telephone, faxed, or other electronic wire request(s). You agree to properly secure said code and make available to only those Authorized Representatives as appointed above; and agree to immediately notify Vantage South Bank if your P.I.C. has been compromised, has cause to believe it has been compromised, or upon termination of an Authorized Representative.

Bank will use call-back procedures on pre-determined wire amount(s) established by Bank, to verify certain telephone, faxed, email or other electronic requested wire transfers made by you or your Authorized Representative. To confirm the wire request and instructions, call-back will be made to telephone numbers listed on Bank files of your account to any designated Verifier or Authorizer listed above, or to those listed on any Attachment thereof. If for any reason, Bank is unable to verify the wire request, the wire transfer will not be processed.

This Agreement and any other written instructions for execution of wire transfers by Bank shall constitute the entire Agreement of the parties. Bank may, from time to time, amend the terms of this, or other instructions by sending to you written notice, first class U.S. mail ten days prior to the effective date.

IN WITNESS WHEREOF, the above named organization has caused this Agreement to be duly executed, this 6<sup>th</sup>  
Day of May, 2013.

**CORPORATE CUSTOMER:**

**OR**

**OTHER ORGANIZATION** (as designated above)

\_\_\_\_\_  
(Printed Name of Corporation)

\_\_\_\_\_  
(Printed Name of Organization)

by: \_\_\_\_\_

by: \_\_\_\_\_

\_\_\_\_\_  
(Printed Name and Title)

\_\_\_\_\_  
(Printed Name and Title)

Attest: \_\_\_\_\_  
(Secretary)

by: \_\_\_\_\_

\_\_\_\_\_  
(Print Name and Title)

**AFFIX CORP.  
SEAL HERE**

For Bank Use Only

\_\_\_\_\_  
Date

\_\_\_\_\_  
Branch

\_\_\_\_\_  
Opened/Reviewed By

\_\_\_\_\_  
Reference Account Number(s)

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

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina, during its regularly scheduled meeting held on May 6, 2013, authorized that, pursuant to GS 160A and 270(b), the following property listed below be disposed of:

<b>Asset #</b>	<b>Description</b>
7230	Zeva-K-9

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

**ADOPTED**, this 6<sup>th</sup> day of May, 2013.

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S. Paul O'Neal, Chairman  
Board of Commissioners

ATTEST:

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Gwen H. Keene, CMC  
Clerk to the Board

## BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 6th day of May, 2013 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2013.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-503500	Temporary Services	\$ 30,000	
15442-502000	Salaries - Regular		\$ 30,000
15442-514000	Travel	\$ 3,000	
15442-514500	Training & Education		\$ 3,000
15442-514800	Fees Paid to Officials	\$ 1,200	
15442-588000	Contingency		\$ 11,200
15442-590000	Capital Outlay	\$ 10,000	
		<u>\$ 44,200</u>	<u>\$ 44,200</u>

**Explanation:** Occupancy Tax - Promotion (15442) - Transfer funds to increase temporary staff for the upcoming summer season, utilizing unspent funds from vacant marketing position; increase travel due to increased participation in travel shows; increase in fees paid to officials due to advisory board meeting more often and increase in capital outlay to replace the server and camera that are no longer functioning.

**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 6th day of May, 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>
15447-516001	Signs	\$ 1,000	
15447-554000	Insurance & Bonds	\$ 485	
15447-561000	Professional Services		\$ 1,485
		<u>\$ 1,485</u>	<u>\$ 1,485</u>

**Explanation:** Occupancy Tax - Tourism Related (15447) -Transfer funds for additional signage and for increased cost of the flood insurance for the Whalehead Club.

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

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

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

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Clerk to the Board