



**BOARD OF COMMISSIONERS
AGENDA**

NOVEMBER 4, 2013

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Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

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

Work Session

6:00 PM Public Water Supply Text Amendment

7:00 pm Call to Order

- A) Invocation – Reverend Dawne Hollis, Currituck United Methodist Charge
- 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) Award of Appreciation - Barbara Snowden

Public Hearings

- A) **Public Hearing and Action:** PB 06-45 Currituck Crossing: Request for a preliminary plat/(special) use permit modification to permit a minor deviation from the open space standards to allow individual lot access to the Currituck Sound across primary conservation area. The subdivision is located on Aydlett Road approximately 400 feet north of Caroon Road, Tax Map 92D, Parcel PCOA and Tax Map 93, Parcel 95B, Poplar Branch Township.
- B) **Public Hearing and Action:** PB 13-21 Brumsey Ridge, Phase 1: Request approval of the preliminary plat/use permit for a 4 lot residential subdivision located in Moyock, on the north side of Brumsey Road approximately ¼ mile from the intersection with Tulls Creek Road, Tax Map 49, Parcel 82A, Moyock Township.

- C) **Public Hearing and Action:** PB 13-25 Gee's Group: Request an amendment to the Unified Development Ordinance, Chapter 6, Section 6.2.1.C. Street Design Standards, to reduce the minimum street intersection spacing for planned developments and conservation subdivisions in the full service area.
- D) **Public Hearing and Action:** PB 13-17 Moyock Crossing: Request approval of the preliminary plat/use permit for 90 residential lots in a conservation subdivision located in Moyock on the north side of Shingle Landing Road approximately 260 feet east of Fox Lane, Tax Map 9, Parcel 41, Moyock Township.

New Business

- A) **Consideration of License Agreement Between Currituck County and Farms & Timberland, Inc. for Installation of Water Main Across County Property and Authorize County Manager to Execute License Agreement**
- B) **Consent Agenda:**
 - 1. Approval of October 21, 2013 Minutes
 - 2. Budget Amendments
 - 3. Change Order #1:PARTF Grant for Maple Park Multipurpose Fields
 - 4. Approval of Job Description for Paralegal
 - 5. CDBG Monthly Status Report
 - 6. Performance Bond Execution Authority
 - 7. Request to dispose of Human Resources outdated applications
 - 8. Request from Corolla Office to dispose of 2006-2011 ATV Beach Driving Permit Applications
- C) **Commissioner's Report**
- D) **County Manager's Report**

Closed Session

Closed Session pursuant to NC GS 143-318.11(A)(4) to discuss "Matters relating to the location or expansion of industries or other businesses in Currituck County, including agreement on a tentative list of economic development incentives that may be offered by Currituck County in negotiations."

Adjourn



COUNTY OF CURRITUCK

RESOLUTION IN RECOGNITION AND APPRECIATION OF BARBARA B. SNOWDEN

WHEREAS, Barbara B. Snowden moved to Currituck County in the 1960's to teach history in Currituck County Schools, married in 1970, and made Currituck County her home; and

WHEREAS, Barbara taught at the high school for over 30 years where she instilled in her students a love of history, particularly the rich history of Currituck County; and

WHEREAS, Barbara has served as President of the Currituck Historical Society for over 20 years and has received several prestigious awards due to her dedication to the preservation of historic homes, buildings, sites, and documents; and

WHEREAS, through her leadership, enthusiasm, and influence, Barbara has inspired many others to take up the task of not only learning the history of their native area but also taking part in helping to save pieces of history; and

WHEREAS, Currituck County is appreciative of Barbara's initiative in spearheading the most recent *Two Flags over Currituck* event in commemoration of the 150th Anniversary of the Civil War and her attention to the details of Currituck's part in this monumental era of America's history.

NOW, THEREFORE, BE IT RESOLVED, that the Currituck County Board of Commissioners recognizes Barbara B. Snowden as a valuable and beloved citizen of Currituck County; and

BE IT FURTHER RESOLVED, that the Board of Commissioners expresses its sincere appreciation for Barbara Snowden's many years of dedication and service to the students, visitors, and citizens of Currituck County and extends its best wishes for her future endeavors.

ADOPTED this the 4th day of November, 2013.

ATTEST:

S. Paul O'Neal, Chairman
Board of Commissioners

Mary S. Gilbert
Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda Item Title

PB 06-45 Currituck Crossing: Request for a preliminary plat/(special) use permit modification to permit a minor deviation from the open space standards to allow individual lot access to the Currituck Sound across primary conservation area. The subdivision is located on Aydlett Road approximately 400 feet north of Caroon Road, Tax Map 92D, Parcel PCOA and Tax Map 93, Parcel 95B, Poplar Branch Township.

Brief Description of Agenda Item

The representative for the owner of the subdivision is requesting a minor deviation from the open space standards. In accordance with Chapter 10, Section 10.4.10 of the old UDO (in effect under the original approval) the permitting issuing body is allowed to permit minor deviations from the open space standards when the board determines:

1. The objectives underlying these standards can be met without strict adherence to them; and,
2. Because of peculiarities in the developer's tract of land or the particular type or configuration of development proposed; it would be unreasonable to require strict adherence to these standards.

If the Board approves a minor deviation, sound front lots in Currituck Crossing subdivision will be able to construct individual piers to access the Currituck Sound.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody

Presenter of Agenda Item

Ben Woody



Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: October 25, 2013

Subject: PB 06-45 Currituck Crossing – Open Space Dedication Modification

Sam Davis and Associates Realty, LLC on behalf of Gateway Bank is requesting a preliminary plat/(special) use permit modification for the Currituck Crossing subdivision. The request is to permit a minor deviation from the open space standards to allow individual lot access to the Currituck Sound across primary conservation area. The 106 lot Currituck Crossing conservation subdivision was approved by the Board of Commissioners on December 18, 2006. Subsequently a portion of the subdivision infrastructure was installed and 48 lots were given preliminary plat approval. To date, 26 lots have been recorded and are eligible for construction of single-family dwellings. An extension of the preliminary plat was recently approved by the Board, therefore this request is considered under the old Unified Development Ordinance (UDO).

Conservation subdivisions require wetland areas to be set-aside as primary conservation areas. The set-aside areas are intended to protect sensitive natural resources and are included as required open space. Consistent with the use of open space, the set-aside areas are restricted from further subdivision and are generally intended for the use and benefit of all property owners.

The Currituck Crossing subdivision includes a primary conservation area (open space) that separates sound side lots from the Currituck Sound (see attached exhibit). Essentially a majority of the privately owned sound side lots are adjacent to a linear section of commonly owned open space that prevent them from having frontage or direct access to the Currituck Sound.

The representative for the owner of the subdivision approached county staff about permitting individual piers to access the sound. As referenced above, the specific language included in the old UDO does not expressly provide for the individual use of open space. Staff researched the original subdivision approval, and during the approval process of the subdivision plat there was much discussion of the sound front wetlands. The issue appeared to center around whether or not the wetlands could be located on private property or must be placed in a conservation area. The Board required the wetlands be placed in conservation area under the eventual ownership of the homeowners association. Staff is unable to find any documentation of whether or not it was the Board's intent to allow individual piers for the sound front lots.

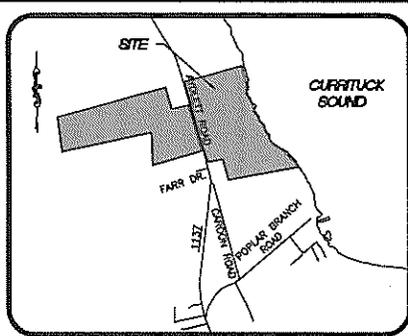
The representative for the owner of the subdivision subsequently requested a minor deviation from the open space standards. In accordance with Chapter 10, Section 10.4.10 of the old UDO

(in effect under the original approval) the permitting issuing body is allowed to permit minor deviations from the open space standards when the board determines:

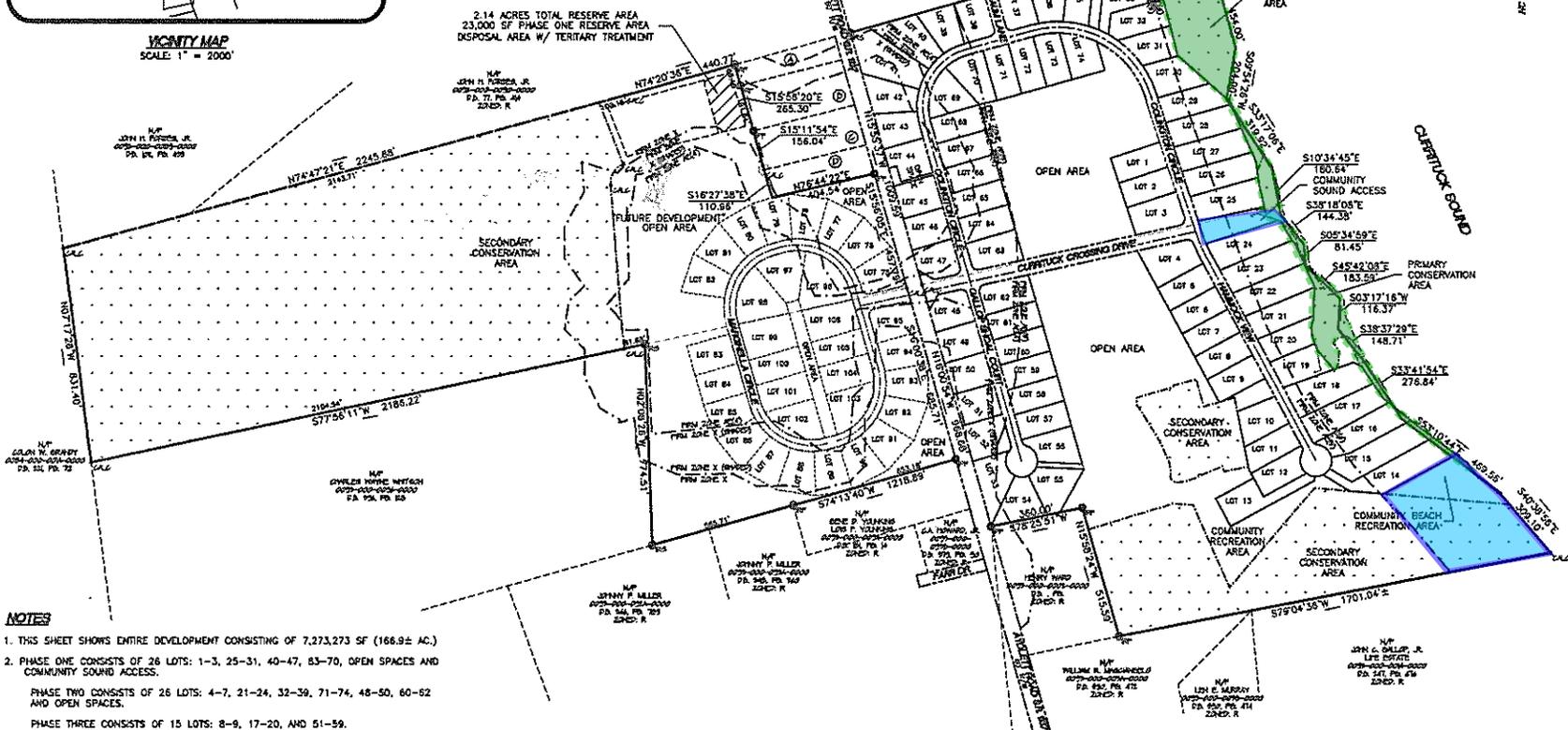
1. The objectives underlying these standards can be met without strict adherence to them; and,
2. Because of peculiarities in the developer's tract of land or the particular type or configuration of development proposed; it would be unreasonable to require strict adherence to these standards.

Therefore, if the board determines that allowing individual lot access to the Currituck Sound across primary conservation area meets the findings above, the board may authorize a deviation from the open space standards of the UDO. Whenever the permit issuing body authorizes a deviation, the official record of action shall contain a detailed statement of the reasons allowing the deviation.

Enclosed please find a preliminary plat illustrating the primary conservation area under consideration, as well as the applicant's written request for a minor deviation.



VICINITY MAP
SCALE: 1" = 2000'



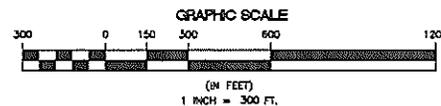
NOTES

- THIS SHEET SHOWS ENTIRE DEVELOPMENT CONSISTING OF 7,273,273 SF (166.9± AC.)
- PHASE ONE CONSISTS OF 26 LOTS: 1-3, 25-31, 40-47, 63-70, OPEN SPACES AND COMMUNITY SOUND ACCESS.
PHASE TWO CONSISTS OF 26 LOTS: 4-7, 21-24, 32-39, 71-74, 48-50, 60-62 AND OPEN SPACES.
PHASE THREE CONSISTS OF 15 LOTS: 8-9, 17-20, AND 51-59.
PHASE FOUR CONSISTS OF 7 LOTS: 10-18.
- REMAINDER OF PROPERTY TO BE "FUTURE DEVELOPMENT".
- SEE COVER SHEET FOR GENERAL NOTES.
- LOTS WEST OF AYDLETT ROAD SHOWN PER THE SKETCH PLAN. THEY ARE FOR ILLUSTRATION PURPOSES ONLY - THEY ARE TO BE "FUTURE DEVELOPMENT".

OPEN SPACE CALCULATION TABLE

| | TOTAL AREA (SF) | PRIMARY CONSERVATION AREA (SF) | SECONDARY CONSERVATION AREA (SF) | LOT AREA (SF) | RIGHT OF WAY AREA (SF) | UPLAND AREA OPEN SPACE (SF) |
|--------------|-----------------|--------------------------------|----------------------------------|---------------|------------------------|-----------------------------|
| EASTERN SIDE | 3,795,694 | 193,191 | 648,331 | 1,737,229 | 274,541 | 941,402 |
| WESTERN SIDE | 3,477,580 | 0 | 1,891,927 | 736,285 | 111,518 | 737,870 |
| TOTAL | 7,273,273 | 193,191 | 2,541,258 | 2,473,494 | 386,059 | 1,679,272 |

PERMANENT OPEN SPACE REQUIRED: (TOTAL AREA-PRIMARY CONSERVATION AREA-ROW)*45% 3,012,310 SF
 PERMANENT OPEN SPACE PROVIDED: 4,220,330 SF
 MAXIMUM OPEN SPACE REQUIRED TO BE UTILIZED FOR ACTIVE RECREATION (50% OF REQUIRED): 1,523,824 SF
 OPEN SPACE PROVIDED FOR ACTIVE RECREATION: 1,679,272 SF



Engineering - Surveying - Land Planning

111 West 14th Street
 Raleigh, NC 27601
 Phone: (919) 833-1000
 Fax: (919) 833-1001
 www.albemarle.com

PRELIMINARY
 NOT FOR CONSTRUCTION
 CONSULTATIONS BY STATE

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |

REVISIONS

PRELIMINARY SUBDIVISION PLAT
**CURRUCK CROSSING
 OVERALL LAYOUT**

POPULAR BRANCH TOWNSHIP CURRUCK COUNTY NORTH CAROLINA

DATE: 02/11/08
 DRAWN: JAL
 CHECKED: JCA
 IN CHARGE: JAL
 PROJECT: 7452B

SCALE: 1" = 300'

SHEET: 2 OF 5

Sam Davis & Associates Realty, LLC

508 Continental Dr
Elizabeth City, NC 27909



Ben E. Woody, AICP
Planning & Community Development
Currituck County
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929

Dear Ben:

As a NC Real Estate Broker for The Bank of Hampton Roads, I would like to request a permit adjustment for Currituck Crossing subdivision in Aydlett, Currituck County, NC to allow individual lot owners to build piers across the nature conservancy which was established at the subdivision approval under your old UDO. Please note the following reasons:

1. the conservancy is not accessible by land
2. CAMA already approves such permits as a State Regulatory Board
3. these conservancy areas are already almost eroded away
4. this is a failed subdivision that without this action will stay failed a be of lesser tax value
5. open space will still be viable but allow riparian rights to waterfront lot owners
6. this would only allow piers(some waterfront owners don't want piers)
7. There is already community access on the existing pier and lot that pier is located on.
8. There is a community park already planned for additional access to the sound for property owners.
9. The conservation easement is to become HOA property. This entity (declarant) may have the right to grant easements for piers as it is not stated in the recorded easement itself that such is prohibited. This would be similar to a private lot owner permitting the HOA an easement for the sidewalks, which is required in the development depending on the lot. This may be why some lots already have been recorded as having easements in the covenants for the property. Also, this would explain why they have the right to build a pier on the easement already even though it is to be for property owner use.
10. As you had stated strict adherence is difficult due to erosion and the fact the "buffer" is inconsistent and insignificant along much of the

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property. In addition to the fact that it is only a matter of time until it fails to exist altogether due to erosion. This is consistent with the requested action of previous developer to build bulkheads to control erosion and also stated in documents concerning the archaeological site findings. This makes enforcement of having the property only for community use extremely inconsistent and it will not erode evenly across the buffer. Most of it is currently only feet across.

11. There are several examples in the county in the past where the conservation easement was not designed to limit access to the sound, but to keep the wetlands intact. This was even noted in previous meeting for this development. Even in the UDO it states that these easements can have an exception for piers as long as care is taken to avoid major disturbances.
12. The reason for primary conservation is to avoid disturbance, and providing community access to it may be counterproductive for that goal. This may be the reason for the last permit for Currituck Crossing stating that the primary conservation easement must be subtracted first before calculation of the required open areas.
13. The tax value proposition also brought up-- While it may be true that the HOA may be responsible for the taxes in the waterfront portion which is the primary conservation easement, if it is going to erode away this will at some point cease to exist. In addition to that fact, if the private "waterfront" owners are not permitted piers this will greatly reduce tax value for those lots so in the end the county will be losing out on truly valued waterfront property for their tax base. Or at the very least the property owners will have a case to dispute any inflated price assigned by the county going forward.

I believe if you read the covenants, meeting minutes for prior permits/plans, and the UDO you will find that the primary conservation was never meant to restrict private pier access to the sound. It was rather meant to leave it as not privately owned with the goal of minimal disturbance. As the 404 Wetlands designation is also not designed to limit private pier access to waterways. This land was not donated to the state or other regulatory body for a tax break either which would restrict its use further depending on the program it would have been under. 14 and lastly, we believe that under your UDO section 10.4.10 Flexibility in Administration, we meet both criteria of (i) the objectives underlying these

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standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the particular type or configuration of development proposed, it would be unreasonable to require strict adherence to these standards.

My thanks for your help,

Sam

Sam Davis III

Broker in Charge, Green,
Commercial Alliance, B.S.B.A.

C 252-267-5865

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Currituck County Agenda Item Worksheet

Agenda Item Title

Brief Description of Agenda Item

Board Action Requested

Person Submitting Agenda Item

Presenter of Agenda Item

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: November 4, 2013
PB 13-21 Brumsey Ridge

ITEM: PB 13-21 Brumsey Ridge, Preliminary Plat/Use Permit for a 4 lot subdivision. *Note: This is proposed to be an eight lot subdivision; however, septic approval has only been granted for the first four lots at this time. The applicant will submit at a later date for Phase 2 (4 additional lots).*

LOCATION: In Moyock, on the north side of Brumsey Road approximately 1/4 mile from the intersection with Tulls Creek Road, Moyock Township.

TAX ID: 0049-000-082A-0000

ZONING DISTRICT: Single Family Mainland (SFM)

PRESENT USE: Agriculture

**OWNER/
APPLICANT:** H. Kim Old
104 Tulls Creek Road
Moyock NC 27958

LAND USE/ZONING OF SURROUNDING PROPERTY:

| | Land Use | Zoning |
|---------------|----------------------------------|---------------|
| NORTH: | Vacant Wetlands | SFM |
| SOUTH | Residential (Brumsey Landing) | SFM |
| EAST: | Low density residential | SFM |
| WEST: | Low density residential/farmland | SFM |

LAND USE PLAN

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

SIZE OF SITE: 11.5 acres

NUMBER OF UNITS: 4 Residential Lots (Phase 1)

PROJECT DENSITY: .35 units per acre

**OPEN SPACE
AREA:** 3.45 acres required
3.62 acres provided

UTILITIES: The individual lots will be served by county water and on-site septic systems.

I. NARRATIVE OF REQUEST:

Kim Old is requesting preliminary plat/use permit approval of a 4 lot (Phase 1) residential subdivision with an overall project density of .35 units per acre in the SFM zoning district.

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 use should have little to no impact on public health or safety.

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

Suggested Findings:

- a. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area as the subdivision is of similar density to the surrounding area;

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

Suggested Findings:

The 2006 Land Use Plan classifies this site as Limited Services within the Courthouse subarea. The Limited Services area is to provide for primarily residential development at low densities. The policy emphasis is for the Courthouse area to continue to grow as a small community center. The proposed use is in keeping with the policies of the plan, some of which are:

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

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY AG2: Farms and woodlands shall be recognized as an integral part of the county's OPEN SPACE SYSTEM. Efforts to keep these areas viable as part of the area's resource-based economic sector, shall be encouraged.

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 two lot subdivision will not exceed the county's ability to provide adequate public facilities.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

1. Twenty five feet of the 50' farmland buffer must remain undisturbed from the edge of the agricultural use. It appears on the site plan that the proposed trees are going within the undisturbed 25' buffer area. Also, you must incorporate a fence, berm, drainage ditch, or any combination of these features to physically separate the agricultural use from the new development. It appears that the existing drainage ditch shown along the farmland buffer does not extend all the way to the front property line. (UDO Section 5.1.5)
2. Open space must be must located so as to be readily accessible and useable by all lots in the development. It appears that Lots 2, 7, and 8 would have to leave the development in order to access the open space from Brumsey Road. One solution would be to provide one pedestrian easement between what will eventually be lots 3-6. (UDO Section 7.1.3)
3. Any impacts to waters or wetlands of the US will require a permit review.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of the preliminary plat/use permit as presented.

PLANNING BOARD DISCUSSION (10-8-13)

Mr. Bissell stated he was hoping to have this reviewed as an eight lot subdivision, but was having trouble with the health department on one of the lots. It has been reconfigured to a four lot subdivision and the second phase will include the other four lots.

Mr. Craddock asked if the open space is to be accessible by all lots in total, how will the four lots that were initially created access the open space area if there is no road?

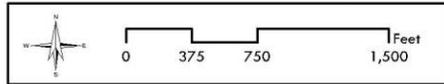
Mr. Bissell stated construction on the road will not occur until three or four lots are created.

ACTION

Mr. Cartwright moved to approve PB 13-21 as presented. Mr. Cooper seconded motion. Motion carried unanimously.



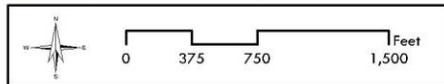
PB 13-21 Brumsey Ridge
 Preliminary Plat/Use Permit
 2012 Aerial Photography



Currituck County
 Planning and
 Community Development



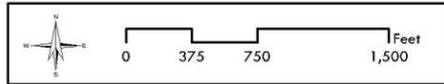
PB 13-21 Brumsey Ridge
 Preliminary Plat/Use Permit
 Zoning Map



Currituck County
 Planning and
 Community Development



PB 13-21 Brumsey Ridge
 Preliminary Plat/Use Permit
 Land Use Classification




 Currituck County
 Planning and
 Community Development

MEMORANDUM

To: H. Kim Old
Bissell Professional Group

From: Donna Voliva, Planner

Date: September 11, 2013

Re: Brumsey Ridge, Preliminary Plat/Use Permit, TRC Comments

The following comments have been received for the September 18, 2013 TRC meeting. The required revisions must be submitted by September 23, 2013 to tentatively remain on the Planning Board meeting for October 8, 2013. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva 252-232-6032

Approved with comments

1. Please provide the following:
 - a. Signed copies of the wetland map.
 - b. Reserve utility open space
 - c. Open space improvements.
 - d. Recreation and park area dedication and calculation or payment in lieu of dedication.
 - e. Sidewalks or accessible trail system.
 - f. Proposed grading plan.
 - g. Typical street section.
 - h. Landscape plan for the farmland buffer
 - i. Existing features (adjacent lots)
 - j. Two control corners
 - k. Sight triangle on lot 2 for proposed right of way dedication.
 - l. Non-access buffer along Brumsey Road (lot 2).
2. Please correct the project name/acreage.
3. Please correct the site address (161 Brumsey Road).
4. Please correct note 7 to reflect the FIS report (5.4' BFE). In addition, the chapter reference should be 7 instead of 6.
5. Please correct the zoning of the properties (SFM) on sheet 2.

Currituck County Utilities, Pat Irwin

Approved

Currituck County GIS, Harry Lee

Reviewed

Addresses:

Lot 1 = 161 Brumsey Rd

Lot 2 = 165 Brumsey Rd

Currituck Soil and Water, Mike Doxey 252-232-6603
Currituck County Engineer, Eric Weatherly 252-232-6035

Approved

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

No comment

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

No comment

NC State Archaeology, Lawrence Abbot

No comment

1. There are no previously recorded archaeological sites in the project area. An archaeological survey is not recommended.

US Army Corps of Engineers, Kyle Barnes 910-251-4584

Reviewed

1. Any impacts to waters or wetlands of the US will require a permit review.

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

Reviewed

1. PLEASE CONSULT WITH KEVIN CARVER RS AT 252-232-6603 CONCERNING SEPTIC SYSTEM APPROVAL FOR EACH LOT WITHIN PROPOSED SUB-DIVISION.

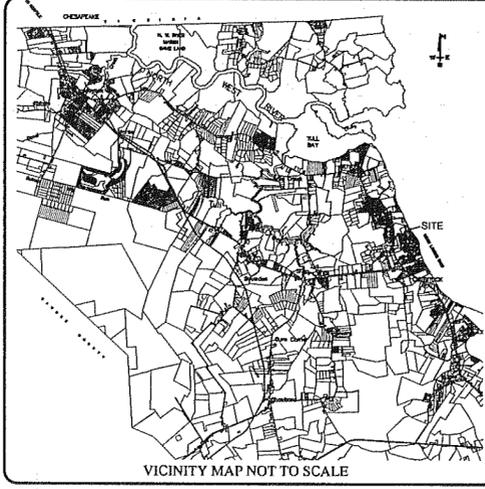
The following departments did not provide a comment at this time:

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

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

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 – 11”X17” copies of the revised preliminary plat
- 1- 8.5”x11” copy of all revised plans.
- 1- PDF digital copy of all revised or new documents and plans.

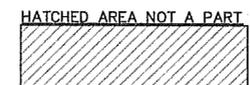


| SURVEY LEGEND | |
|---------------|----------------------------|
| ECM | EXISTING CONCRETE MONUMENT |
| SIR | SET IRON ROD |
| EIR | EXISTING IRON ROD |
| EIP | EXISTING IRON PIPE |
| CP | CALCULATED POINT |
| M.B.L. | MAXIMUM BUILDING LIMIT |
| N.T.S. | NOT TO SCALE |
| P.C. | PLAT CABINET |
| D.B. | DEED BOOK |
| SL | SLIDE |
| SF | SQUARE FEET |
| AC | ACRES |

STREET ADDRESSES:
 LOT 1 181 BRUMSEY ROAD
 LOT 2 101 BRUMSEY RIDGE COURT
 LOT 3 103 BRUMSEY RIDGE COURT (FUTURE)
 LOT 4 105 BRUMSEY RIDGE COURT (FUTURE)
 LOT 5 104 BRUMSEY RIDGE COURT (FUTURE)
 LOT 6 102 BRUMSEY RIDGE COURT (FUTURE)
 LOT 7 100 BRUMSEY RIDGE COURT
 LOT 8 183 BRUMSEY ROAD



NC GRID NORTH NAD83(2011)



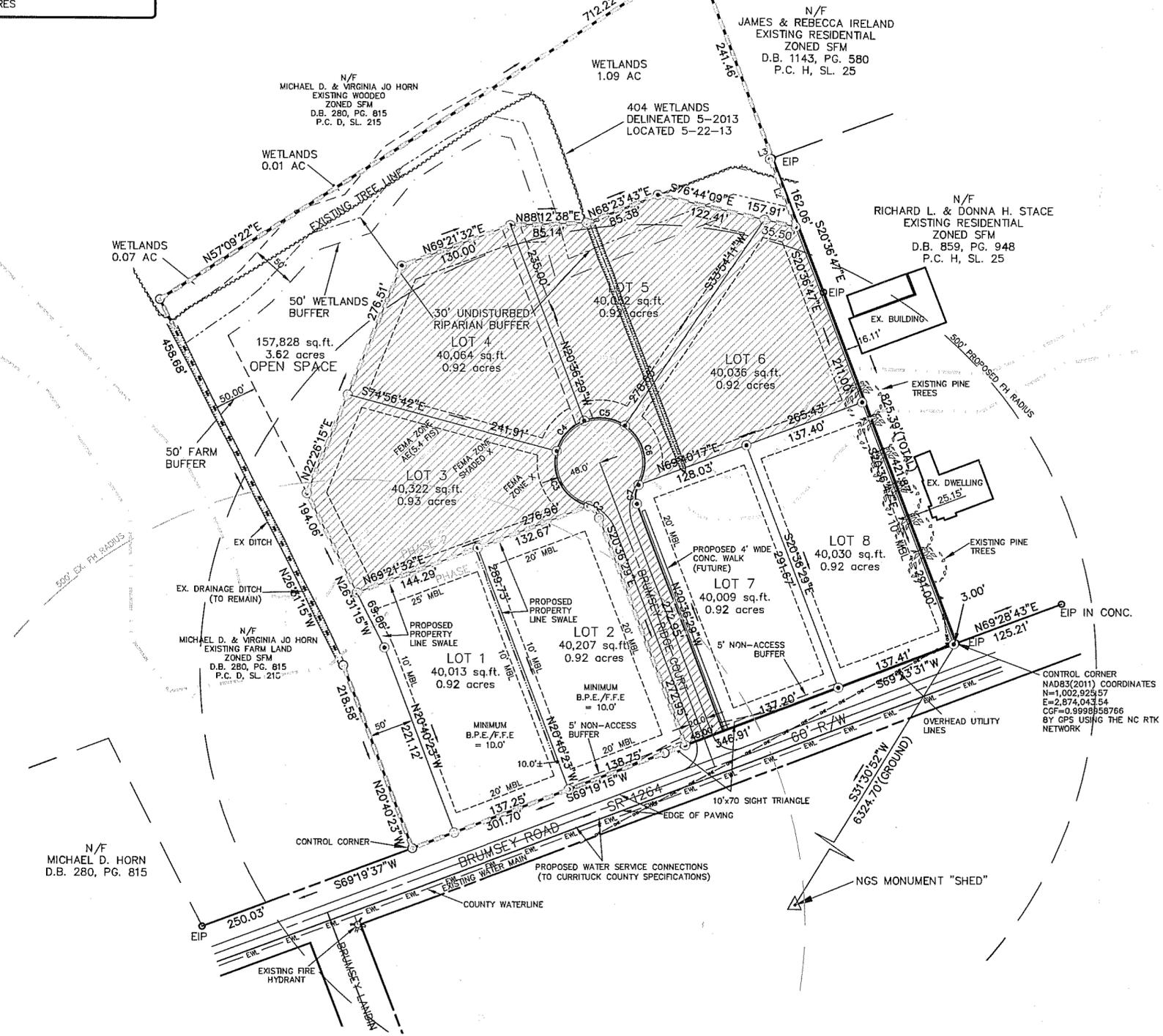
- NOTES:**
1. AREA DETERMINED BY COORDINATE METHOD.
 2. IRON PINS AT ALL LOT CORNERS UNLESS OTHERWISE NOTED HEREON.
 3. UNDERGROUND UTILITIES, IF ANY, WERE NOT LOCATED BY THIS SURVEY, FURTHER EVALUATION MAY BE REQUIRED.
 4. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
 5. SUBJECT PROPERTY IS LOCATED IN F.I.R.M. ZONE AS SHOWN. REFERENCE F.I.R.M. PANEL # 3721806000 J, EFFECTIVE DATE: DECEMBER 16, 2005. (SUBJECT TO CHANGE BY F.E.M.A.)

NOTICE:

THIS DEVELOPMENT IS ADJACENT TO AN EXISTING AGRICULTURAL OR FARM USE THAT IS ANTICIPATED TO GENERATE NOISE, LIGHT, DUST, ODOR, OR VIBRATION AS PART OF ITS NORMAL OPERATIONS.

| LINE TABLE | | |
|------------|--------|---------------|
| LINE | LENGTH | BEARING |
| L2 | 81.93 | S 20°36'47" E |
| L3 | 3.00 | S 69°23'13" W |

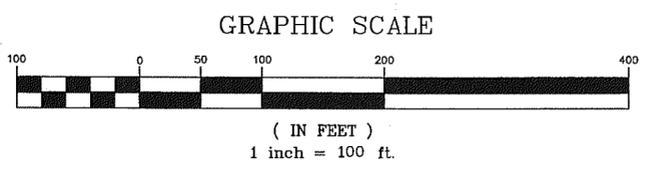
| CURVE TABLE | | | |
|-------------|--------|-------|---------------|
| CURVE | RADIUS | CHORD | BEARING |
| C2 | 25.00 | 17.90 | N 41°35'0" W |
| C3 | 50.00 | 68.43 | S 28°7'42" E |
| C4 | 50.00 | 45.66 | S 42°13'25" W |
| C5 | 50.00 | 45.80 | N 83°21'9" W |
| C6 | 50.00 | 68.32 | N 13°0'2" W |
| C7 | 25.00 | 21.41 | S 4°44'38" W |



REVIEW OFFICER CERTIFICATE
 STATE OF NORTH CAROLINA
 COUNTY OF CURRITUCK

I, _____, REVIEW OFFICER OF CURRITUCK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____



BISSELL
 PROFESSIONAL GROUP
 Engineers, Planners, Surveyors and Environmental Specialists
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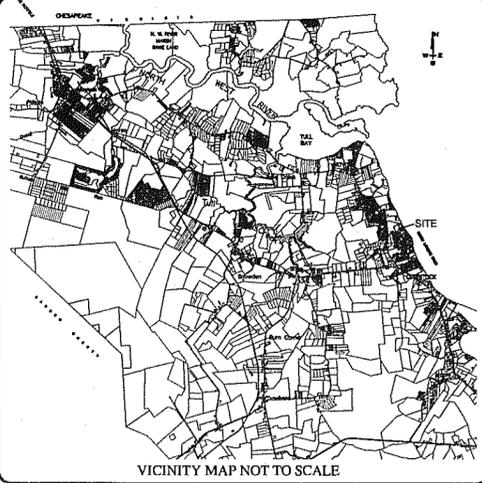
Bissell Professional Group
 Firm License # C-956
 352 North Croatan Highway
 Durham, North Carolina 27709
 Kitty Hawk, North Carolina 27949
 (252) 261-3266
 FAX (252) 261-1760

BRUMSEY RIDGE
 SUBDIVISION PLAT
 CURRITUCK COUNTY NORTH CAROLINA
 CRAWFORD TOWNSHIP
 TYPE II MAJOR SUBDIVISION PRELIMINARY PLAT

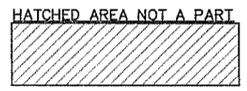
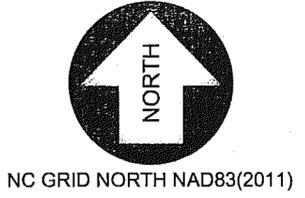
| REVISIONS | |
|-----------|----------|
| NO. | DATE |
| 1 | 08-22-13 |
| 2 | 08-20-13 |
| 3 | 08-26-13 |

PRELIMINARY PLAT
 For Review Purposes Only

| | |
|---------------------|----------------|
| DATE: 08-22-13 | SCALE: 1"=100' |
| DESIGNED: MSB | CHECKED: DMK |
| DRAWN: MDB | APPROVED: BPG |
| SHEET: 2 OF 5 | |
| CAD FILE: 450900PP1 | |
| PROJECT NO: 4509 | |



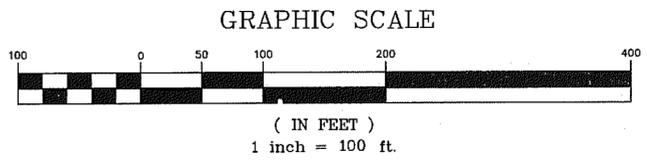
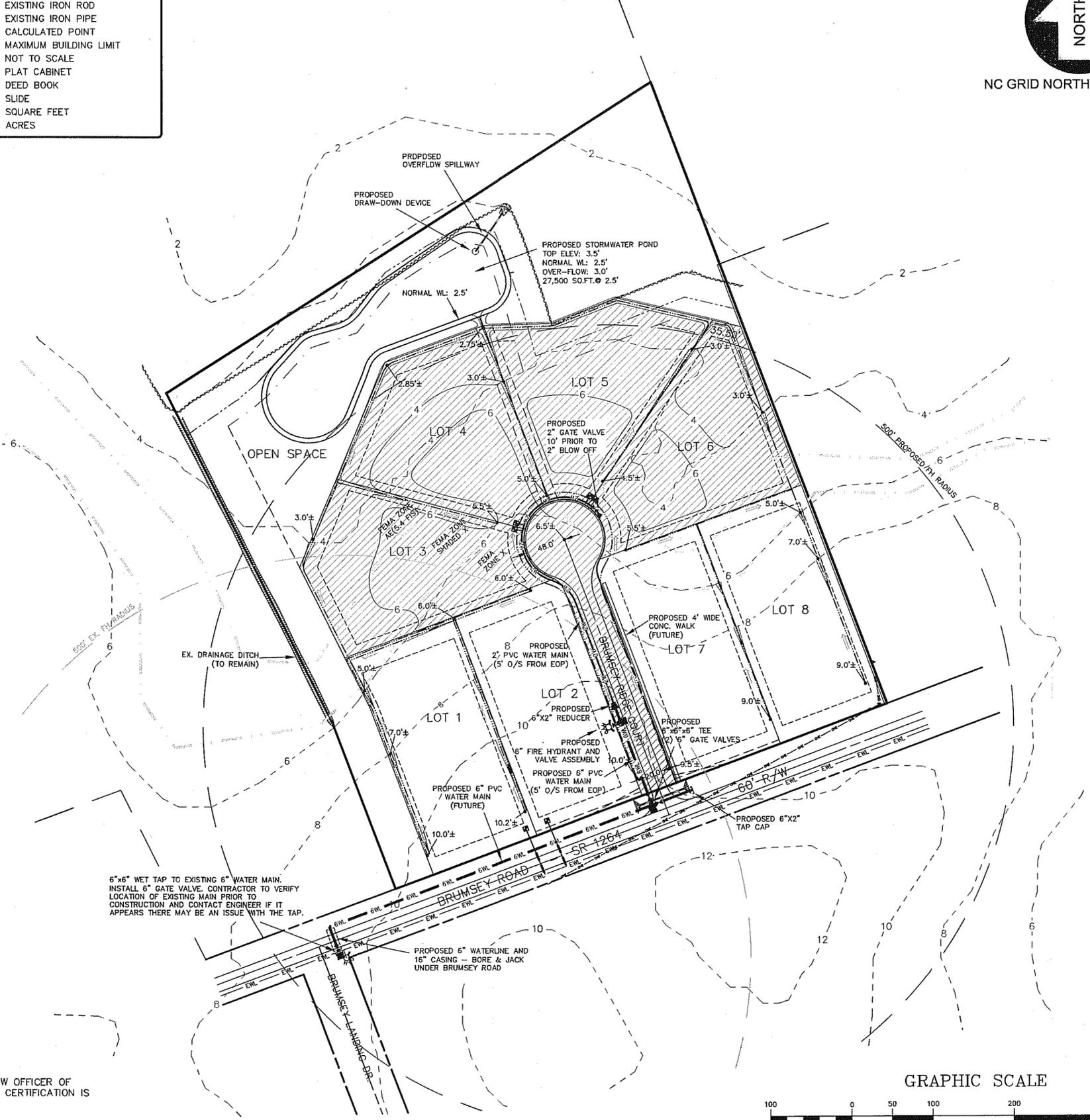
| SURVEY LEGEND | |
|---------------|----------------------------|
| ECM | EXISTING CONCRETE MONUMENT |
| SIR | SET IRON ROD |
| EIR | EXISTING IRON ROD |
| EIP | EXISTING IRON PIPE |
| CP | CALCULATED POINT |
| M.B.L. | MAXIMUM BUILDING LIMIT |
| N.T.S. | NOT TO SCALE |
| P.C. | PLAT CABINET |
| D.B. | DEED BOOK |
| SL | SLIDE |
| SF | SQUARE FEET |
| AC | ACRES |



- NOTES:
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WATERLINE NOTES: (FUTURE)

ALL PROPOSED WATERLINE IMPROVEMENTS ARE TO BE INSTALLED PER CURRITUCK CO. WATER DEPT. STANDARDS AND SPECIFICATIONS.



REVIEW OFFICER CERTIFICATE
STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

I, _____, REVIEW OFFICER OF CURRITUCK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

PRELIMINARY PLAT
For Review Purposes Only

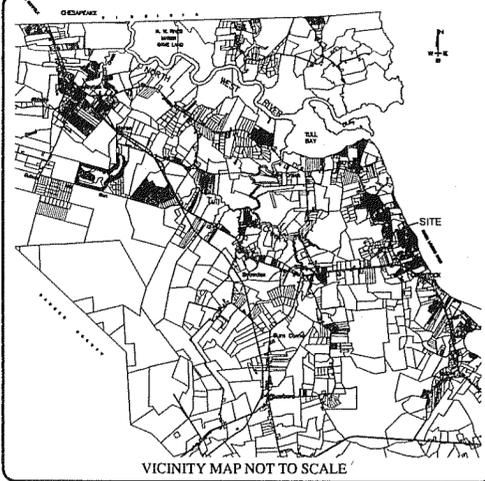
BISSELL
PROFESSIONAL GROUP
Engineers, Planners, Surveyors and Environmental Specialists
Bissell Professional Group
Firm License # C-955
3512 North Croatan Highway
P.O. Box 1068
Kitty Hawk, North Carolina 27949
(252) 281-3286
FAX (252) 281-1760

The undersigned hereby certifies that the preparation of this plat or design is not to be made in violation of the provisions of the North Carolina Professional Statutes, Chapter 108, without the express written consent of Mark S. Bissell, Principal of BPG, Inc., Copyright 2013.

PROJECT: **BRUMSEY RIDGE SUBDIVISION PLAT**
CRAWFORD TOWNSHIP, CURRITUCK COUNTY, NORTH CAROLINA
GRADING, DRAINAGE & UTILITY PLAN

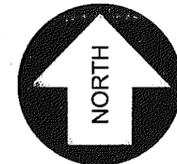
| NO. | DATE | DESCRIPTION | BY |
|-----|----------|--------------------|-----|
| 1 | 09-28-13 | 4. LOTS ARE FUTURE | DMK |

| | | | |
|-------------|-----------|-----------|---------|
| DATE: | 09-23-13 | SCALE: | 1"=100' |
| DESIGNED: | MSB | CHECKED: | DMK |
| DRAWN: | GDM | APPROVED: | BPG |
| SHEET: | 3 OF 5 | | |
| CAD FILE: | 450900PP1 | | |
| PROJECT NO: | 4509 | | |



| SURVEY LEGEND | |
|---------------|----------------------------|
| ECM | EXISTING CONCRETE MONUMENT |
| SIR | SET IRON ROD |
| EIR | EXISTING IRON ROD |
| EIP | EXISTING IRON PIPE |
| CP | CALCULATED POINT |
| M.B.L. | MAXIMUM BUILDING LIMIT |
| N.T.S. | NOT TO SCALE |
| P.C. | PLAT CABINET |
| D.B. | DEED BOOK |
| SL | SLIDE |
| SF | SQUARE FEET |
| AC | ACRES |

| LEGEND | |
|--------|--|
| | ROADWAY CENTERLINE |
| | RIGHT OF WAY |
| | ADJOINING PROPERTY |
| | PROPOSED LOT BOUNDARY |
| | PROPOSED SWALE |
| | PROPOSED SIDEWALK |
| | PROPOSED CULVERT |
| | TYPE "C" LANDSCAPING: GRAPE MYRTLE* AND RIVER BIRCH* TREES PLANTED 30 FT O.C. TREES MUST BE AT LEAST 2" IN CALIPER AT PLANTING. *TREE SPECIES MAY BE SUBSTITUTED AS PER SECTION 5.9.3 IN THE CURRITUCK COUNTY U.D.O. |
| | EXISTING TREE LINE |



NC GRID NORTH NAD83(2011)

HATCHED AREA NOT A PART



RECREATION / PARK AREA DEDICATION:

0.0255 ACRE/LOT X 8 LOTS = 0.204 ACRES

0.204 ACRES X \$8,261 / ACRE = \$1,685

NOTES:

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OPEN SPACE REVEGETATION:

TOTAL OPEN SPACE: 3.62 AC.
 WETLANDS/ TREE COVER REQUIRED: 1.81 AC.
 EXISTING WETLAND/TREE COVER: 1.37 AC.
 TREED PORTION OF FARM BUFFER: 0.30 AC.
 ADDITIONAL TREE COVER: 0.14 AC.

TREE BUFFERS AND COVER AREAS TO BE PLANTED WITH MIXED HARDWOODS TO CURRITUCK REQUIREMENTS.

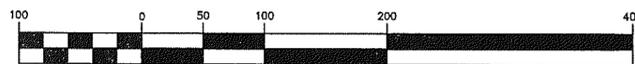
REVIEW OFFICER CERTIFICATE
 STATE OF NORTH CAROLINA
 COUNTY OF CURRITUCK

I, _____ REVIEW OFFICER OF CURRITUCK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

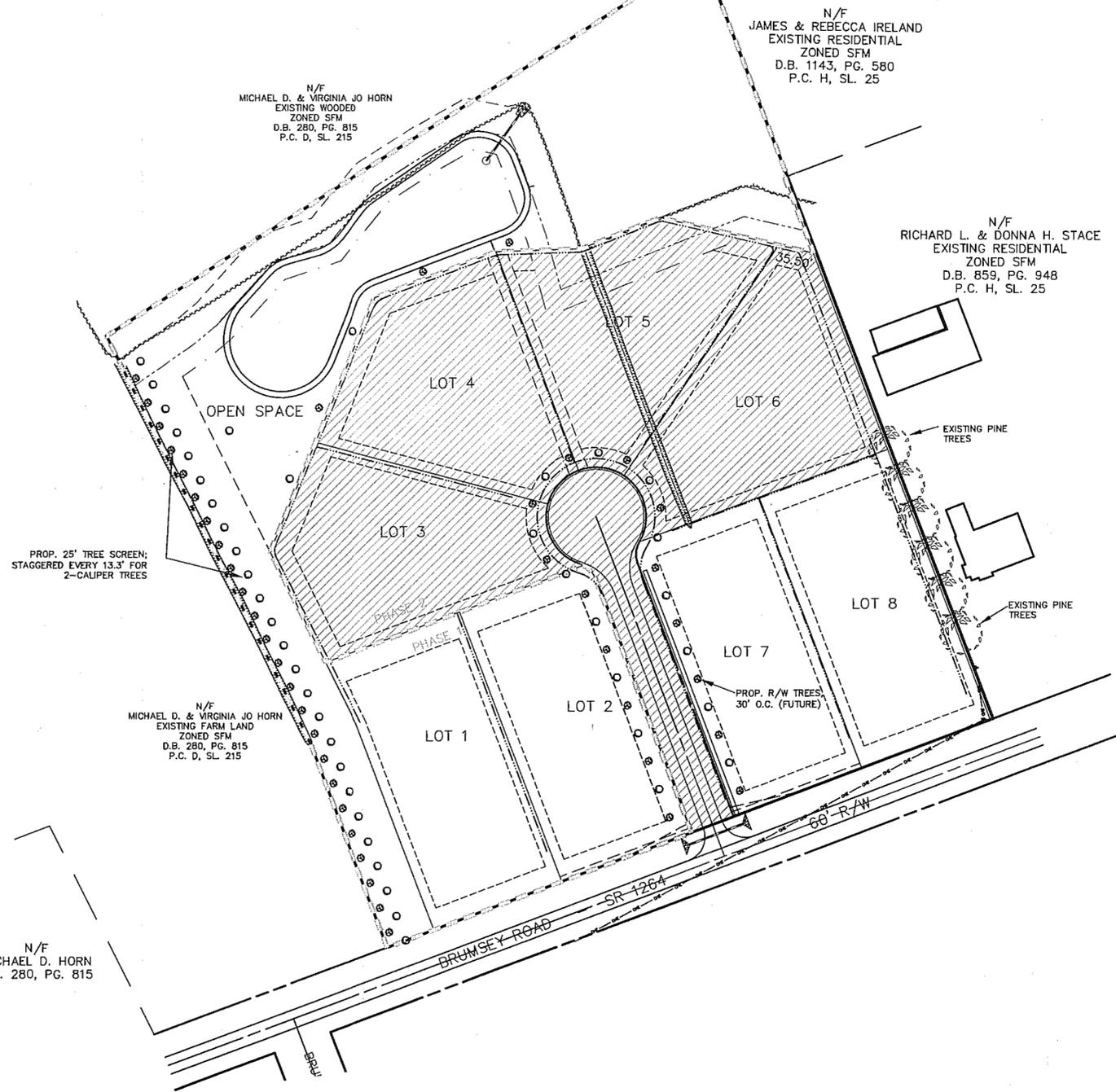
DATE

REVIEW OFFICER

GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft.



PRELIMINARY PLAT

For Review Purposes Only

| NO. | DATE | DESCRIPTION | BY |
|-----|----------|------------------------|-----|
| 1 | 09-23-13 | 4 LOTS, 80' FUTURE DMK | DMK |

| | | | |
|-----------|----------|-----------|---------|
| DATE: | 09-23-13 | SCALE: | 1"=100' |
| DESIGNED: | MSB | CHECKED: | DMK |
| DRAWN: | GDM | APPROVED: | BPG |

SHEET: 4 OF 5
 CAD FILE: 450900PP1
 PROJECT NO: 4509

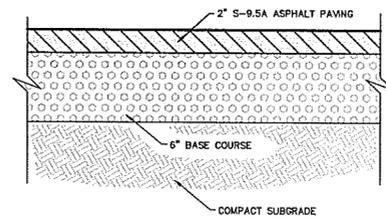
Bissell Professional Group
 Firm License # C-995
 1072 North Croton Highway
 P.O. Box 1000
 Kitty Hawk, North Carolina 27949
 (252) 261-3266
 FAX (252) 261-1760

BISSELL
 PROFESSIONAL GROUP
 ENGINEERS, PLANNERS, SURVEYORS
 AND ENVIRONMENTAL SPECIALISTS

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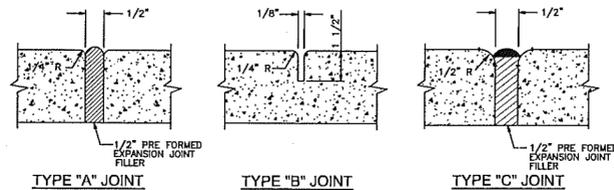
BRUMSEY RIDGE
SUBDIVISION PLAT
 LANDSCAPING PLAN

PROJECT: CURRITUCK COUNTY NORTH CAROLINA
 CRAWFORD TOWNSHIP



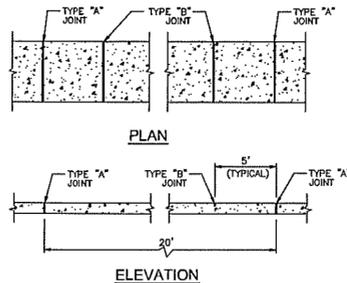
TYPICAL RESIDENTIAL ROADWAY PAVEMENT SECTION (FUTURE)
NOT TO SCALE

NOTE:
PAVING SHALL CONSIST OF FINE GRADING THE SPECIFIED PARKING & DRIVE AREAS AND INSTALLING 2" S-9.5A ASPHALT CONCRETE SURFACE COURSE IN CONJUNCTION WITH A 6" AGGREGATE BASE COURSE (#7 STONE). THE SOIL SUBGRADE BENEATH PAVEMENTS SHALL BE COMPACTED TO AT LEAST 95% OF ASTM D 698 PRIOR TO ANY PLACEMENT OF SUBBASE FILL OR STONE BASE COURSE. ALL SITE PREPARATION AND THE DESIGN AND CONSTRUCTION OF ALL FOUNDATIONS, GROUND SLABS, AND PAVEMENTS SHALL BE IN ACCORDANCE WITH RECOMMENDATIONS PROVIDED BY A GEOTECHNICAL ENGINEER.

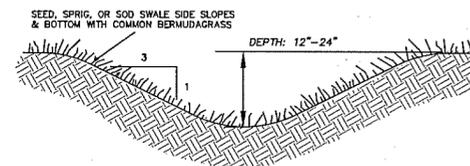


NOTES:
1. SIDEWALKS SHALL HAVE A 4" MINIMUM THICKNESS
2. ALL ROADWAY SIDEWALKS WILL BE CONSTRUCTED A MINIMUM OF 4 FEET WIDE
3. ALL WALKING TRAIL SIDEWALKS WILL BE CONSTRUCTED A MINIMUM OF 6 FEET WIDE
4. ALL CONCRETE USED FOR SIDEWALKS SHALL BE A MINIMUM OF 3,000 PSI.

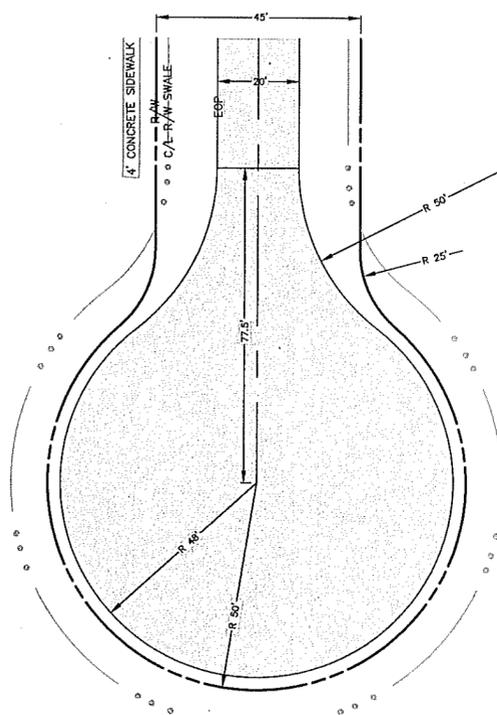
| TABLE OF SIDEWALK JOINTS | |
|--------------------------|--|
| TYPE | LOCATION |
| "A" | 20' CENTER TO CENTER ON SIDEWALKS, P.C. AND P.T. OF CURVES, JUNCTION OF EXISTING AND NEW SIDEWALKS, DRIVEWAYS, AND SIMILAR STRUCTURES. |
| "B" | 5' CENTER TO CENTER ON SIDEWALKS. |



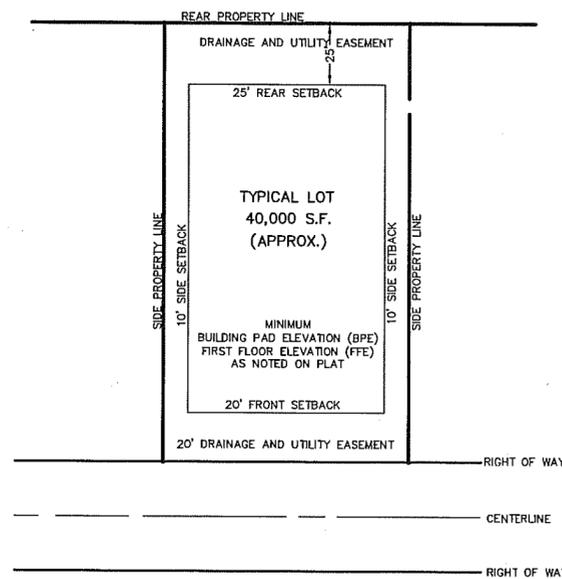
CONCRETE SIDEWALK DETAIL (FUTURE)
NOT TO SCALE



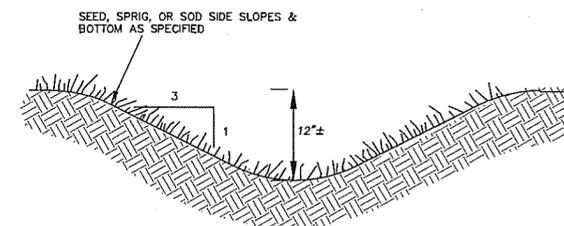
TYPICAL R/W SWALE (FUTURE)
NOT TO SCALE 3:1(H:V) SIDE SLOPES SECTION VIEW
MIN. LONGITUDINAL SLOPE 0.10%



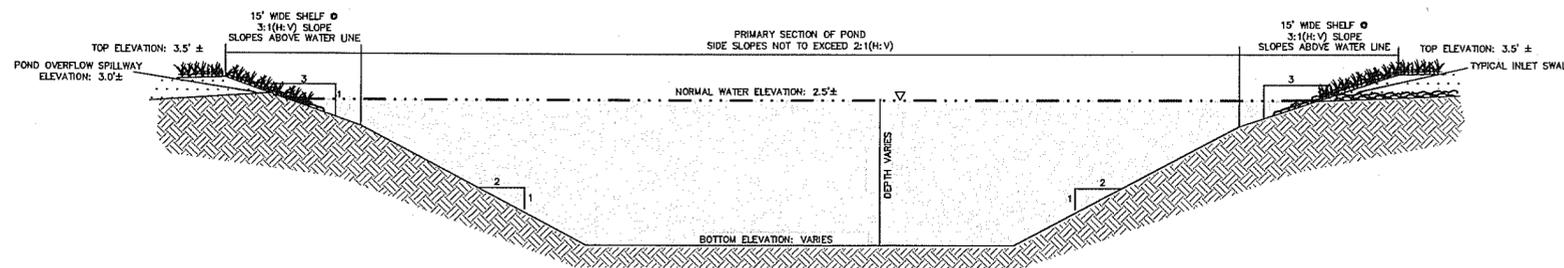
PAVEMENT SECTION AREA
978.78 SQ. YD. ± ASPHALTIC CONCRETE
STANDARD CUL-DE-SAC PLAN (FUTURE)
NOT TO SCALE



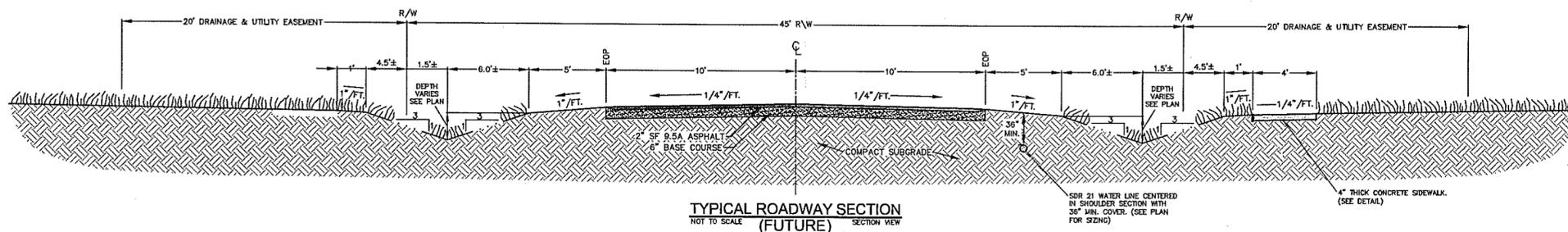
TYPICAL LOT
NOT TO SCALE



TYPICAL PROPERTY LINE SWALE SECTION (NOT TO SCALE)
SECTION VIEW



TYPICAL POND SECTION
(LOCATIONS AND SIZE AS DENOTED ON PLAN SHEET)



TYPICAL ROADWAY SECTION (FUTURE)
NOT TO SCALE SECTION VIEW

PRELIMINARY PLAT
For Review Purposes
Only

Blissell Professional Group
Firm License # C-956
3512 North Croatan Highway
Box 106
Kitty Hawk, North Carolina 27949
(252) 281-3266
FAX (252) 261-1760



Engineers, Planners, Surveyors
and Environmental Specialists
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PROJECT:
BRUMSEY RIDGE
SUBDIVISION PLAT
CRAWFORD TOWNSHIP, CURRITUCK COUNTY, NORTH CAROLINA
DETAILS

| REVISIONS | | |
|-----------|----------|----------------------------|
| NO. | DATE | DESCRIPTION |
| 1 | 08-20-13 | REVISED DETAILS AND FUTURE |

DATE: 08-20-13
SCALE: 1"=100'
DESIGNED: MSB
CHECKED: DMK
DRAWN: GDM
APPROVED: BPG

SHEET: 5 OF 5
CAD FILE: 450900PP1
PROJECT NO: 4509



Currituck County Agenda Item Summary Sheet

Agenda Item Title

PB 13-25 Gees Group: Request an amendment to the Unified Development Ordinance, Chapter 6, Section 6.2.1.C. to reduce the minimum street intersection spacing for Planned Developments and Conservation Subdivisions in Full Service land use classifications.

Brief Description of Agenda Item

Gee's Group is requesting a text amendment to the UDO that would reduce the street intersection spacing for planned developments and conservation subdivisions located in the Full Service land use classification. The proposed request, if approved, would allow street intersections to be located a minimum 200 feet from another section instead of the 400 spacing currently required by the UDO. The reduced spacing is typically found in urban developments and with smaller lots.

PLANNING BOARD RECOMMENDATION:

Mr. Cartwright moved to approve PB 13-25 as written and adding the following language:

- The applicant shall be required to have NCDOT District Engineer's office or traffic engineer review and assess each one of the intersections for the safety of these intersections, so they will not create a danger to public safety. This requirement shall be done on a case by case basis.

Mr. Cooper seconded the motion.

Mr. Craddock moved to amend the motion to state as written and adding: That NCDOT would evaluate or a qualified transportation engineer evaluate the safety and verify the spacing of all subdivision streets that use the 200 feet rule instead of the 400 feet rule.

Mr. Cartwright accepted the amendment. Ms. Bell seconded the motion. Motion carried unanimously.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody

Presenter of Agenda Item

Ben Woody



Currituck County

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

To: Board of Commissioners
From: Planning Staff
Date: October 23, 2013
Subject: PB 13-25 Gee's Group

The enclosed text amendment submitted by the Gee's Group is intended to reduce the street intersection spacing for planned developments and conservation subdivisions located in the Full Service land use classification. The UDO provides design flexibility for planned developments and conservation subdivisions that generally reduce the amount of infrastructure and preserve the environmentally sensitive areas in exchange for a higher quality development. The developer can establish the minimum lot sizes and setbacks for these types of developments much less than the required minimum lot size for the various zoning districts. The reduction in lot size also has a similar effect on infrastructure such as roads and utilities.

The proposed amendment, if approved, will provide for the reduction in the street intersection spacing for planned developments and conservation subdivisions in Full Service areas. The reduced intersection spacing is typically found in urban developments where small lots are connected to public wastewater.

In addition to the language proposed, the planning staff recommends including a condition that would require the developer to submit a certification from NCDOT that the intersection spacing will not create an extraordinary danger to public safety. Staff is supportive of the proposed text amendment with the recommended NCDOT certification based on the fact that the text amendment will be consistent with the purpose and intent of the UDO and will not conflict with any provision of the UDO or county Code of Ordinances.

At their October 8, 2013 meeting, the Planning Board recommended unanimous **approval** as presented and adding the following language:

- NCDOT or a qualified transportation engineer evaluate the safety of street intersections that are less than 400 foot apart.

PLANNING BOARD DISCUSSION (10-8-13)

Staff is recommending that additional language be provided in this text amendment that would require the review of the NCDOT District Engineer's office to evaluate each one of the intersections for safety and will not create a danger to public safety. This language would allow the review of intersections on a case by case basis.

Mr. Cooper stated he is in agreement with adding the additional language.

Mr. Cartwright asked what are the NCDOT standards if it is a state road.

Ms. Voliva stated she spoke to NCDOT last week trying to pinpoint this exact number. NCDOT has a requirement in their Streets and Driveways Manual which deals with driveway safety that is 600 feet. According to NCDOT this does not apply to all intersections or all driveways. The county ordinance requires intersection spacing to be 400 feet.

Mr. Mizelle stated the purpose of a conservation subdivision is to put a larger piece of land into an environmental area. Mr. Mizelle talked about lot sizes, rural vs. urban, and how they evaluated this information. The land which is not used at these intersections will be open space. Mr. Mizelle stated they have worked with NCDOT.

Mr. Cartwright asked what the distance between the intersections is.

Ms. Voliva stated the first intersection is 287 feet and between the next two intersections it is 343 feet. Ms. Voliva stated it should be 400 feet.

Mr. Cooper asked how NCDOT sets speed limits.

Ms. Voliva stated she is not sure.

Mr. Cartwright asked the applicant if they were okay with the way the text amendment is written and adding the additional language.

Mr. Mizelle stated yes.

Ms. Voliva stated the board may want to consider this not going to NCDOT, but hiring a traffic engineer that could review it for safety as well. All roads whether public or private shall meet NCDOT construction standards. Roads in planned developments do not have to meet NCDOT design standards.

Mr. Mizelle stated a planned unit subdivision will have a final plat, which NCDOT will have to sign off on the design standards.

Ms. Voliva stated they have been advised that NCDOT review the asphalt section when signing final plats.

Mr. Craddock suggested that NCDOT should evaluate these intersections when they are intersecting a state maintain road.

The Planning Board discussed using NCDOT for public roads and a traffic engineer for private roads.

Ms. Voliva stated when you do a road it has two parts, a dedication occurs when you are creating a subdivision. You are dedicating all streets for public use unless they are indicated as private; and they have to indicate on the final plat which streets are private. Part 2 is once construction begins and they meet the minimal housing requirements, then they can petition the state to take over the roads. The state then comes out and evaluates the roads, drainage, any physical features which may be in the right-of-way, trees, signs, and utilities. If they meet all the standards, then the state will take over maintenance.

ACTION

Mr. Cartwright moved to approve PB 13-25 as written and adding the following language:

- The applicant shall be required to have NCDOT District Engineer's office or traffic engineer review and assess each one of the intersections for the safety of these intersections, so they will not create a danger to public safety. This requirement shall be done on a case by case basis.

Mr. Cooper seconded the motion.

Mr. Craddock moved to amend the motion to state as written and adding: That NCDOT would evaluate or a qualified transportation engineer evaluate the safety and verify the spacing of all subdivision streets that use the 200 feet rule instead of the 400 feet rule.

Mr. Cartwright accepted the amendment. Ms. Bell seconded the motion. Motion carried unanimously.

**PB 13-25 GEE'S GROUP
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Chapter 6: Subdivision and Infrastructure Standards to reduce the minimum street intersection spacing for Planned Developments and Conservation Subdivisions.

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

Item 1: That Section 6.2.1 C. Street Design Standards is amended by adding the following underlined language and reorganizing the existing language:

(5) Street Intersections

(a) Design

- (i)** Streets shall intersect as nearly as possible at right angles and not intersect any other street at an angle less than 70 degrees (see Figure 6.2.1.C, Street Intersections).
- (ii)** No more than two streets shall intersect at any one point unless the NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.

(b) Spacing

- (i)** Except as provided below, all streets shall be at least 400 feet from another intersection. (all measurements shall be taken from the centerlines of each intersecting street).
 - (A)** Streets in Planned Developments and Conservation Subdivisions in Full Service areas shall be at least 200 feet from another intersection.
 - (B)** New blocks shall meet the block length and width standards in Section 6.2.2.
- (ii)** Street jogs shall maintain centerline offsets that are a minimum of 400 feet apart.
- (iii)** Intersections with a major arterial street shall be at least 1,000 feet from another intersection.

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

Item 3: This ordinance amendment shall be in effect from and after the day of , 2013.

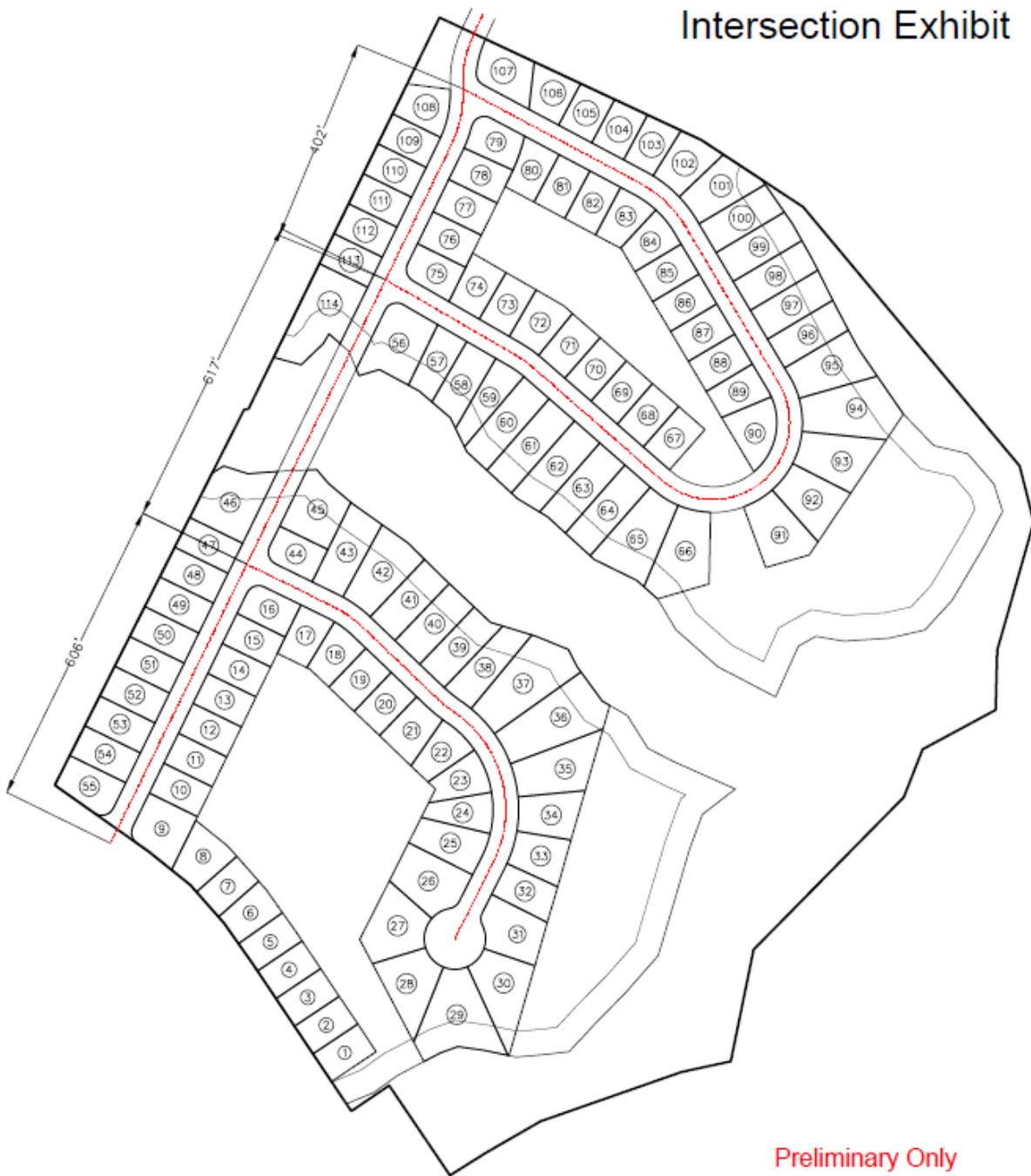
Board of Commissioners' Chairman
Attest:

Mary S. Gilbert
Clerk to the Board

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

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

400' Between Intersection Exhibit



Cul-de-sac shown is 1,000 linear feet

Preliminary Only
Not for recordation,
conveyances or sales



Currituck County Agenda Item Summary Sheet

Agenda Item Title

PB 13-17 Moyock Crossing: Request for preliminary plat/use permit for a 90 lot conservation subdivision located in Moyock on the north side of Shingle Landing Road, approximately 260 feet east of Fox Lane and along Shingle Landing Creek, Tax Map 9, Parcel 41, Moyock Township.

Brief Description of Agenda Item

Gee's Group of North Carolina is requesting preliminary plat/use permit approval for a proposed 90 lot conservation subdivision. The proposed lots will be served by county water and wastewater. The proposed development density is 1.89 units per acre of land in the Full Service land use classification. The proposed subdivision does not meet the current street intersection spacing requirements of the UDO and, Gee's Group is also requesting a text amendment to allow a reduction in the street intersection spacing.

PLANNING BOARD RECOMMENDATION:

Mr. Cooper moved to approve PB 13-17 with staff recommendations. Mr. Cartwright seconded motion. Ayes: Ms. Bell, Mr. Cooper, Mr. Craddock, Mr. Cartwright, and Mr. Wright. Nays: Mr. Clark.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody

Presenter of Agenda Item

Ben Woody

CASE ANALYSIS FOR THE
Board of Commissioners
DATE: November 4, 2013
PB 13-17 Moyock Crossing

ITEM: PB 13-17 Moyock Crossing preliminary plat/use permit for 90 residential lots in a conservation subdivision.
LOCATION: Moyock: located on the north side of Shingle Landing Road, approximately 260 feet east of Fox Lane, and along Shingle Landing Creek, Moyock Township
TAX ID: 0009-000-0041-0000
ZONING DISTRICT: Single Family Mainland (SFM)
PRESENT USE: Woodland/Farmland
OWNER: Gee's Group of North Carolina, Inc.
 770 Lynnhaven Parkway, #160
 Virginia Beach, VA 23452
APPLICANT: Hyman & Robey, PC
 150 US HWY 158
 PO Box 339
 Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

| | Land Use | Zoning |
|---------------|---|---------------|
| NORTH: | Low density residential | SFM/GB |
| SOUTH: | Low density residential/auto service/storage | GB |
| EAST: | Shingle Landing Creek/Low density residential | SFM |
| WEST: | Low density residential | AG/CD-SFM |

LAND USE PLAN CLASSIFICATION:

The 2006 Land Use Plan classifies the site as Full Service and Rural within the Moyock subarea.

SIZE OF SITE: 58.16 acres
 47.68 acres - Full Service
 10.48 acres - Rural
NUMBER OF UNITS: 90 lots
PROJECT DENSITY: 1.89 units per acre of Full Service area
OPEN SPACE: 23.26 Acres Required
 23.67 Acres Provided
 20.84 acres primary conservation
 2.83 acres secondary conservation

UTILITIES: The proposed lots will be served by county water. The developer also proposes to install the necessary infrastructure to connect to the county wastewater system.

RECREATION AND PARK AREA: The required park area dedication is 2.3 acres. The TRC requests a payment in lieu of the dedication. The payment, based on the current tax value, is \$12,698.25 and must be paid prior to final plat approval.

I. NARRATIVE OF REQUEST:

- The applicant is requesting preliminary plat/use permit approval of a 90 lot residential conservation subdivision.
- All lots are proposed to be served by county water and wastewater.
- The proposed subdivision does not meet the current street intersection spacing requirements of the UDO. The developer is requesting a text amendment to allow the street intersection spacing to be reduced from 400 feet to 200 feet in planned developments and conservation subdivisions located in the full service area. An amendment must be approved before the preliminary plat/use permit may be approved by the board of commissioners.
- The proposed development will provide street interconnection with Shingle Landing subdivision.
- Open space improvements will include an elevated boardwalk to Shingle Landing Creek and recreational vehicle parking.

II. USE PERMIT REVIEW STANDARDS:

Use Permit Criteria and Staff Findings:

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

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

1. The use will not endanger the public health or safety.
Staff Findings:
 - a. Provided the intersection spacing continues to meet NCDOT standards, the proposed subdivision should have no negative impact on the public health and safety.
2. The use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located.
Staff Findings:
 - a. The surrounding area predominately consists of single family residential lots.
3. The use will be in conformity with the Land Use Plan or other officially adopted plan.
Staff Findings:

The 2006 Land Use Plan classifies this site as Full Service and Rural within the Moyock subarea. Insert LUP classification narrative. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location. LOCATION AND DENSITY FACTORS shall include whether the development

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

POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:

1. OPEN SPACE DEVELOPMENTS that cluster homes on less land, preserving permanently dedicated open space and often employ on-site or community sewage treatment. These types of developments are likely to occur primarily in the Conservation, Rural, and to a certain extent the Limited Service areas identified on the Future Land Use Map.
2. COMPACT, MIXED USE DEVELOPMENTS or DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full Service Areas identified on the Future Land Use Map.

POLICY TR7: A system of LOCAL CONNECTOR ROADS shall be identified and implemented to allow local traffic to move in a north-south direction without having to use and further burden US 158.

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.

Staff Findings:

- a. Based on the student generation rates, this subdivision will generate the following students:
 - i. 23 elementary students
 - ii. 7 middle school students
 - iii. 13 high school students
- b. The proposed development will not exceed the county's ability to provide adequate public facilities

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

The TRC recommends conditional approval subject to the following permit conditions:

1. Stormwater ponds for the development may not be located on individual lots unless an easement is provided for stormwater maintenance.

2. The UDO requires sidewalks on both sides of the streets. Given the fact that lots are not located on both sides of the Crossing Avenue and Hidden View Loop and the existence of 404 wetlands, sidewalks shall meet the following:
 - a. Installation of a multi-use path on the eastern side of Crossing Avenue (minimum 8 feet in width) that will connect to Shingle Landing subdivision sidewalk system and extend to the property lines to the north and south (Shingle Landing Road). A sidewalk is not required along the western side of Crossing Avenue.
 - b. A sidewalk is not required along the southern portion of Hidden View Loop from the intersection of Crossing Avenue to the elevated water access.
 - c. Sidewalks are required on both sides of the streets in all other locations of the subdivision.
 - d. Sidewalks located within the street right-of-way shall meet NCDOT requirements.
3. The development density shall not exceed 2 units per acre.
4. With the exception of the two wetland crossings (street/sidewalk and the elevated water access to Shingle Landing Creek) all wetlands on the property shall remain undisturbed.

IV. PLANNING BOARD RECOMMENDATION:

The Planning Board *recommended approval* of the preliminary plat/use permit with staff recommendations.

PLANNING BOARD DISCUSSION (10-8-13)

Mr. Craddock asked if a duplex is considered two units or one unit.

Ms. Voliva stated two units.

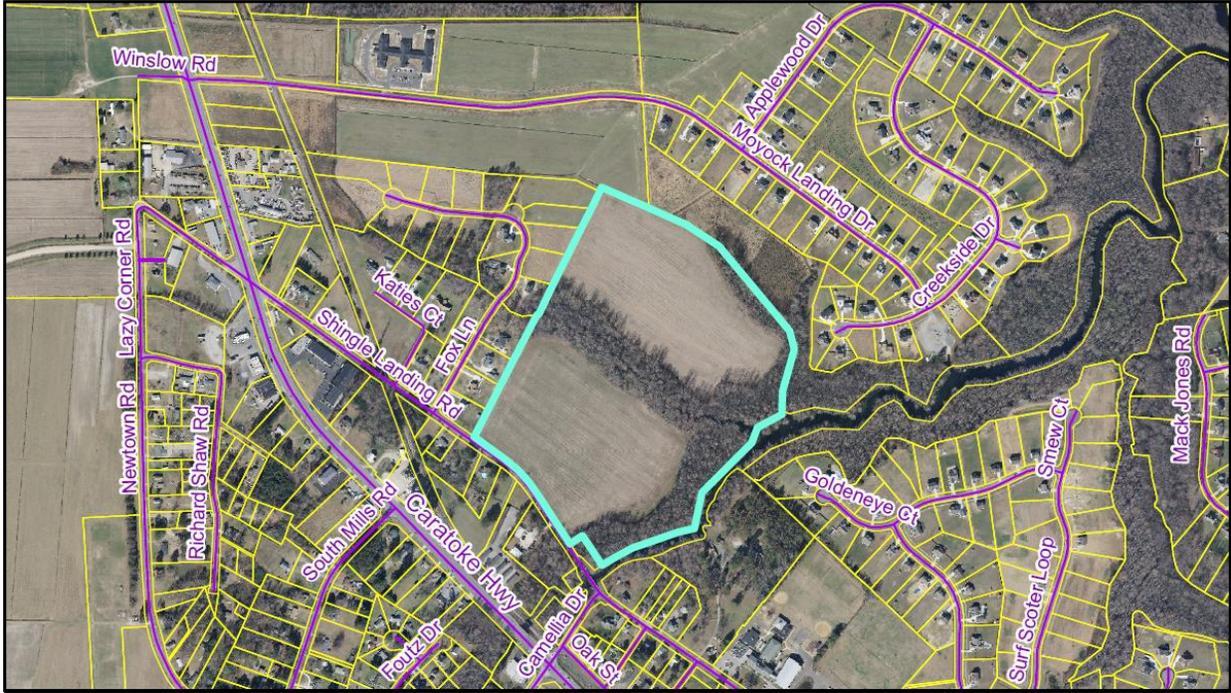
Mr. Mizelle stated he would be happy to answer any questions.

Mr. Terle stated he was concerned with 90 units on 58 acres, adequate public facilities (schools), retention ponds need to have a fence for the safety of children, and no parks and recreation in Moyock.

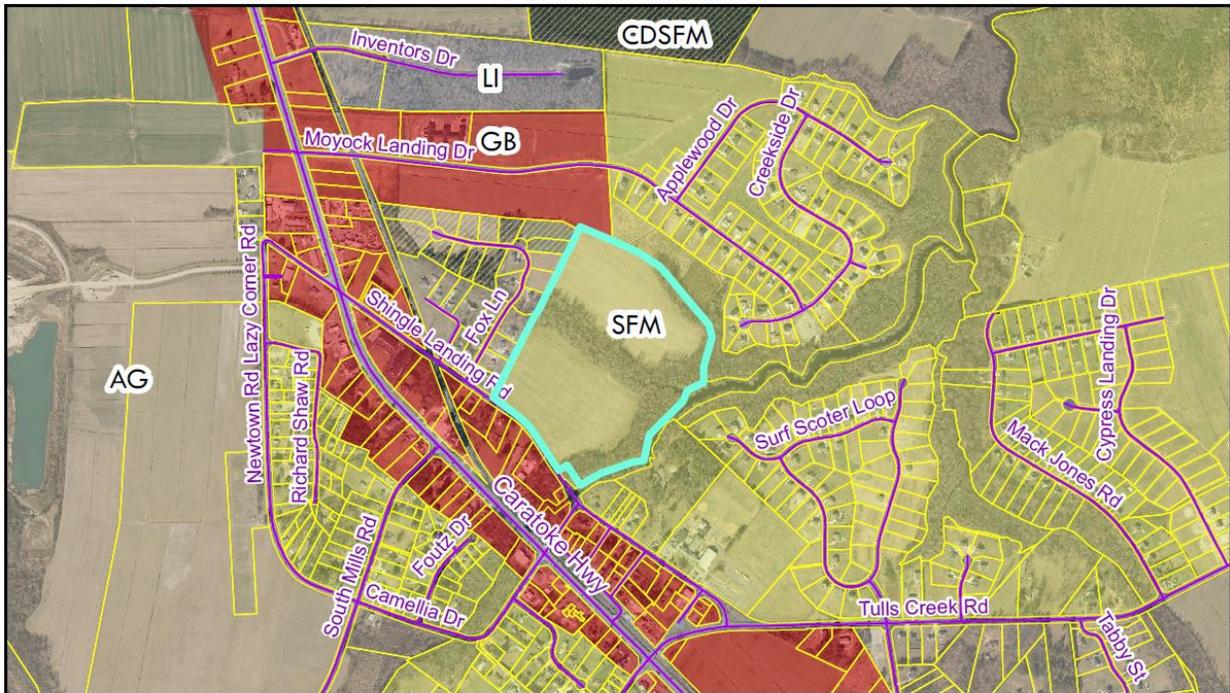
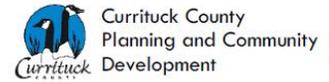
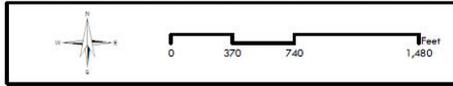
Ms. Bell stated a big concern in Moyock is the schools.

ACTION

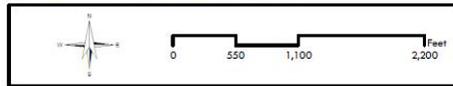
Mr. Cooper moved to approve PB 13-17 with staff recommendations. Mr. Cartwright seconded motion. Ayes: Ms. Bell, Mr. Cooper, Mr. Craddock, Mr. Cartwright, and Mr. Wright. Nays: Mr. Clark.

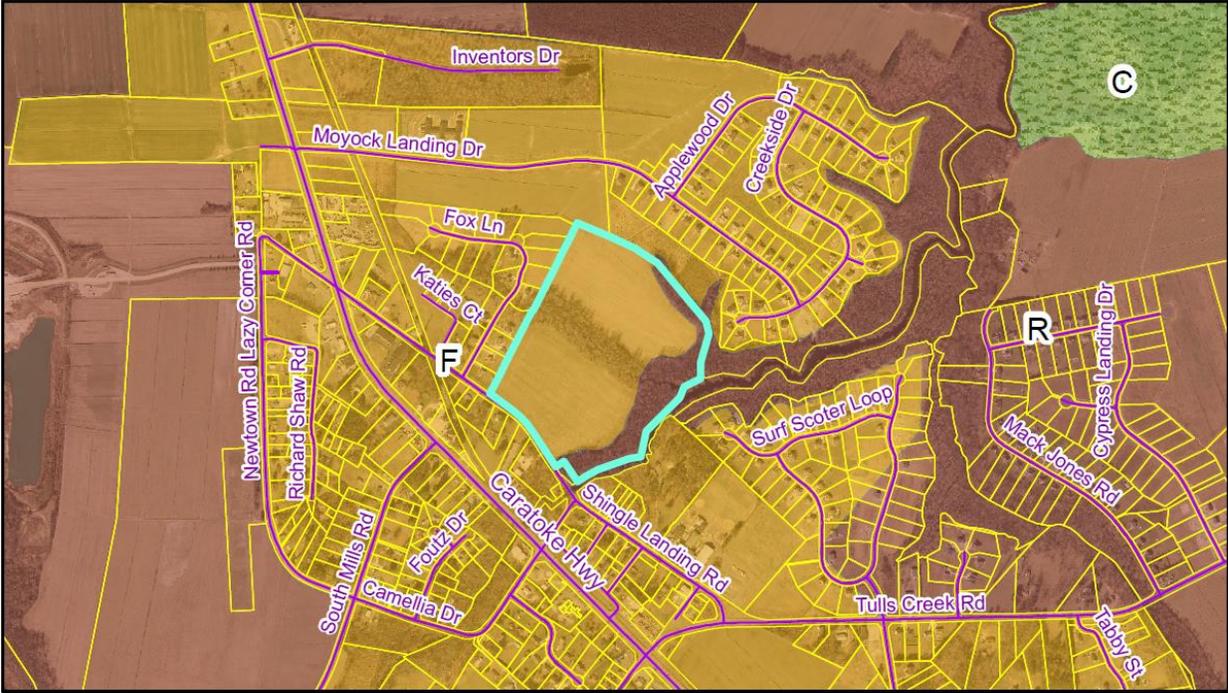


PB 13-17
 Moyock Crossing
 Preliminary Plat - Aerial

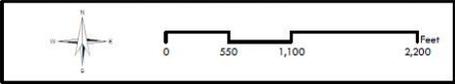


PB 13-17
 Moyock Crossing
 Preliminary Plat - Zoning





PB 13-17
 Moyock Crossing
 Preliminary Plat - LUC



MEMORANDUM

To: Jason Mizelle, Hyman & Robey
Gee's Group of North Carolina

From: Donna Voliva, Planner

Date: July 3, 2013

Re: Moyock Crossing, Preliminary Plat, TRC Comments

The following comments have been received for the July 17, 2013 TRC meeting. The preliminary plat/use permit will be reviewed by the technical review committee (TRC), recommended by the Planning Board, and acted on by the Board of Commissioners. In order for the item to remain on the July Planning Board the following TRC comments must be addressed and revised plans resubmitted by July 22, 2013. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Donna Voliva 252-232-6032

Approved with comments

1. The following items must be submitted for a complete application:
 - a. Executed wetland certification letter and map (signed).
2. Please provide the following information on the preliminary plat:
 - a. Rural and Full Service land use classifications illustration.
 - b. Township, county, and state notations on the preliminary plat.
 - c. Subject property and adjacent property zoning and use.
 - d. Wooded areas and structures within 50 feet of the property line on the existing conditions plan.
 - e. Recreation and Park area dedication lands and calculations.
 - f. Phasing plan.
 - g. Sight triangles.
 - h. Connectivity index score calculation.
 - i. Lot dimensions.
 - j. Proposed street grade, design data for street corners and curves, and profile for streets.
3. The UDO requires conservation subdivisions to utilize low impact development features to the maximum extent practicable. Please identify what features are proposed.
4. Please provide the lot dimensional standards shall be established and placed on the preliminary and final plats (lot area, lot width, lot depth, setbacks, lot coverage).
5. The maximum number of dwelling units per acre can not exceed 2. Please identify any duplex lots, if any, proposed in the subdivision as they can be approved with this use permit. Also, accessory dwelling units would not counted in the density calculations. Detached accessory dwelling units, which require a use permit on individual lots, can be added to the application and approved for the entire subdivision with this use permit.
6. Street trees and sidewalks are required on both sides of the streets.

7. Please clarify if any vegetation will be removed from the site as a result of the proposed construction.
8. Please identify any CAMA wetlands.
9. The UDO requires 2 recreational equipment storage parking spaces (20' x 40') for every 20 units in the development. Please illustrate 8 spaces proposed for the 92 lot subdivision. This area shall be buffered from the neighboring subdivision.
10. The UDO requires intersections with all other streets to be 400 feet from another intersection. The first intersection from Shingle Landing Road does not meet this requirement.
11. A portion of the proposed off-street parking spaces for the water access appear to be located in the street right of way and would require direct backing into the street. If the streets are intended to be public, no direct backing or maneuvering on the public street is permitted.
12. More discussion is needed regarding recreational opportunities/parkland dedication.

Currituck County Utilities, Pat Irwin

Approval with corrections

1. Place two valves at each tee.

Currituck County Fire and Emergency Management, James Mims

Reviewed

1. Please move fire hydrant at lot 53, 54 so that it covers the storage area. And is still within 1000' of the adjacent hydrant.

Currituck Soil and Water, Mike Doxey

Approved

Currituck County Engineer, Eric Weatherly

Approved

1. Provide Stormwater Plan and calculations at Construction submittal.

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

Reviewed

1. Need approval letter from Division of Water Quality (Washington Regional Office) at 252-946-6481 to determine wastewater approval for these proposed lots that make up this proposed sub-division. Thank you.

Currituck County Economic Development, Peter Bishop

Reviewed

Currituck County Parks and Recreation, Jason Weeks

Under review

1. Additional discussion with Parks and Recreation regarding recreation and park area dedication.

Currituck County GIS, Harry Lee

Reviewed

1. Please provide proposed street names.

NC State Archaeology, Lawrence Abbot

No comment

NC DENR - Division of Coastal Management, Charlan Owens

Reviewed

1. As proposed, the development will require a CAMA Major Permit. Please contact Ron Renaldi, DCM Field Representative, to discuss the project. He can be reached at 252-264-3901.

NC DENR - Division of Water Quality, Amy Adams

Reviewed

1. Site has wetlands and will require Corps delineation. Site will also need state stormwater permit.

Comments not received from:

Currituck County Building Inspections, Spence Castello

Attach site plan (pdf) – In Agenda Manager

Attach Application and Narrative (pdf) – In Agenda Manager

MOYOCK CROSSING

CONSERVATION SUBDIVISION PRELIMINARY PLAT

AS OF THE RECORDED DATE OF THIS PLAT, SOME PORTIONS OF THIS DEVELOPMENT ADJOIN LAND USED FOR ACTIVE AGRICULTURE PURPOSES THAT IS ANTICIPATED TO GENERATE NOISE, LIGHT, DUST, OR VIBRATION AS PART OF ITS NORMAL OPERATION.

OPEN SPACE, PONDS AND DRAINAGE FACILITIES REQUIRED TO BE PROVIDED BY THE DEVELOPER IN ACCORDANCE WITH THIS ORDINANCE SHALL NOT BE DEDICATED TO THE PUBLIC EXCEPT UPON WRITTEN ACCEPTANCE BY THE COUNTY, BUT SHALL REMAIN UNDER THE OWNERSHIP AND CONTROL OF THE DEVELOPER (OR HIS SUCCESSOR) OR A HOMEOWNERS ASSOCIATION OR SIMILAR ORGANIZATION THAT SATISFIES THE CRITERIA ESTABLISHED IN THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE.

A PAYMENT-IN-LIEU OF RECREATION AND PARK AREA DEDICATION HAS BEEN PROVIDED IN ACCORDANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE. PAYMENTS-IN-LIEU RECEIVED BY THE COUNTY SHALL BE USED ONLY FOR THE ACQUISITION OR DEVELOPMENT OF RECREATION AND PARK AREAS, AND OPEN SPACE CONSISTENT WITH THE REQUIREMENTS OF NORTH CAROLINA GENERAL STATUTES SECTION 153A-331.

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF CURRITUCK COUNTY, THAT I HEREBY FREELY ADOPT THIS PLAT OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREA SHOWN ON THIS PLAT AS STREETS, UTILITIES, ALLEYS, WALKS, RECREATION AND PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY OR HOME OWNERS' ASSOCIATION. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR A PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH USE IS APPROVED BY THE APPROPRIATE PUBLIC AUTHORITY IN THE PUBLIC INTEREST.

DATE _____ OWNER _____

I, _____, A NOTARY PUBLIC OF _____ COUNTY, NORTH CAROLINA, DO HEREBY CERTIFY THAT I PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

I, _____, REVIEW OFFICER OF CURRITUCK COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE AND, THEREFORE, THIS PLAT HAS BEEN APPROVED BY THE ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE CURRITUCK COUNTY REGISTRY WITHIN 90 DAYS OF THE DATE BELOW.

DATE _____ ADMINISTRATOR _____

DIVISION OF HIGHWAY DISTRICT ENGINEER CERTIFICATE FOR PUBLIC STREETS

I HEREBY CERTIFY THAT THE PUBLIC STREETS SHOWN ON THIS PLAT ARE INTENDED FOR DEDICATION AND HAVE BEEN DESIGNED OR COMPLETED IN ACCORDANCE WITH AT LEAST THE MINIMUM SPECIFICATIONS AND STANDARDS OF THE NC DEPARTMENT OF TRANSPORTATION FOR ACCEPTANCE OF SUBDIVISION STREETS ON THE NC HIGHWAY SYSTEM FOR MAINTENANCE.

DATE _____ DISTRICT ENGINEER _____

I, EDWARD T. HYMAN, JR. PLS-2690, CERTIFY,

A. THAT THIS IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE DEED DESCRIPTION FOR SAID PROPERTY IS RECORDED IN DEED BOOK _____ PAGE _____ THAT THE ERROR OF CLOSURE IS 1:10,000+; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-30, AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS _____ DAY OF _____, 20____



EDWARD T. HYMAN, JR.
REGISTERED LAND SURVEYOR
P.L.S. L-2690
REGISTRATION NUMBER

ENGINEER CERTIFICATION OF STORMWATER IMPROVEMENTS

I HEREBY CERTIFY THAT ALL IMPROVEMENTS REQUIRED BY THE CURRITUCK COUNTY UNIFIED DEVELOPMENT ORDINANCE HAVE BEEN INSTALLED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PREPARED BY _____ AND SAID IMPROVEMENTS COMPLY WITH CURRITUCK COUNTY SPECIFICATIONS.

DATE _____ PROFESSIONAL LAND SURVEYOR/CIVIL ENGINEER _____

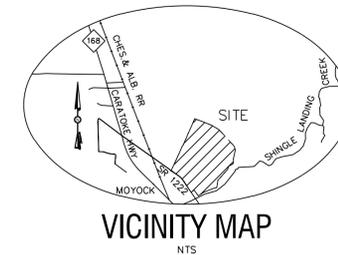
REGISTRATION NUMBER _____



LOCATION MAP: 1" = 300'

SITE DATA:

- OWNER: GEE'S GROUP OF NORTH CAROLINA, INC. 5700 LAKE WRIGHT DRIVE, SUITE 103 NORFOLK, VA 23502
- PIN: 0009-000-0041-0000
- THE MAJORITY OF THE SITE IS LOCATED IN FLOOD ZONE "X". A PORTION OF THE SITE IS LOCATED IN FLOOD ZONE "AE" (ELEV 5) AS SHOWN ON F.I.R.M. PANEL 3721802200J EFFECTIVE DATE DECEMBER 16, 2005 AND ON PANEL 8721803000J EFFECTIVE DATE DECEMBER 16, 2005.
- ZONING: SINGLE FAMILY MAINLAND
- SITE AREA: 58.16 AC
WETLAND: 15.51 AC
UPLANDS: 42.65 AC
- WETLANDS SHOWN HEREON DELINEATED BY ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC ON APRIL 16, 2013. US ARMY CORPS OF ENGINEERS APPROVED DELINEATION ONSITE APRIL 29, 2013. SIGNED PLAT PENDING.
- PRIMARY CONSERVATION AREA: 20.84 AC (36%)
SECONDARY CONSERVATION AREA: 2.83 AC (5%)
TOTAL CONSERVATION AREA: 23.67 AC (41%)
- DENSITY CALCULATION:
SITE AREA: 58.16 AC
RURAL AREA: 10.48 AC
FULL USE ACREAGE = SITE AREA - RURAL AREA = 47.68 AC
ALLOWABLE DENSITY = 2 LOTS PER FULL USE ACRE = 95 LOTS (90 LOTS SHOWN)
- NO STREET LIGHTING IS PROPOSED.
- RECREATION AND PARK AREA DEDICATION
90 LOTS X 0.0255 AC/LOT = 2.30 AC



VICINITY MAP
NTS

MOYOCK CROSSING SUBDIVISION

MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA

KEY PLAN:

SHEET INDEX:

- C001 - COVER
- C100 - EXISTING CONDITIONS
- C101 - CONSERVATION & DEVELOPMENT PLAN
- C200 - SITE PLAN OVERVIEW
- C201 - SITE DATA PLAN
- C300 - GRADING, DRAINAGE & EROSION CONTROL OVERVIEW
- C400 - UTILITY PLAN

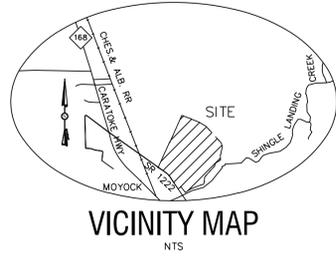
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Drawing #: 120168 - SHEET SET
Drawn: RLH
Checked: JAM
Approved: SCR
Date: 07/22/13
Sheet #: 01/06
Scale: 1:100

REVISIONS:
NUM. DATE DESCRIPTION

SHEET TITLE:
COVER

SHEET NUMBER:
C001





PRELIMINARY
DO NOT USE FOR CONSTRUCTION,
SALES, OR RECORDATION.

**MOYOCK
CROSSING
SUBDIVISION**

- SITE DATA:**
- OWNER:**
GEE'S GROUP OF NORTH CAROLINA, INC.
5700 LAKE WRIGHT DRIVE, SUITE 103
NORFOLK, VA 23502
 - PIN:** 0009-000-0041-0000
 - THE MAJORITY OF THE SITE IS LOCATED IN FLOOD ZONE "X", A PORTION OF THE SITE IS LOCATED IN FLOOD ZONE "A1" (ELEV 5) AS SHOWN ON F.I.R.M. PANEL 3721802200J EFFECTIVE DATE DECEMBER 16, 2005 AND ON PANEL 8721803200J EFFECTIVE DATE DECEMBER 16, 2005.**
 - ZONING:** SINGLE FAMILY MAINLAND
 - SITE AREA:** 58.16 AC
WETLAND: 15.51 AC
UPLANDS: 42.65 AC
 - WETLANDS SHOWN HEREON DELINEATED BY ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC ON APRIL 18, 2013. US ARMY CORPS OF ENGINEERS APPROVED DELINEATION ONSITE APRIL 29, 2013. SIGNED PLAT PENDING.**
 - PRIMARY CONSERVATION AREA:** 20.84 AC (36%)
SECONDARY CONSERVATION AREA: 2.63 AC (5%)
TOTAL CONSERVATION AREA: 23.67 AC (41%)
 - DENSITY CALCULATION:**
SITE AREA: 58.16 AC
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 - RECREATION AND PARK AREA DEDICATION**
90 LOTS x 0.0255 AC/LOT = 2.30 AC



LEGEND

- RIGHT-OF-WAY
- PROPERTY BOUNDARY
- ADJACENT PROPERTY LINE
- FLOODZONE
- EXISTING WATERLINE
- EXISTING TOP OF BANK
- EXISTING DITCH LINE
- WETLAND
- EXISTING ASPHALT PAVEMENT
- EXISTING GATE VALVE
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING UTILITY POLE
- EXISTING TELEPHONE PEDESTAL
- SOIL TYPE DELINEATION LINE
- EXISTING WOODSLINE
- PROPOSED WOODSLINE

SOILS INDEX

- AaA ALTAWSTA
- At AUGUSTA
- Cb CONABY
- Do DOROVAN
- Ro ROANOKE
- StA STATE

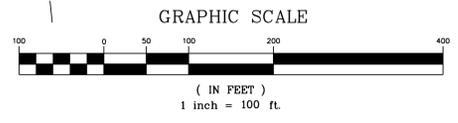
MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA
KEY PLAN:

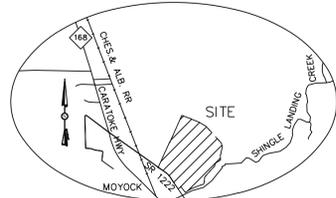
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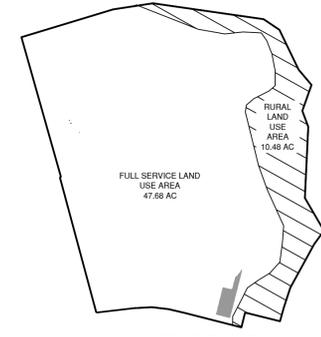
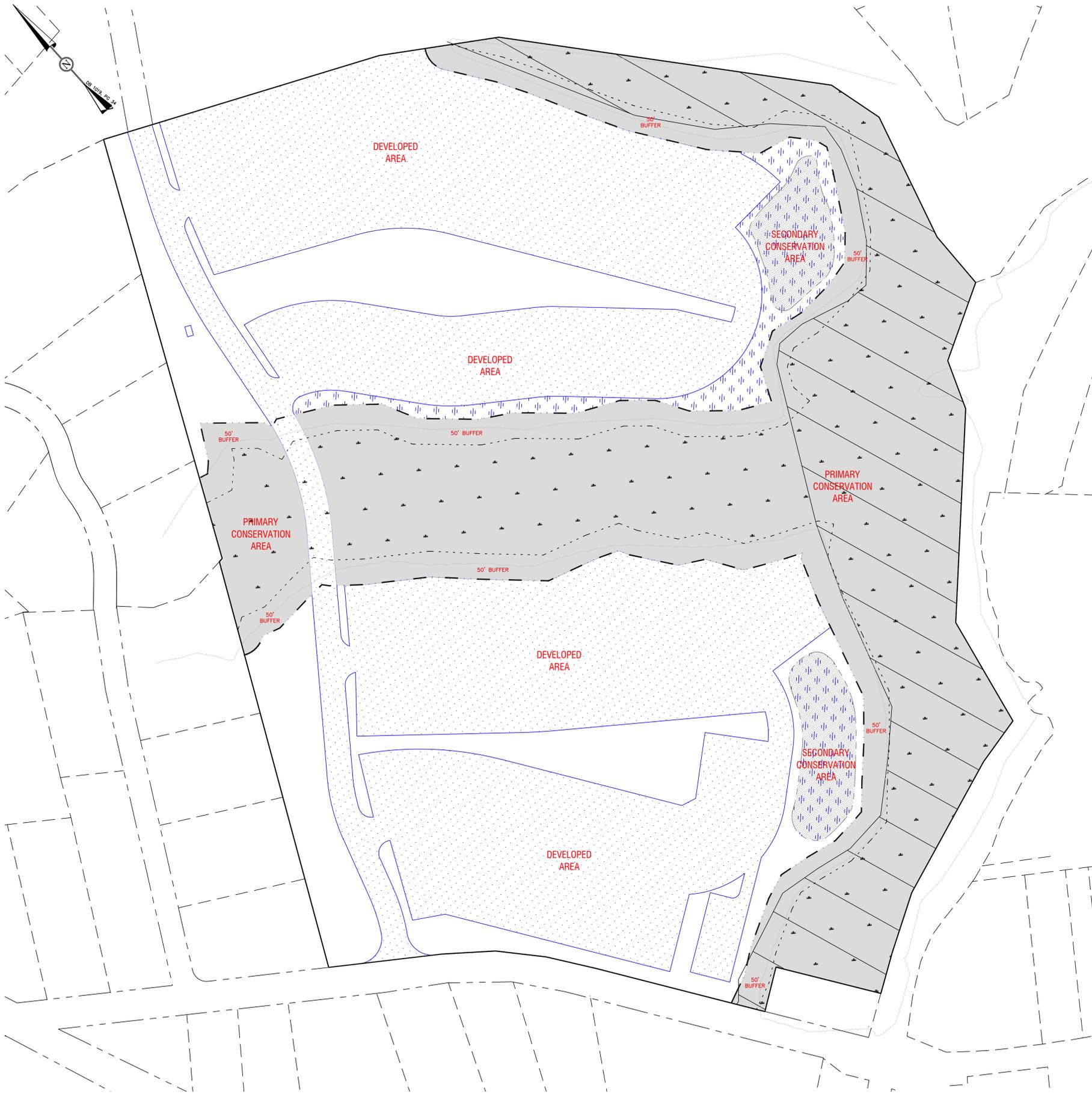
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**EXISTING
CONDITIONS**
SHEET NUMBER:

C100





VICINITY MAP
NTS



LAND USE MAP

- SITE DATA:
- OWNER:
GEE'S GROUP OF NORTH CAROLINA, INC.
5700 LAKE WRIGHT DRIVE, SUITE 103
NORFOLK, VA 23502
 - PIN: 0009-000-0041-0000
 - THE MAJORITY OF THE SITE IS LOCATED IN FLOOD ZONE "X", A PORTION OF THE SITE IS LOCATED IN FLOOD ZONE "AE" (ELEV 5) AS SHOWN ON F.I.R.M. PANEL 3721802200J EFFECTIVE DATE DECEMBER 16, 2005 AND ON PANEL 6721803200J EFFECTIVE DATE DECEMBER 16, 2005.
 - ZONING: SINGLE FAMILY MAINLAND
 - SITE AREA: 58.16 AC
WETLAND: 15.51 AC
UPLANDS: 42.65 AC
 - WETLANDS SHOWN HEREON DELINEATED BY ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC ON APRIL 18, 2013. US ARMY CORPS OF ENGINEERS APPROVED DELINEATION ON SITE APRIL 29, 2013. SIGNED PLAT PENDING.
 - PRIMARY CONSERVATION AREA: 20.84 AC (36%)
SECONDARY CONSERVATION AREA: 2.83 AC (5%)
TOTAL CONSERVATION AREA: 23.67 AC (41%)
 - DENSITY CALCULATION:
SITE AREA: 58.16 AC
RURAL AREA: 10.48 AC
FULL USE ACREAGE = SITE AREA - RURAL AREA = 47.68 AC
ALLOWABLE DENSITY = 2 LOTS PER FULL USE ACRE = 95 LOTS (90 LOTS SHOWN)
 - NO STREET LIGHTING IS PROPOSED.
 - RECREATION AND PARK AREA DEDICATION
90 LOTS X 0.0255 AC/LOT = 2.30 AC

LEGEND

- RIGHT-OF-WAY
- PROPERTY BOUNDARY
- - - ADJACENT PROPERTY LINE
- EXISTING WOODSLINE
- PROPOSED WOODSLINE
- - - 50' WETLAND BUFFER
- WETLAND
- PRIMARY CONSERVATION AREA
- SECONDARY CONSERVATION AREA
- DEVELOPED AREA
- AREA DESIGNATED AS RURAL LANDUSE (REMAINING AREA DESIGNATED AS FULL LAND USE)

HYMAN ROBEY
SOLUTIONS FROM THE GROUND UP
Hyman & Robey, PC
150 US Hwy 158 E.
PO Box 339
Camden, NC 27921
(252) 338-2913
(252) 338-5552 fax
www.hymanrobey.com
License C-0598

PRELIMINARY
DO NOT USE FOR CONSTRUCTION,
SALES, OR RECORDATION.

MOYOCK
CROSSING
SUBDIVISION

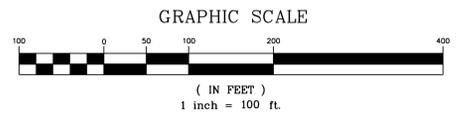
MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA
KEY PLAN:

Project #: 120168
Drawing #: 120168 - SHEET SET
Drawn: RLH
Checked: JAM
Approved: SCR
Date: 07/22/13
Sheet #: 03/06
Scale: 1:100

REVISIONS:
NUM. DATE DESCRIPTION

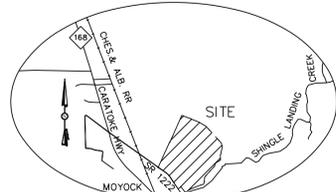
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CONSERVATION &
DEVELOPMENT PLAN
SHEET NUMBER:

C101



PRELIMINARY
DO NOT USE FOR CONSTRUCTION,
SALES, OR RECORDATION.

**MOYOCK CROSSING
SUBDIVISION**



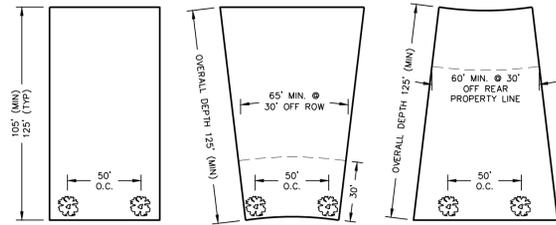
VICINITY MAP

SITE DATA:
NTS

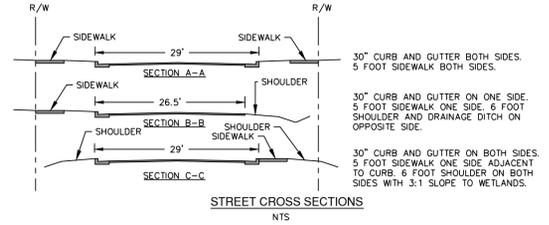
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5700 LAKE WRIGHT DRIVE, SUITE 103
NORFOLK, VA 23502
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- RECREATION AND PARK AREA DEDICATION
90 LOTS X 0.0255 AC/LOT = 2.30 AC

| LINE TABLE | | CURVE TABLE | | | | | | | |
|------------|---------------|-------------|-------|------------|----------|---------|------------|---------------|--------------|
| LINE | BEARING | ANGLE | CURVE | ARC LENGTH | RADIUS | TANGENT | DELTA | CHORD BEARING | CHORD LENGTH |
| L1 | N35° 51' 37"E | 52.16 | C1 | 111.40' | 350.00' | 56.18 | 18°14'13" | N26° 44' 30"E | 110.93' |
| L2 | N17° 37' 24"E | 126.41 | C2 | 119.05' | 350.00' | 60.10 | 19°29'18" | N27° 22' 03"E | 118.47' |
| L3 | N37° 06' 42"E | 475.96 | C3 | 253.46' | 500.00' | 129.52 | 29°02'41" | N22° 35' 21"E | 250.76' |
| L4 | N8° 04' 01"E | 185.53 | C4 | 296.39' | 1000.00' | 149.29 | 16°58'54" | N16° 33' 28"E | 295.30' |
| L5 | N25° 02' 55"E | 136.88 | C5 | 355.28' | 685.66' | 181.72 | 29°41'17" | N17° 14' 14"E | 351.32' |
| L6 | N32° 07' 54"E | 196.39 | C6 | 242.98' | 500.00' | 123.94 | 27°50'37" | S47° 43' 58"E | 240.60' |
| L7 | N8° 03' 53"E | 38.08 | C7 | 302.17' | 180.00' | 200.56 | 96°11'05" | S81° 54' 12"E | 267.92' |
| L9 | S33° 48' 39"E | 357.62 | C8 | 324.25' | 180.00' | 227.15 | 103°12'39" | N1° 36' 04"W | 282.15' |
| L10 | N50° 00' 15"E | 109.61 | C9 | 67.32' | 1000.00' | 33.67 | 3°51'26" | N51° 16' 41"W | 67.31' |
| L11 | N53° 12' 24"W | 257.10 | C10 | 135.19' | 180.00' | 70.96 | 43°01'53" | N60° 25' 03"W | 132.03' |
| L12 | N49° 20' 58"W | 365.14 | C11 | 95.23' | 350.00' | 48.42 | 15°45'11" | N46° 46' 42"W | 95.93' |
| L13 | N81° 55' 59"W | 24.57 | C12 | 48.56' | 350.00' | 24.32 | 7°56'55" | N50° 40' 50"W | 48.52' |
| L14 | N38° 54' 07"W | 152.06 | C13 | 294.77' | 180.00' | 192.45 | 93°49'40" | S86° 22' 48"W | 262.92' |
| L15 | N54° 39' 17"W | 125.58 | C14 | 193.52' | 150.00' | 112.87 | 73°55'15" | S3° 12' 19"W | 180.38' |
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| L17 | S39° 48' 57"W | 1.83 | | | | | | | |
| L18 | S33° 45' 19"E | 452.82 | | | | | | | |
| L19 | S63° 40' 19"E | 350.25 | | | | | | | |
| L20 | S63° 40' 19"E | 350.25 | | | | | | | |

*L7 and C5 NOT SHOWN



- LOT NOTES:**
- MINIMUM LOT SIZE IS 8,000 SF UNLESS OTHERWISE NOTED. SETBACKS ARE:
FRONT = 30 FT
REAR = 20 FT
SIDE = 5 FT
 - MAXIMUM LOT COVERAGE = +60%
- TYPICAL LOT PARAMETERS**

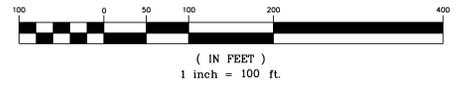


★ NODE
● LINK
CIS = LINKS/NODES = 7/4 = 1.75
MINIMUM CIS FOR SPM ZONING = 1.20
CONNECTIVITY INDEX SCORE (CIS)

LEGEND

- RIGHT-OF-WAY
- PROPERTY BOUNDARY
- ADJACENT PROPERTY LINE
- PROPERTY LINE
- PROPOSED TOP OF BANK
- PROPOSED CULVERT
- WETLAND
- PROPOSED SIDEWALK
- EXISTING ASPHALT PAVEMENT
- PROPOSED ASPHALT PAVEMENT
- PHASE DELINEATION LINE
- EXISTING WOODSLINE
- PROPOSED WOODSLINE
- EXISTING UTILITY POLE
- EXISTING TELEPHONE PEDESTAL
- WILLOW OAK
- LIVE OAK
- RED MAPLE
- SCARLET OAK
- WAX MYRTLE

GRAPHIC SCALE



MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA
KEY PLAN:

Project #: 120168
Drawing #: 120168 - SHEET SET
Drawn: RLH
Checked: JAM
Approved: SCR
Date: 07/22/13
Sheet #: 04/06
Scale: 1:100

REVISIONS:
NUM. DATE DESCRIPTION

SHEET TITLE:
**SITE PLAN
OVERVIEW**

SHEET NUMBER:
C200

PRELIMINARY
DO NOT USE FOR CONSTRUCTION,
SALES, OR RECORDATION.

**MOYOCK
CROSSING
SUBDIVISION**

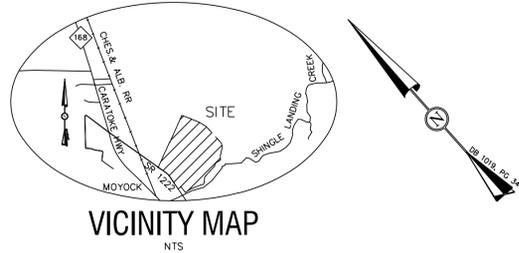
MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA
KEY PLAN:

Project #: 120168
Drawing #: 120168 - SHEET SET
Drawn: RLH
Checked: JAM
Approved: SCR
Date: 06/27/13
Sheet #: 04/06
Scale: 1:100

REVISIONS:
NUM. DATE DESCRIPTION

SHEET TITLE:
SITE DATA PLAN

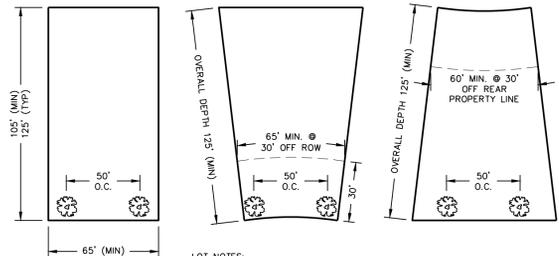
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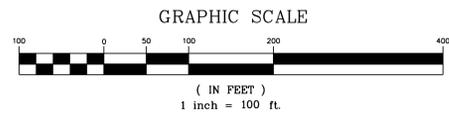
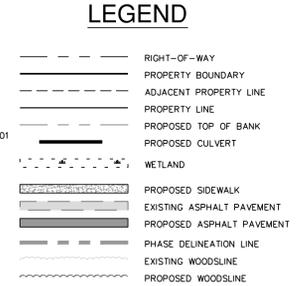
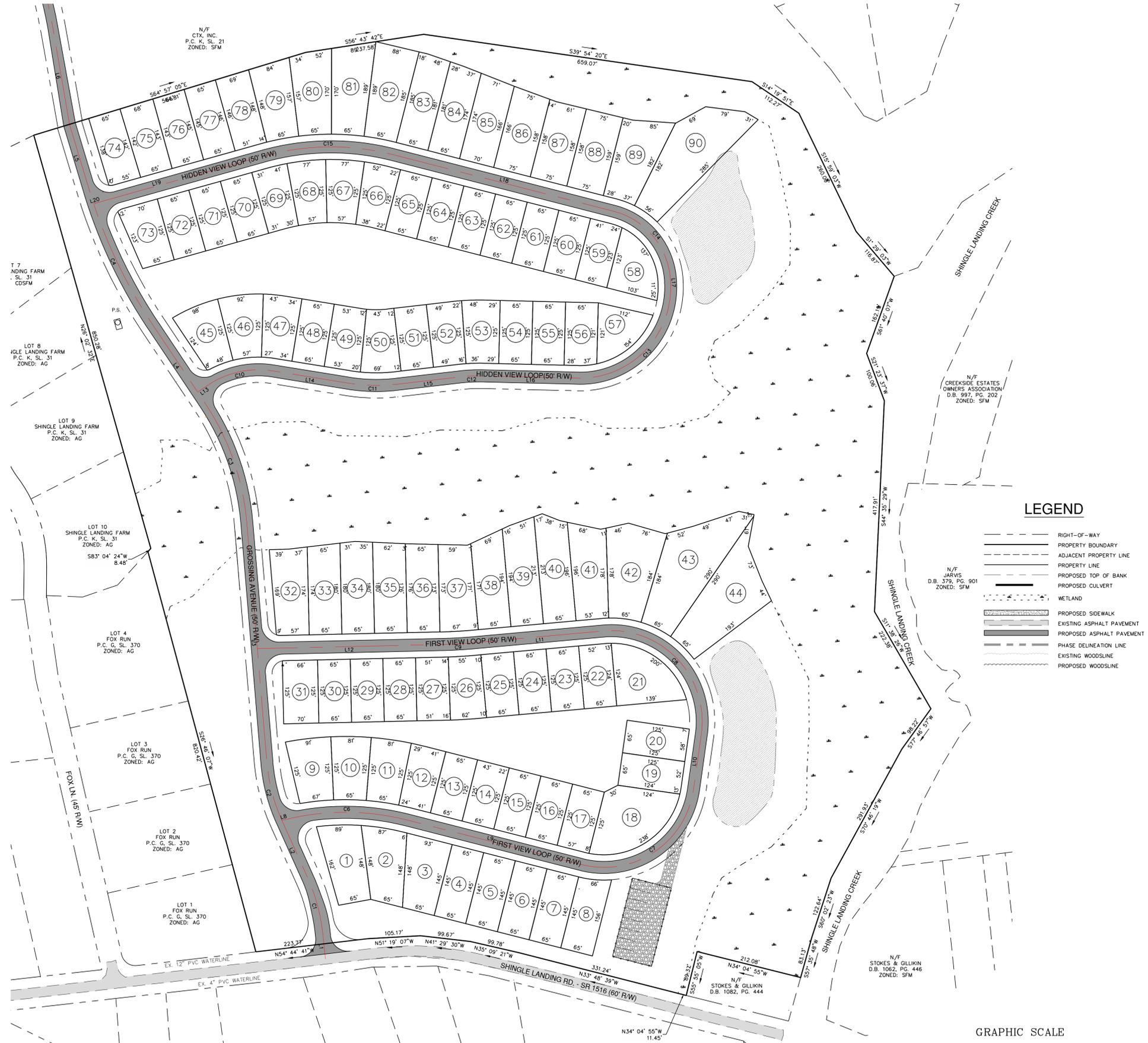
- SITE DATA:
- OWNER: GEE'S GROUP OF NORTH CAROLINA, INC. 5700 LAKE WRIGHT DRIVE, SUITE 103 NORFOLK, VA 23502
 - PIN: 0009-000-0041-0000
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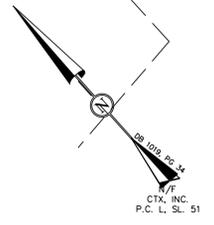
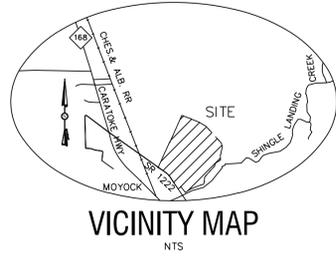
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REAR = 20 FT
SIDE = 5 FT
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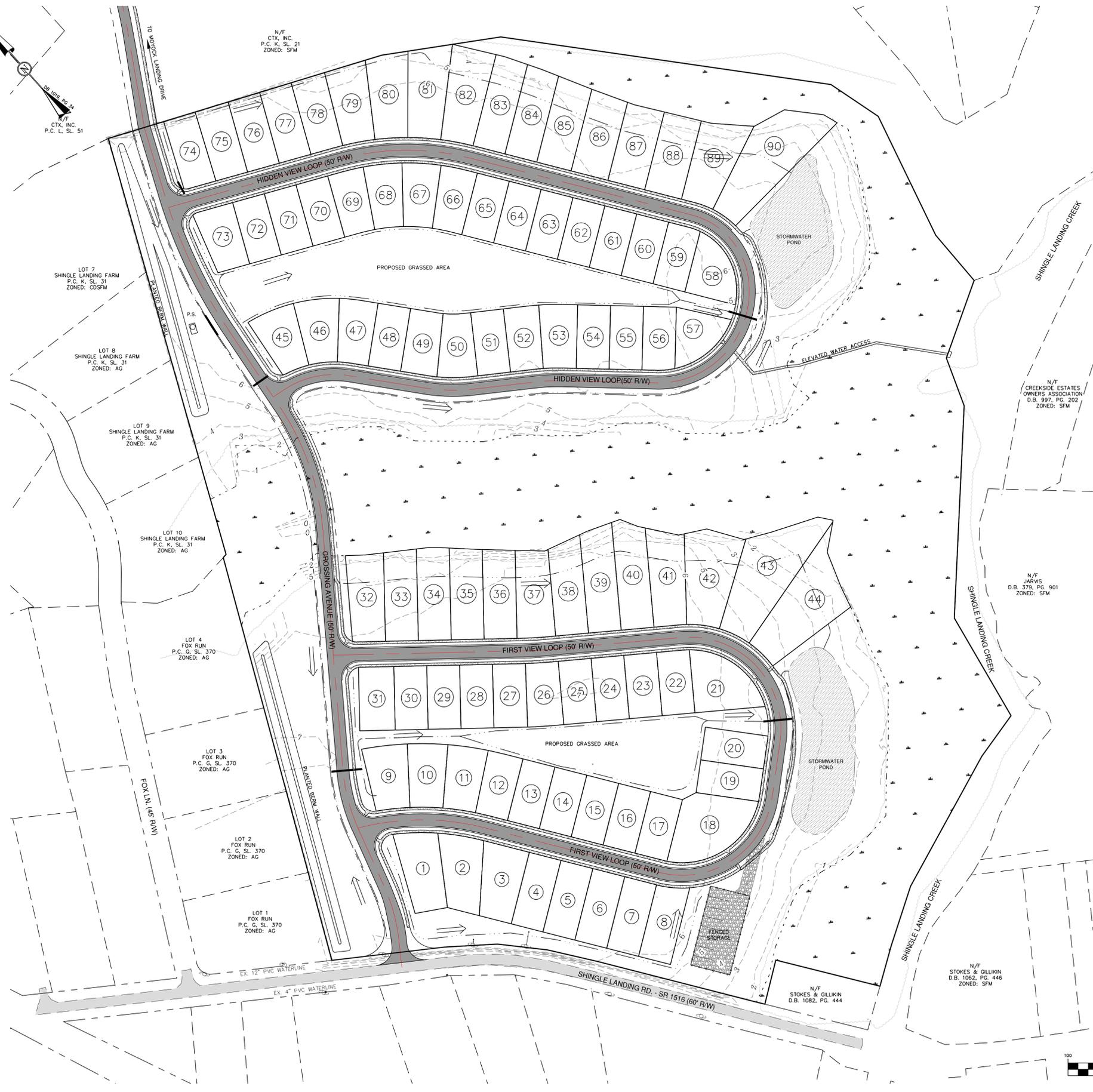


PRELIMINARY
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MOYOCK CROSSING SUBDIVISION

- SITE DATA:**
- OWNER:**
 GEE'S GROUP OF NORTH CAROLINA, INC.
 5700 LAKE WRIGHT DRIVE, SUITE 103
 NORFOLK, VA 23502
 - PIN:** 0009-000-0041-0000
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 90 LOTS x 0.0255 AC/LOT = 2.30 AC

STORMWATER NARRATIVE:
 THIS PROJECT QUALIFIES AS A HIGH DENSITY PROJECT AND WILL BE PERMITTED AS SUCH. STORMWATER WILL BE ROUTED TO TWO WET DETENTION PONDS THROUGH THE USE OF ROADSIDE DITCHES, CURB AND GUTTER AND A SERIES OF UNDERGROUND PIPING. STORMWATER WILL DISCHARGE FROM EACH WET DETENTION POND INTO SHINGLE LANDING CREEK.



LEGEND

| | |
|--|-----------------------------|
| | RIGHT-OF-WAY |
| | PROPERTY BOUNDARY |
| | ADJACENT PROPERTY LINE |
| | PROPERTY LINE |
| | EXISTING WATERLINE |
| | EXISTING TOP OF BANK |
| | PROPOSED TOP OF BANK |
| | EXISTING DITCH LINE |
| | PROPOSED DITCH LINE |
| | PROPOSED CULVERT |
| | WETLAND |
| | PROPOSED SIDEWALK |
| | EXISTING ASPHALT PAVEMENT |
| | PROPOSED ASPHALT PAVEMENT |
| | EXISTING UTILITY POLE |
| | EXISTING TELEPHONE PEDESTAL |
| | PROPOSED DRAINAGE FLOW |

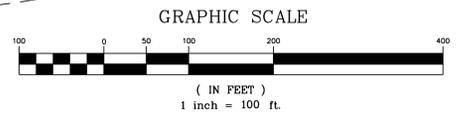
MOYOCK TOWNSHIP
 CURRITUCK COUNTY
 NORTH CAROLINA
 KEY PLAN:

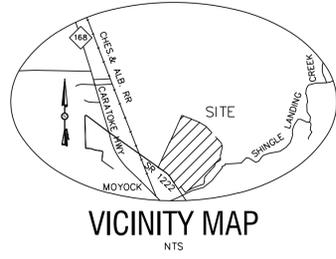
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 Drawing #: 120168 - SHEET SET
 Drawn: RLH
 Checked: JAM
 Approved: SCR
 Date: 07/22/13
 Sheet #: 05/06
 Scale: 1:100

| REVISIONS: | NUM. | DATE | DESCRIPTION |
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SHEET TITLE:
GRADING, DRAINAGE & EROSION CONTROL
 SHEET NUMBER:

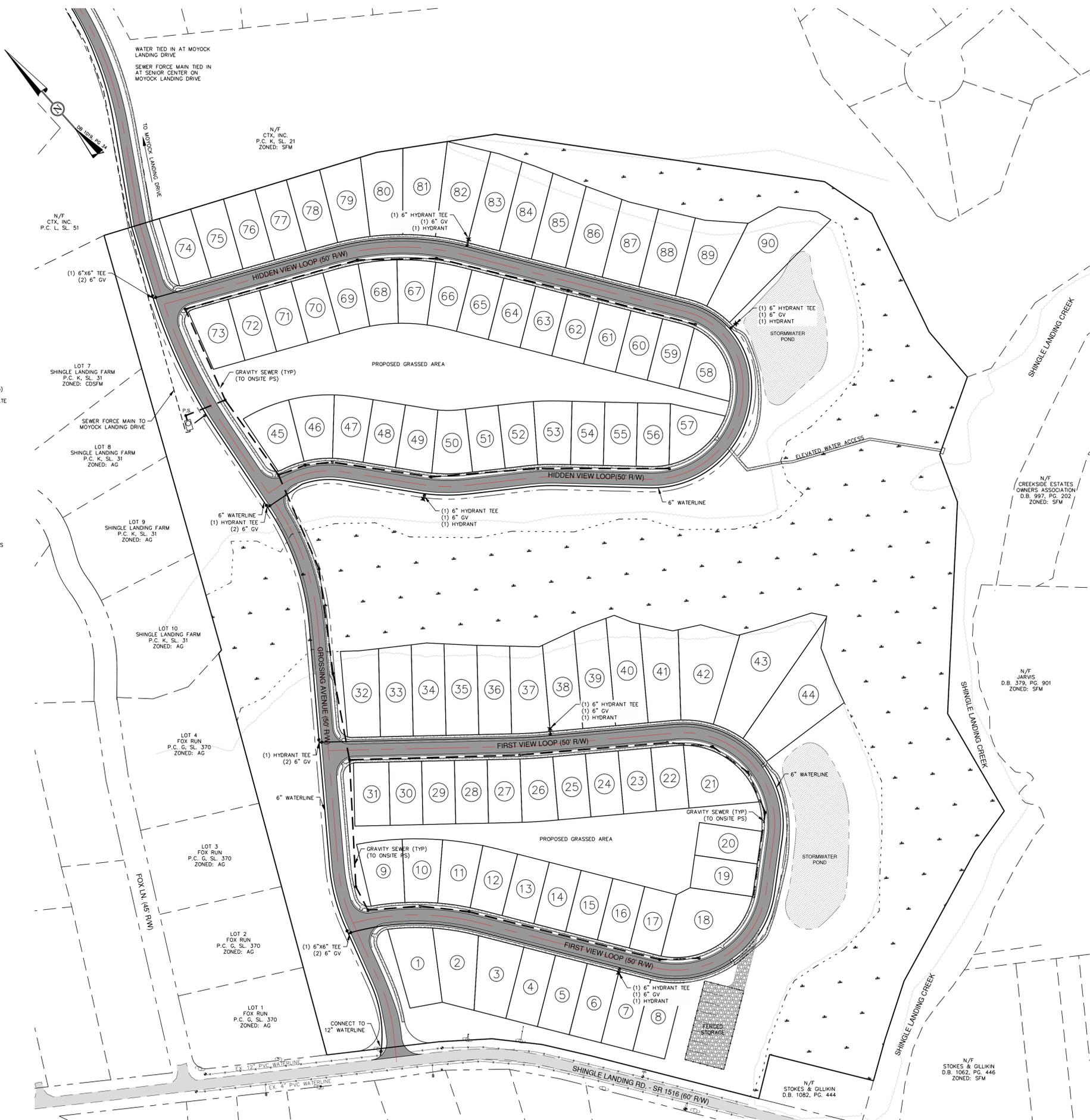
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VICINITY MAP
NTS

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90 LOTS X 0.0255 AC/LOT = 2.30 AC



LEGEND

- RIGHT-OF-WAY
- PROPERTY BOUNDARY
- ADJACENT PROPERTY LINE
- PROPOSED GRAVITY SEWER
- PROPOSED SEWER FORCE MAIN
- PROPOSED WATERLINE
- EXISTING WATERLINE
- EXISTING TOP OF BANK
- EXISTING DITCH LINE
- WETLAND
- EXISTING ASPHALT PAVEMENT
- EXISTING GATE VALVE
- PROPOSED GATE VALVE
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- EXISTING UTILITY POLE
- EXISTING TELEPHONE PEDESTAL
- PROPOSED SEWER MANHOLE

HYMAN ROBEY
SOLUTIONS FROM THE GROUND UP
Hyman & Robey, PC
150 US Hwy 158 E.
PO Box 339
Camden, NC 27921
(252) 338-2913
(252) 338-5552 fax
www.hymanrobey.com
License C-0598

PRELIMINARY
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MOYOCK
CROSSING
SUBDIVISION

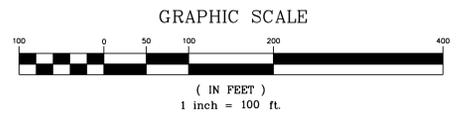
MOYOCK TOWNSHIP
CURRITUCK COUNTY
NORTH CAROLINA
KEY PLAN:

Project #: 120168
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Date: 07/22/13
Sheet #: 06/06
Scale: 1:100

REVISIONS:
NUM. DATE DESCRIPTION

SHEET TITLE:
UTILITY PLAN

SHEET NUMBER:
C400



I, JASON A. MIZELLE, PLS CERTIFY THAT THIS PLAT WAS DRAWN FROM AN AERIAL FIELD SURVEY MADE UNDER MY SUPERVISION THAT THE DEED DESCRIPTION FOR SAID PROPERTY IS RECORDED IN D.B. 1018, P.C. 31 THAT THE ERROR OF CLOSURE IS 1:10,000+ THAT ALL AREA CALCULATIONS ARE BY COORDINATE METHOD; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 27-28, WITNESS MY ORIGINAL SIGNATURE, REG. NUMBER, AND SEAL THIS 6th DAY OF MAY 2013.

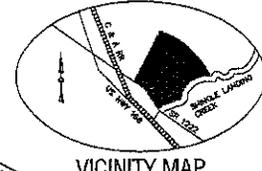
I, JASON A. MIZELLE, PLS-4917, CERTIFY, C. THAT THIS PLAT IS OF AN EXISTING PARCEL(S) OF LAND.



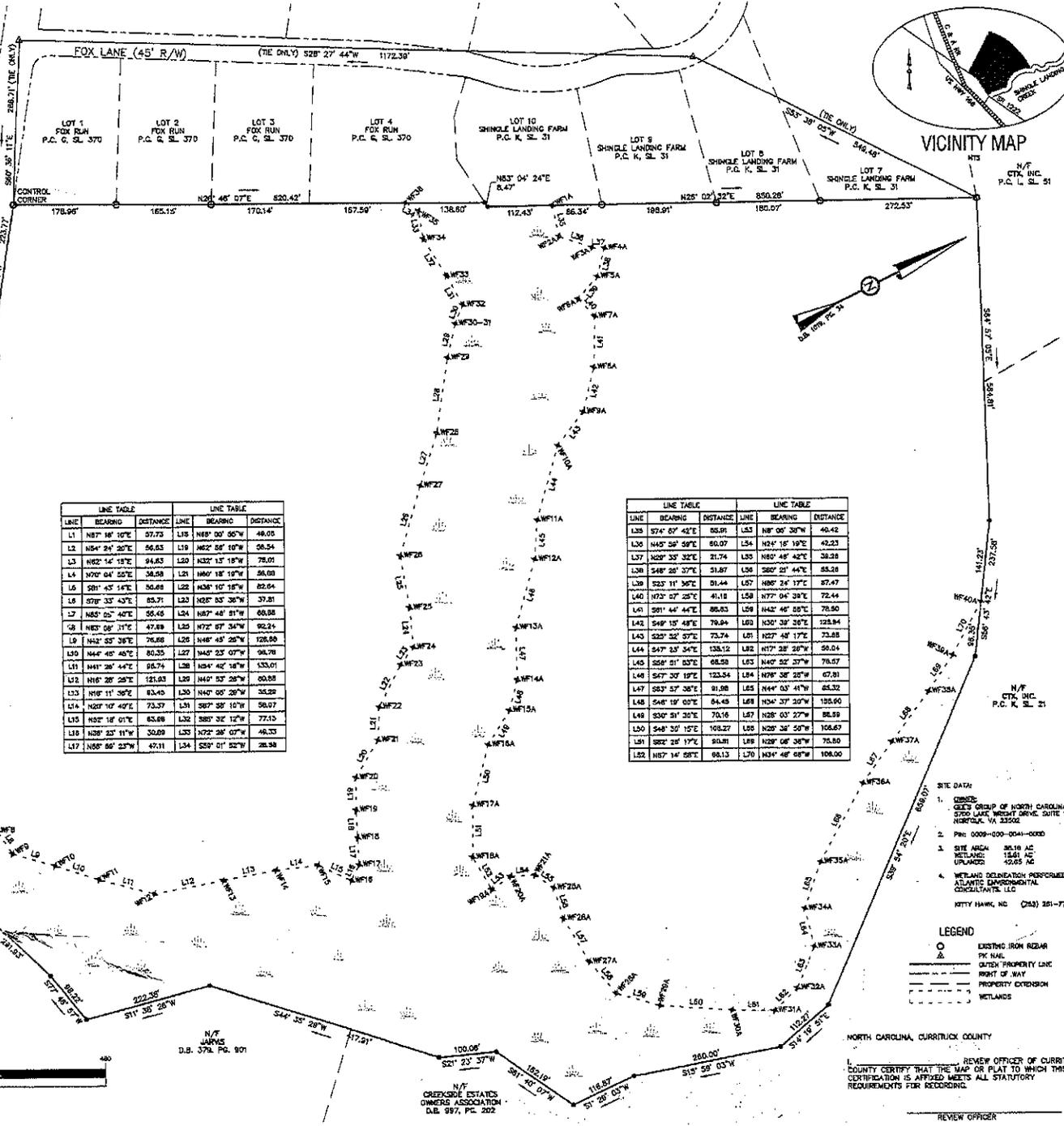
Jason A. Mizelle
 JASON A. MIZELLE
 P.L.S. L-4917

THIS CERTIFIES THAT THIS COPY OF THIS PLAT ACCURATELY DEPICTS THE BOUNDARY OF THE JURISDICTION OF SECTION 404 OF THE CLEAN WATER ACT AS DETERMINED BY THE UNDERGROUND ON THIS DATE UNLESS THERE IS A CHANGE IN THE LAW OR OUR PUBLISHED REGULATIONS. THIS DETERMINATION OF SECTION 404 JURISDICTION MAY BE RELIED UPON FOR A PERIOD NOT TO EXCEED FIVE YEARS FROM THIS DATE. THIS DETERMINATION WAS MADE UTILIZING THE APPROPRIATE REGIONAL SUPPLEMENT TO THE 1987 CRIPPS OF ENGINEERS WETLAND DELINEATION MANUAL.

REGULATORY OFFICIAL: *Paul D. Davis*
 TITLE: *Regional Supervisor*
 DATE: *7/11/2013*
 USACE ACTION ID: *SAW-2013-01284*

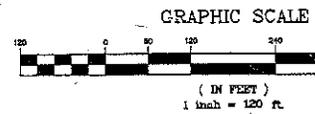


HYMAN ROBEY
 JAMES H. HYMAN, P.L.S. 3782, R.L.S.
 Hyman & Robey, PC
 150 US Hwy 158 E
 PO Box 338
 Columbia, NC 27021
 (252) 338-2913
 (252) 338-5652 fax
 www.hymanrobey.com
 License C-0588



| LINE | BEARING | DISTANCE | LINE | BEARING | DISTANCE |
|------|---------------|----------|------|---------------|----------|
| L1 | N87° 18' 10"E | 37.73 | L18 | N88° 00' 35"W | 48.05 |
| L2 | N54° 24' 30"E | 58.83 | L19 | N82° 25' 10"W | 26.54 |
| L3 | N62° 14' 12"E | 44.83 | L20 | N23° 17' 15"W | 78.01 |
| L4 | N70° 04' 22"E | 58.38 | L21 | N60° 18' 15"W | 58.03 |
| L5 | S81° 43' 12"E | 56.68 | L22 | N28° 10' 15"W | 83.64 |
| L6 | S78° 33' 42"E | 85.71 | L23 | N25° 53' 35"W | 37.81 |
| L7 | N83° 05' 42"E | 55.45 | L24 | N87° 48' 51"W | 68.88 |
| L8 | N83° 05' 42"E | 47.88 | L25 | N72° 07' 34"W | 92.84 |
| L9 | N42° 23' 38"E | 76.88 | L26 | N48° 43' 28"W | 128.80 |
| L10 | N44° 45' 40"E | 80.35 | L27 | N45° 23' 07"W | 98.78 |
| L11 | N41° 28' 44"E | 98.74 | L28 | N54° 42' 18"W | 133.01 |
| L12 | N18° 28' 28"E | 121.03 | L29 | N45° 57' 28"W | 80.88 |
| L13 | N18° 11' 38"E | 83.45 | L30 | N45° 00' 20"W | 32.28 |
| L14 | N21° 10' 40"E | 73.37 | L31 | S87° 38' 10"W | 58.07 |
| L15 | N21° 18' 01"E | 65.68 | L32 | S85° 32' 12"W | 77.15 |
| L16 | N28° 23' 11"W | 30.89 | L33 | N72° 28' 07"W | 48.33 |
| L17 | N58° 50' 23"W | 47.11 | L34 | S25° 01' 52"W | 28.90 |

| LINE | BEARING | DISTANCE | LINE | BEARING | DISTANCE |
|------|---------------|----------|------|---------------|----------|
| L35 | S74° 57' 42"E | 58.89 | L43 | N18° 00' 30"W | 40.42 |
| L36 | N45° 58' 58"E | 50.07 | L44 | N24° 18' 19"E | 42.23 |
| L37 | N23° 33' 32"E | 31.74 | L45 | N80° 48' 42"E | 38.28 |
| L38 | S48° 28' 37"E | 51.87 | L46 | S80° 20' 44"E | 55.28 |
| L39 | S23° 11' 36"E | 51.44 | L47 | N85° 24' 17"E | 87.47 |
| L40 | N73° 07' 25"E | 41.18 | L48 | N77° 04' 28"E | 72.44 |
| L41 | S91° 44' 44"E | 86.83 | L49 | N42° 48' 00"E | 78.90 |
| L42 | S48° 15' 48"E | 78.84 | L50 | N20° 30' 20"E | 125.84 |
| L43 | S23° 32' 37"E | 73.74 | L51 | N27° 14' 17"E | 73.88 |
| L44 | S47° 13' 34"E | 138.12 | L52 | N17° 28' 28"W | 59.04 |
| L45 | S28° 21' 03"E | 68.59 | L53 | N40° 02' 27"W | 78.07 |
| L46 | S47° 33' 12"E | 123.54 | L54 | N26° 38' 28"W | 67.81 |
| L47 | S23° 37' 37"E | 91.98 | L55 | N44° 03' 41"W | 85.32 |
| L48 | S48° 15' 02"E | 84.45 | L56 | N24° 27' 20"W | 105.90 |
| L49 | S33° 51' 20"E | 70.16 | L57 | N28° 03' 27"W | 88.58 |
| L50 | S48° 30' 15"E | 108.27 | L58 | N25° 38' 50"W | 104.67 |
| L51 | S82° 28' 17"E | 83.81 | L59 | N28° 04' 34"W | 75.83 |
| L52 | N87° 14' 58"E | 68.13 | L60 | N34° 48' 08"W | 108.00 |



WETLAND PLAT FOR
GEE'S GROUP OF NORTH CAROLINA, INC.

58.16 ACRES
 ON SHINGLE LANDING ROAD

MOYOCK TOWNSHIP
 CURRITUCK COUNTY
 NORTH CAROLINA

KEY PLAN:

- SITE DATA:
- OWNER: GEE'S GROUP OF NORTH CAROLINA, INC. 5700 LAKE WINDY DRIVE SUITE 103 HORTONVA, VA 23502
 - PAR: 0009-000-004-000
 - SITE AREA: 36.18 AC
 UPLANDS: 15.61 AC
 WETLANDS: 12.65 AC
 - WETLAND DELINEATION PERFORMED BY: ALL-WEI ENVIRONMENTAL CONSULTANTS, LLC
 KITTY HANK, NC (252) 281-7707

- LEGEND
- EXISTING IRON REBAR
 - PK NAIL
 - OUTLINE PROPERTY LINE
 - - - RIGHT OF WAY
 - - - PROPERTY EXTENSION
 - - - WETLANDS

Project #: 120168
 Drawing #: 120168-Wetlands
 Drawn: JAM
 Checked: ETH
 Approved: JAM
 Date: 5/6/2013
 Sheet #: 1 OF 1
 Scale: 1" = 120'

REVISIONS:
 NUM. DATE DESCRIPTION

SHEET TITLE:
WETLANDS

SHEET NUMBER:
1

NORTH CAROLINA, CURRITUCK COUNTY
 I, REVIEW OFFICER OF CURRITUCK COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 REVIEW OFFICER



COMMUNITY MEETING REPORT FOR

Project: Moyock Crossing Subdivision
Facilitator: Eddie Hyman - Hyman & Robey, P.C.
Date, Time: June 19, 2013 @ 6:30 PM
Location: Moyock Library

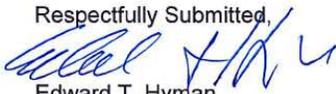
29 notices were mailed out, 16 residents attended and commented at the meeting. Also in attendance were Carol Bell, Currituck County Planning Board, Stacey Smith, Currituck County Development Code Enforcement Officer, and David Gianascoli, the owner of the property.

I opened the meeting with an explanation of the subdivision review process and the purpose of the meeting itself as outlined in the Currituck County UDO. I explained that community meeting is an important part of the subdivision process giving the developer and the residents a chance to meet and discuss matters in a less formal setting than a Planning Board or BOC meeting. Also having the meeting early in the review process gives the developer and the design professionals time to analyze comments, address concerns and possibly make changes.

The meeting was then opened for questions. The first question raised was regarding the boat/trailer storage area. It was noted that it was not on the exhibit mailed out to the adjacent property owners. Another question posed was regarding the impact to emergency response time. My response during the meeting was it had not been evaluated. However, after looking at the proposed interconnecting road, this development will shorten the response time to the assisted living facility and Shingle Landing Subdivision. Ron Rose, the owner of Moyock Storage Co. at 178 Shingle Landing Road, noted difficulty in the ability to see cars coming south along Shingle Landing Road due to the curve. He asked if a deceleration lane would be built due to the number of additional cars utilizing Shingle Landing Road. I informed him that Hyman & Robey staff have been onsite and have analyzed the location of the entrance with regards to site lines. I also informed him that NCDOT would be reviewing the plans. It should be noted, however, that although it appears the site line from the entrance of Moyock Storage is obstructed slightly due to vegetation on the west side of the road, the proposed entrance of the subdivision is clearly visible. Therefore, all traffic exiting the proposed connector road and heading south on Shingle Landing Road is completely visible from the entrance of Moyock Storage Co. One attendee asked what the intended price of the homes was. It was stated that the homes would be starting in the mid \$200,000's. A concern was raised regarding the impact to the schools and whether or not the schools would be able to handle the additional students. I informed him that the U.D.O. has an adequate facilities section that county staff uses as a guide to balance residential growth and infrastructure. Another attendee asked whether or not local builders would be solicited to complete some of the construction. David Gianascoli, owner of the proposed subdivision, stated that he was seeking a list of local sub-contractors to solicit. Bob Gregory of 110 Fox Lane asked why there was the need to build the connector road through the wetlands since there is access to both buildable portions of the site. The response was that the County encourages interconnectivity between subdivisions; the interconnectivity would allow residents of the back portion of the proposed subdivision and residents of Shingle Landing to have access to a stop light on Caratoke Highway. It was also stated that school buses would be able to access the subdivisions without the need to travel on Caratoke Highway. It was noted that one model home will be built in the front loop, the section closest to Shingle Landing Road.

All were informed that the construction would be completed in two phases. The connector road and the front loop will be the first phase. The back section, closest to Shingle Landing subdivision will be second phase. One attendee asked what amenities or areas were going to be set aside for recreation. It was noted that there is significant open space allocated that can be used as a "park like" setting. They were also informed of preliminary discussions of elevated board walks to Shingle Landing Creek from each section that lead to a kayak launch. It was stated that there are no proposed street lights at this time. A number of attendees expressed concern about the need for cleaning out Shingle Landing Creek. They were informed that there are no plans in this project to disturb the creek. However, they should contact the County with those concerns.

Respectfully Submitted,



Edward T. Hyman
Hyman & Robey, PC

cc: Currituck County Planning Board

MOYOCK CROSSING LOW IMPACT STATEMENT

Moyock Crossing has been designed with both traditional and low impact development elements. The smaller lots and more traditional neighborhood look of the subdivision requires certain traditional construction methods near the street and house pad areas such as curb and gutter, sidewalks and storm water pipes & structures. However, other areas such as open space and non-house fronting sides of the streets utilize low impact methods such as open, grassed ditches & swales, limited clearing and grassed roadway shoulders.

Below is a list of the low impact elements of the plan:

- When right of ways do not have lots fronting on them, use of grassed shoulders and open ditches are being used wherever possible, as opposed to curb & sidewalk.
- Grading and runoff around the house footprints are being directed to sheet flow over grassed lawns until it is either collected in drainage swales or the street curb.
- Storm water runoff from half of the house lots are being directed into open grassed swales along the rear of the lots for treatment and conveyance to the storm water BMP's.
- The only clearing of vegetation that is proposed is only what is necessary to provide the street connection / crossing over the wetlands. Where elevated paths are proposed for water access, clearing will be limited to only what is necessary for safety and access.
- Wet pond BMP's are proposed on both phases of the project. These ponds will be designed and constructed in accordance with the NCDENR specifications. Elements of these ponds include a planted wetland shelf and treatment of the first inch & a half of runoff.

MOYOCK CROSSING DEVELOPMENT IMPACT STATEMENT

PHYSICAL ANALYSIS

This project is a 92 lot conservation subdivision on 58.16 acres of land for residential development. The lots range in size from 8,000 square feet upward of 15,500 square feet. The primary conservation area will occupy 20.84 acres, or 36% of the subdivision area. An additional 2.8 acres or 5% will be dedicated as secondary conservation area. The developer plans on building the majority share of the homes within the subdivision, with a select number of lots being sold to one or two other building contractors. It is expected that the homes will be between 1,400 to 2,400 square feet in size. The post construction home/lot values at today's cost will be from the \$180,000 to \$280,000.

HOUSING MARKET ANALYSIS

The target market for the Subdivision will be a combination of commuters from the Hampton Roads area, retirees, and Currituck County residents who prefer living in a small community with easy access to the Outer Banks and to amenities found in larger urban settings. The site is located near the community of Moyock off Shingle Landing Road in northern Currituck County. The property is surrounded by residential developments on two adjacent sides, as well as across Shingle Landing Creek on the south.

ENVIRONMENTAL IMPACT

The estimated maximum water consumption for 3 bedroom homes is 360 and 4 bedroom homes is 480 gallons of water per day (GPD). The developer intends upon connecting to Currituck County's municipal water system. It is anticipated that the total water usage will be around 38,640 GPD.

In addition to municipal water, the site is within a full service district and the developer intends to connect to the Currituck County sewer system servicing the Moyock area. If water consumption is around 38,640 GPD, then it is anticipated that the sewer allocation will be the same.

FISCAL IMPACT ANALYSIS

Considering the average value of the home/lot combinations to be \$230,000, the total valuation for Subdivision would be \$21,600,000. The resultant real property taxes would be \$67,712 per year based upon the current countywide tax rate of \$0.32 per \$100.00 of value.

TRAFFIC ANALYSIS

The estimated number of trips generated daily by the 96 lots once all the homes are complete is 552 trips per day (TPD). NCDOT traffic counts (2012) were 380 for Shingle Landing Road. Although no NCDOT counts exists for Moyock Landing Drive, it is estimated based on the number of lots within Shingle Landing Phase 1, that it would have a count of 492 TPD. Of the 552 estimated trips, about 165 trips will be added to the Moyock Landing Drive count, and the remaining 387 trips would be added to Shingle Landing Road. Of the estimated trips added to Shingle Landing Road, it is anticipated that 310 will outlet to U.S. Highway 168 to the north, which has a count of 19,000 TPD. The remaining 77 trips would be to the south and exit onto either U.S. Highway 168 (19,000 TPD) or Puddin Ridge Road (2700 TPD). The proposed subdivision is not expected to have a negative impact on either existing road that it connects to.

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

Currituck County Finance Officer

**NORTH CAROLINA
CURRITUCK COUNTY**

LICENSE AGREEMENT

THIS LICENSE AGREEMENT, to be effective as of the ____ day of November, 2013, by and between **COUNTY OF CURRITUCK, NORTH CAROLINA**, a body corporate and politic existing pursuant to the laws of the State of North Carolina hereinafter “Licensor”, and **FARMS & TIMBERLAND, INC.**, a corporation existing pursuant to the laws of the Commonwealth of Virginia, hereinafter “Licensee”;

WITNESSETH:

WHEREAS, Licensor is the owner of a certain tract of land located in Moyock Township, Currituck County, North Carolina, the same being the land conveyed to Licensor by deed recorded in Book 1069, Page 81 of the Currituck County Registry and more particularly shown on plat recorded in Plat Cabinet K, Slide 21 of the Currituck County Registry; and

WHEREAS, Licensee desires permission to use a certain tract of land from Licensor for the construction and location of an underground water line across Licensor’s property; and

WHEREAS, in consideration of this license the Licensee will pay Licensor a fee set forth herein for use of Licensor’s property, will provide the labor for installation of a line size increase for improvement and betterment of Licensor’s water system which will become Licensor’s property.

NOW, THEREFORE, the parties do mutually undertake, promise and agree as follows:

ARTICLE I

**PREMISES, PRIVILEGES, USES, RIGHTS, ACTIVITIES, EXCLUSIONS,
AND CONDITIONS OF LICENSE**

For and in consideration of the terms, conditions and covenants of this License to be performed by Licensee, all of which Licensee accepts, Licensor hereby grants to Licensee the right to use the premises hereinafter set out and assumes the responsibilities herein described for the construction and installation of a 10 inch PVC-SDR 21 200 PSI or ductile iron water main.

A. **DESCRIPTION OF PREMISES.** The premises (“Premises”) subject to this License Agreement are described as follows:

Being a portion of that certain lot or parcel of land situated in Moyock Township, Currituck County, North Carolina described in that deed recorded in Book 1069, Page 81 of the Public Registry of Currituck County and plat recorded in Plat Cabinet K, Slide 21 of the Public Registry of Currituck County and more particularly described as “Proposed 995.10 L.F. 10 Inch PVC-SDR 21 200 PSI Buried Minimum of 36 Inches” located from the southern intersection of Licensee’s property described on plat recorded in Plat Cabinet M, Slide 112 of the Public Registry of Currituck County with the northern line of Licensor’s property described above and extending to a point on the south side of Licensor’s property described

above and north side of Moyock Landing Drive as shown on Sheet Number 4 and 5A of that plan entitled in part "Baxter's Lane Estates, Moyock Township, Currituck County, North Carolina" prepared by Hyman & Robey, P.C., dated April 25, 2013 and incorporated herein by reference.

- B. **CONDITION OF GRANTING LICENSE.** The granting of this License, its acceptance by Licensee, the obligations of the Licensor hereunder and the rights of Licensee are conditioned upon the following:
- (1) Use of the Premises by Licensee, its agents, employees, contractors or assigns, shall be limited to the construction and installation of a 10 inch PVC-SDR 21 200 PSI water main. It is understood between Licensor and Licensee that Licensee, its agents, employees, contractors or assigns shall to the extent as is reasonably possible return the Premises to its grade and condition existing prior to Licensee's use of the Premises.
 - (2) Licensee shall require in any contract awarded for construction and installation of the 10 inch PVC-SDR 21 200 PSI water main that the contractor include Licensor as an additional named insured on any insurance policies required of the contractor by Licensee.
 - (3) Licensee shall pay to Licensor the amount of Three Thousand Seven-Hundred Eight-One and No/100 Dollars (\$3,781.00) for this License prior to entry upon Licensor's property.
 - (4) Licensee hereby grants and conveys all right, title and interest in the water main to Licensor upon Licensor's acceptance of the water main.

ARTICLE II

OBLIGATIONS OF LICENSOR

- A. **AUTHORITY TO LICENSE.** Licensor covenants that at the time of granting and delivery of this License, the Licensor has full right and authority to license the use of the Premises in accordance herewith.

Licensor warrants to Licensee peaceful possession and quiet enjoyment of the Premises during the term hereof, upon Licensee's performance of its covenants herein.

- B. **CONDITION OF PREMISES.** Licensor provides the Premises, and the same are accepted by Licensee in its "as is" condition. Licensor warrants that Licensor, nor, to the best knowledge of the Licensor any other person or entity, has not placed on or under the Premises any waste constituents deemed hazardous waste under federal or state law or has received any notice of the happening of any event involving the misuse, spill, discharge or cleanup of any waste constituents on the Premises deemed hazardous waste under federal or state law.
- C. **PAYMENT OF BETTERMENT COSTS.** Licensor shall pay to Licensee an amount equal to \$47,000.00 representing the difference between the cost for design, material and installation of 3,040 linear feet of 6 inch PVC-SDR 21 200 PSI water main and 3,040 linear feet of 10 inch PVC-SDR 21 200 PSI water main. Licensor shall make payment as follows: \$23,500.00 upon execution of this License Agreement; \$11,750.00 upon engineer certification that 75% of the water main installation is complete; and \$11,750.00 upon engineer certification that the water main installation is completed and constructed in accordance with approved plans and upon Licensor's acceptance of the water main.

ARTICLE III

OBLIGATIONS OF LICENSEE

- A. MAINTENANCE. Licensee accepts the Premises in their existing (“as is”) condition.
- B. AUTHORITY TO LICENSE PREMISES. Licensee covenants that it has authority to enter into this agreement and to fulfill the terms and conditions contained in this agreement.
- C. PERMITS. Licensee covenants that it shall have received all regulatory permits required for use of the Premises for the construction, installation, operation and maintenance of a 10 inch PVC-SDR 21 200 PSI water main.

ARTICLE IV

TERM OF LICENSE

The term of this License shall be from the date first above written to and including the date on which Licensor accepts the 10 inch PVC-SDR 21 200 PSI water main or six months from the date first above written whichever occurs first.

ARTICLE V

INDEMNIFICATION

Licensee shall, in the exercise or enjoyment of the privileges herein granted, indemnify and save harmless the Licensor from any and all losses that may proximately result to the Licensor because of any negligence on the part of the Licensee, and shall indemnify Licensor, its officers, directors and agents against any and all mechanic’s and materialmen’s liens or any other types of liens sought to be imposed upon the Premises. Licensee has no right or authority to do anything on the Premises which could result in a lien being filed.

ARTICLE VI

TERMINATION, CANCELLATION, AND ASSIGNMENT

- A. TERMINATION. This License shall expire at the end of the full term hereof, and Licensee shall have no further right or interest in any of the Premises subsequent thereto.
- B. CANCELLATION BY LICENSEE. This License shall be subject to cancellation by Licensee upon the occurrence of one or more of the following events:
 - 1. The lawful assumption by the United States Government, or any authorized agency thereof, of the Premises or any substantial part or parts thereof, in such a manner as substantially to restrict Licensee for a period of at least ninety (90) days from operating thereon.
 - 2. Issuance by any court of competent jurisdiction of any injunction in any way preventing or restraining the use of the Premises, and the remaining in force of such injunction for a period of at least ninety (90) days.
 - 3. The default by Licensor in the performance of any covenant or agreement herein required to be performed by Licensor and the failure of Licensor to remedy such default for a period of sixty (60) days after receipt from Licensee of written notice by registered mail to remedy the same, unless such remedy requires in excess of said period to complete, in

which event, the remedy must commence within sixty days and must reasonably continue thereafter.

Licensee may exercise such right of termination by written notice delivered by registered mail to Licensor at any time after the lapse of the applicable periods of time, and this lease shall terminate as of that date.

C. CANCELLATION BY LICENSOR. This License shall be subject to cancellation by Licensor in the event that Licensee shall:

1. File a voluntary petition in bankruptcy; or
2. Make a general assignment for the benefit of creditors; or
3. Have a Receiver appointed for it by a court of competent jurisdiction; or
4. Abandon or vacate the Premises; or
5. Fail to perform any of the other covenants and/or conditions required herein to be kept and performed by Licensee and the lack of cure thereof for a period of thirty (30) days after receipt of written notice from Licensor of said failure.

In any of aforesaid events, Licensor may take immediate possession of the Premises and remove Licensee's effects or the effects of Licensee's agents, employees, contractors or assigns without being deemed guilty of trespass. Upon written notice of termination provided by Licensor in accordance herewith or upon vacation by Licensee and re-entry by Licensor, this License shall terminate. Any fees due Licensor hereunder shall be payable to said date of termination or to said date of vacation of the Premises and re-entry by Licensor, whichever event occurs later in time.

Failure of Licensor to declare this License terminated upon the breach by Licensee for any of the reasons set out shall not operate as a waiver of Licensor's right to declare this License terminated by reason of such breach or any subsequent violation of the terms of this License.

D. ASSIGNMENT AND TRANSFER. Licensee shall not at any time during the term of this License, directly or indirectly, assign, hypothecate or transfer its interest in this agreement or any interest therein, nor shall Licensee sublease all or any part of the Premises without the consent of the Licensor.

ARTICLE VII

GENERAL PROVISIONS

A. ATTORNEY'S FEES. In any action brought by either party hereto for the enforcement of the obligation(s) of the other, the nonprevailing party shall bear the cost of its attorney's fees for itself and the prevailing party.

B. BINDING EFFECT AND COMPLETE TERMS. The terms, covenants, conditions and agreements herein contained shall be binding upon and enure to the benefit of and shall be enforceable by Licensor and Licensee and by their respective successors and assigns. All negotiations and agreements of Licensor and Licensee are merged herein. No modification hereof or other purported agreement of the parties shall be enforceable unless the same is in writing and signed by the Licensor and Licensee.

C. CONSTRUCTION OF LICENSE. This License shall not be construed more strictly against either party regardless of which party is responsible for the preparation of the same.

D. EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY. The Premises are licensed subject to all easements, restrictions and rights of way legally affecting the Premises.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the date first above written.

COUNTY OF CURRITUCK:

_____(SEAL)
Daniel F. Scanlon, II
County Manager

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

FARMS & TIMBERLAND, INC.:

By: _____

Its: _____

ATTEST:

Secretary

(CORPORATE SEAL)

CURRITUCK COUNTY
NORTH CAROLINA
October 21, 2013

The Board of Commissioners met at 6:00 p.m. in the Historic Courthouse Conference Room with the Whalehead Preservation Trust and Steve Schuster of Clearscapes who gave a presentation on the Master Plan for Heritage Park.

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

Chairman O'Neal called the meeting to order at 7:00 PM and announced the Board of Commissioners had met in a work session with the Whalehead Trust for a presentation regarding plans going forward.

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

Reverend Glenn McCranie gave the invocation and led the Pledge of Allegiance.

- C) Approval of Agenda**

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

APPROVED AGENDA

Work Session

6:00 PM Whalehead Trust - Update on Heritage Park

7:00 PM Call to Order

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

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

Public Hearings

- A) **Consideration and Action:** Connecting Corolla
- B) **Public Hearing and Action:** PB 13-22 Currituck County: Request to amend the Unified Development Ordinance Chapter 2: Administration to revise standards relating to the Board of Adjustment so that they are consistent with the North Carolina General Statutes.

Administrative Report

- A) **Presentation by Tax Assessor on Present-Use Value Assessment**

New Business

- A) **Regional Bike Plan Presentation and Adoption**
- B) **Consideration and Action** on An Ordinance of the Currituck County Board of Commissioners Amending Chapter 2, Article II, Division 2 Rules of Procedure; Amending Chapter 2, Article III, Division 1 to Provide for Advisory Board Terms and Meeting Attendance; Amending Chapter 2, Article III, By Repealing Division 2 Airport Advisory Board and Division 3 Economic Development Advisory Board; and Amending Chapter 2, Article III by Adding a New Division 3 Economic Development Advisory Board.
- C) **Consent Agenda:**
 - 1. Approval of October 7, 2013 Minutes
 - 2. Budget Amendments
 - 3. Adoption of Airport Transportation Improvement Program (TIP)
 - 4. Approval of Maple Commerce Park Covenants
 - 5. Approval of Local Firefighter's Relief Fund Boards
 - 6. Charge to Tax Collector the Levy on Motor Vehicles for July Renewals
 - 7. Approval of DSS Request to Purge Records
 - 8. Request to dispose of Finance records per the records retention schedule
- D) Commissioner's Report
- E) County Manager's Report

Closed Session

Closed Session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and pursuant to N.C. Gen. Stat. §143-318.11(a)(6) to discuss a personnel matter.

Adjourn

D) Public Comment

Chairman O'Neal opened the Public Comment period.

Mary Etheridge, Shawboro, stated she had been involved in litigation with the County for two years concerning illegal spot zoning. Although the courts had ruled in her favor, the County did not pay her legal fees. She wanted to prevent this same thing from happening to anyone else. She noted several ironies regarding decisions made by the Board and questioned the County's appeal of the court's decision.

County Attorney Ike McRee explained the illegal spot zoning decision was being appealed and that the Etheridges had also appealed the court's decision not to award attorney fees.

Commissioner Petrey referred to a list of 28 attendees at the Public Meeting required by the applicant in the case, all supporting the rezoning.

June Raffa, Harbinger, showed a pictorial presentation of the highway corridor from Coinjock south showing several storage facilities representing over 1500 storage units. She questioned the Commissioners' vision for the county and requested they honor their stewardship.

When asked by Chairman O'Neal, Ben Woody, Planning and Community Development Director, responded that the storage facilities were an allowable use in GB zoning as permitted under the

old Unified Development Ordinance (UDO) and were permitted by right.

Chairman O'Neal asked Mr. Woody to look at going forward whether they would be permitted under the new UDO.

Barbara Snowden, Currituck, provided an update of Two Flags over Currituck, stating that 547 students attended on Friday, over 1000 visitors Saturday and Sunday. Forty Civil War reenactors participated, and there were 47 volunteers. She felt the event was a success and noted there were several requests to tour the Historic Courthouse. She requested a public event to showcase the building.

Eugene White, Chesapeake, landowner and farmer of property on Backwoods Road, commented on his text amendment request regarding minor subdivisions and water bonds for property more than a mile from existing water lines as well as landowner rights.

Josh Bass, Currituck Chamber of Commerce, announced the Chamber was offering free prescription discount cards, available at the Chamber office and at local Chamber member businesses.

Chairman O'Neal had received an email expressing distress that the Sheriff was being forced to take over the running of the new animal shelter and asked the County Manager if that was true.

County Manager Dan Scanlon responded that there had been conversations about the operation of the shelter when it is built and the Sheriff had been a willing participant in the discussions. She had not been required to take over the operation of the shelter.

Commissioner Aydlett questioned whether the Commissioners had the authority to direct the Sheriff, to which Mr. Scanlon responded they do not.

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

Public Hearings

A) Consideration and Action: Connecting Corolla

Holly White, Senior Planner, described the steps taken over the past year to arrive at the Connecting Corolla plan. The findings of the study included the need for direct access, ADA access, clean beaches, more bath facilities, improvement of current facilities, maps and public transportation.

The goals of the plan are to connect people safely to their destination, improve walkability in order to limit car time, and improve the overall sense of place and feel.

Forty projects were listed and categorized by importance, the highest priority projects promoting safety. Policies and actions had been defined to guide growth and development in order to accomplish the goals of the plan. Ms. White recommended adoption of the plan for use by staff and boards. An adopted plan would be an aid when applying for grants.

Commissioner Petrey remarked that safety was the #1 priority and thanked the staff.

Commissioner Gilbert complimented staff on a great job.

Chairman O'Neal opened the Public Hearing.

June Raffa commented visitors still had to drive through the corridor to get there.

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

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

B) Public Hearing and Action: PB 13-22 Currituck County: Request to amend the Unified Development Ordinance Chapter 2: Administration to revise standards relating to the Board of Adjustment so that they are consistent with the North Carolina General Statutes.

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

The text amendment submitted by the Currituck County Planning and Community Development Department is intended to make the Unified Development Ordinance (UDO) consistent with Session Law 2013-126 House Bill 276, an act to clarify and modernize statutes regarding zoning boards of adjustment. The notable changes include:

- Allowing parties to have 30 days from receipt of written notice of a determination or violation to file an appeal to the Board of Adjustment. (Currently appeals for notices of violations must be filed within 10 days)
- Modifying the findings of fact required to grant a variance.
- Allowing the Board of Adjustment to affirm, reverse, or modify an appeal of a determination/violation with a majority vote. (Currently a 4/5ths vote is required to reverse or modified a determination/violation)

The law becomes effective October 1, 2013.

The Planning Board recommended unanimous **approval** at their September 10, 2013 meeting.

PLANNING BOARD DISCUSSION (9-10-13)

There was no discussion.

PLANNING BOARD ACTION

Mr. Cartwright moved to approve PB 13-22 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Mr. Bell seconded the motion. Motion carried unanimously.

**HOUSE KEEPING
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 2: Administration to revise standards relating to the Board of Adjustment so that they are consistent with the North Carolina General Statutes.

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

Item 1: That Section 2.2.4 Board of Adjustment is amended by adding the following underlined language and deleting the strikethrough language:

E. Quorum and Necessary Vote

(1) Quorum

Four members of the Board of Adjustment shall constitute a quorum. No official business of the Board shall be conducted without a quorum present.

(2) Voting

(a) The concurring vote of four-fifths (4/5) ~~of the total number of members~~ of the Board of Adjustment shall be necessary to grant any variance ~~or approve any appeal reversing or modifying a decision.~~ A majority vote shall be required to decide an appeal application.

(b) Vacant positions and members who are disqualified from participating in or voting on a quasi-judicial matter in accordance with the North Carolina General Statutes shall not be considered members of the board if there are no qualified alternate members available to replace disqualified members.

Item 2: That Section 2.4.14 Variance is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

D. Variance Review Standards

A variance shall be approved on a finding the applicant demonstrates all of the following standards are met:

- ~~(1) Strict compliance with the provisions of the Ordinance results in no reasonable use of the land;~~
- (2) The alleged hardship is suffered by the applicant as a result of the application of this Ordinance;

- (3) The hardship relates to the applicant's land, such as location, size, or topography, rather than personal circumstances;
- (4) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
- (5) The hardship is not the result of the applicant's own actions; and
- (6) The variance will ~~neither result in the extension of a nonconformity nor~~ not authorize the initiation of a nonconforming use of land.

Item 3: That Section 2.4.17 Appeal is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

B. Initiation

An appeal shall be initiated by filing a written Notice of Appeal with the Planning Director within:

- (1) Thirty days of the date of the interpretation or decision, or notice of violation being appealed; ~~or,~~
- ~~(2) Ten days of the date of the notice of violation being appealed.~~

C. Appeal Procedure

(8) Decision-Making Body Review and Decision

- (a) Applicable (see Section 2.3.10). The Board of Adjustment, following a quasi-judicial public hearing (see Section 2.3.8.C) shall decide the application for the appeal. The decision shall be based solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in Section 2.4.17.D, Appeal Review Standards. The decision shall be one of the following:
 - (i) Affirmation of the decision or interpretation (in whole or in part);
 - (ii) Modification of the decision or interpretation (in whole or in part); or
 - (iii) Reversal of the decision or interpretation (in whole or in part).
- ~~(b) A vote to reverse or modify a decision or interpretation shall require a four/fifths majority of Board of Adjustment members present and voting.~~

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

County Attorney Ike McRee confirmed the consistency of the zoning ordinances.

Chairman O'Neal opened the Public Hearing.

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

Commissioner Gilbert moved to approve the request to amend the Unified Development Ordinance Chapter 2: Administration to revise standards relating to the Board of Adjustment so that they are consistent with the North Carolina General Statutes. Commissioner Petrey seconded the motion. Motion carried.

Administrative Reports

A) Presentation by Tax Assessor on Present-Use Value Assessment

Tracy Sample, Tax Assessor, gave the definition of the Present-Use Value Program as a voluntary program that provides the owner of Agricultural Land, Horticultural Land, or Forestland with preferential tax treatment if the owner and the property meet the eligibility requirements. He reviewed the eligibility requirements for deferred taxes, the tax calculations, method of collecting deferred taxes if the land is disqualified as well as reasons for disqualification. Applications may be filed at the Tax Office.

Manly West, Currituck, commented that his fair market value for farmland went down due to the revaluation; however, taxes went up 50% due to the tax increase.

Mr. Sample noted the tax rate on land in this program dropped in 2005 from \$.62, or \$7.44 per acre, to \$.32, or \$3.84 per acre, and remained until 2013 at which time it increased to \$.485, or \$5.82 per acre.

Chairman O'Neal thanked Mr. Sample for a very good presentation.

New Business

A) Regional Bike Plan Presentation and Adoption

Holly White, Senior Planner, presented the Albemarle Regional Bicycle Plan which was funded by the NC Department of Transportation with Albemarle Regional Planning Organization oversight. The planning process began in the summer of 2012 for the purpose of providing a framework for the development of new facilities, programs, and policies that will support safe and efficient bicycling throughout the 10 county region.

Commissioners commented on the various plans heard during the evening, the millions of dollars required to implement the plans, and the need to combine them and keep them in the forefront as funding becomes available.

County Manager Dan Scanlon noted that, even though all transportation projects would be competing for the same funding, a project that is included in an approved plan would score higher than one not already adopted.

Ms. White noted these plans just identified needed projects and would provide the framework for the next several years.

Commissioner Martin moved to adopt the resolution supporting adoption of the Albemarle Regional Bicycle Plan. Commissioner Gilbert seconded the motion. Motion carried.

A RESOLUTION SUPPORTING ADOPTION OF THE ALBEMARLE REGIONAL BICYCLE PLAN

WHEREAS, the Albemarle Commission and Albemarle RPO, participating local governments, and its subcontractor Alta/Greenways, have prepared the Albemarle Regional Bicycle Plan (the Plan); and

WHEREAS, the purpose of the Plan is to study the feasibility of establishing an interconnected network of off-road and on-road bicycle facilities throughout the entire Albemarle region; and

WHEREAS, the proposed bicycle network includes lands located within the multiple counties and municipalities of the Albemarle Region; and

WHEREAS, the Plan process involved public participation; and

WHEREAS, the Plan was financed by a North Carolina Department of Transportation grant.

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

- a. The Plan and related materials are acceptable to the County; and
- b. The Plan and related materials will be used to guide future bicycle transportation development, operations, and maintenance.

- B) Consideration and Action on An Ordinance of the Currituck County Board of Commissioners Amending Chapter 2, Article II, Division 2 Rules of Procedure; Amending Chapter 2, Article III, Division 1 to Provide for Advisory Board Terms and Meeting Attendance; Amending Chapter 2, Article III, By Repealing Division 2 Airport Advisory Board and Division 3 Economic Development Advisory Board; and Amending Chapter 2, Article III by Adding a New Division 3 Economic Development Advisory Board.**

County Attorney Ike McRee reviewed the amendments to Chapter 2 of the Currituck County Code of Ordinances.

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

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
AMENDING CHAPTER 2, ARTICLE II, DIVISION 2 RULES OF PROCEDURE;
AMENDING CHAPTER 2, ARTICLE III, DIVISION 1 TO PROVIDE FOR ADVISORY
BOARD TERMS AND ATTENDANCE REQUIREMENTS; AMENDING CHAPTER 2,
ARTICLE III BY REPEALING DIVISION 2 AIRPORT ADVISORY BOARD AND
DIVISION 3 ECONOMIC DEVELOPMENT ADVISORY BOARD; AND AMENDING
CHAPTER 2, ARTICLE III BY ADDING A NEW DIVISION 2 ECONOMIC
DEVELOPMENT ADVISORY BOARD**

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

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

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

PART I. Chapter 2, Article II, Division 2 of the Code of Ordinances, Currituck County, North Carolina is amended to read as follows

Sec. 2-51. - Applicability of division.

This division applies to all meetings of the board of commissioners at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law. Except for sections 2-55, 2-56(a), 2-65, 2-67, 2-77, 2-78 and 2-79 this division applies to all meetings of the board's committees, authorities, boards, commissions, councils and other public bodies other than the planning board and the board of adjustment.

Sec. 2-52. - Open meeting policy.

- (a) The public policy of the state and of the county is that the hearings, deliberations, and actions of the board and its committees, authorities, boards, commissions, councils or other bodies be conducted openly.
- (b) Except as otherwise provided in this division and in accordance with applicable law, each official meeting of the county board of commissioners, authorities, boards, commissions, councils or other bodies shall be open to the public, and any person may attend.

- (c) For the purposes of the provisions of this division concerning open meetings, an official meeting of the board and its committees, authorities, boards, commissions, councils or bodies is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board.

Sec. 2-53. - Location of meetings.

All meetings shall be held within the boundaries of the county except as otherwise provided in this section.

- (1) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, the board reserves the right to vote separately on all matters coming before the joint meeting.
- (2) A special meeting called for considering and acting on an order or resolution requesting members of the general assembly representing all or any portion of this county to support or oppose any bill pending in the general assembly or proposed for introduction therein may be held in the City of Raleigh or other such place as stated in the call of the meeting

Sec. 2-54. - Quorum generally.

A majority of the board membership shall constitute a quorum. The number required for a quorum shall not be affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he shall be counted as present for the purposes of determining whether a quorum is present. The board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

Sec. 2-55. - Organizational meeting.

On the first Monday in December following a general election in which county officers are elected, the board shall meet at the regular meeting time and place. The newly elected members of the board shall take and subscribe the oath of office as the first order of business. As the second order the board shall elect a chair and vice-chair from among its members. As the third order, the board shall approve the bonds of the register of deeds and the sheriff, and induct them and any other newly elected county officials into office.

Sec. 2-56. - Regular and special meetings.

- (a) *Regular meetings.* The board shall hold a regular meeting on the first and third Mondays of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at the county courthouse and shall begin on the first Monday and third Monday at 7:00 p.m.
- (b) *Special meetings.* The chair or a majority of board members may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the

subjects to be considered. The person calling the meeting shall cause the notice to be delivered to the chair and all other board members, or left at the usual dwelling place of each member at least 48 hours before the meeting and shall cause a copy of the notice to be posted on the courthouse bulletin board at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed waivers.

(1) *Emergency meetings.* If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this section do not apply. However, the person calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations having requested notice of special meetings as provided in subsection (c) of this section shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.

(2) *Work sessions and informal meetings.* The board may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the board. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings.

(c) Meeting Attendance. A board member must be physically present at a regular or special meeting to participate or vote in the meeting.

~~(e)~~(d) *Sunshine list.* Any individual and any newspaper, wire service, radio station, and television station may file a written request with the clerk to the board of commissioners for notice of all regular and special meetings of the board. Requests by individuals must be renewed annually by December 31 and are subject to a nonrefundable annual fee of ~~\$15.60~~ for agendas and ~~\$36.60~~ for agendas and minutes as established in the county's fee schedule. Requests by news organizations must be renewed annually by December 31 and are not subject to any fee.

Sec. 2-57. - Executive Closed sessions.

~~(a) Notwithstanding the provisions of section 2-52 the board may hold an executive session and exclude the public, but only under the following circumstances:~~

~~(1) To consider the selection of a site for a county building or other facility.~~

~~(2) To consider the acquisition of any interest in real property by purchase, condemnation, lease, or other means. The final decision to acquire or lease must be made in open session.~~

~~(3) To consider and accept a gift or bequest of personal property offered to the county or any agency thereof.~~

~~(4) To discuss matters relating to the location or expansion of industries or other businesses in the county.~~

~~(5) To consider the commencement, prosecution, defense, settlement, or litigation of a potential or pending judicial action or administrative proceeding in which the county or~~

~~an officer or employee of the county is a party or in which the board finds that the county has a substantial interest. The terms of any settlement discussed in executive session and actually agreed to by all parties shall be reported to the board in open session and entered into its minutes within a reasonable time after the settlement is concluded.~~

- ~~(6) To consult with an attorney to the extent that confidentiality is required for the attorney to exercise his ethical duties as a lawyer.~~
- ~~(7) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of a county officer or employee or a prospective county officer or employee. Final action appointing, employing, removing, or discharging of the county officer or employee shall be taken in open session.~~
- ~~(8) To consider the employment, performance, or discharge of an independent contractor. Final decisions regarding such employment or discharge shall be taken in open session.~~
- ~~(9) To hear or investigate a complaint, charge, or grievance by or against a county officer or employee. Final action regarding such complaint, charge, or grievance shall be taken in open session.~~
- ~~(10) To consider the appointment or removal of a member of another board, commission, or other public body, some or all of whose members are appointed by the county board of commissioners. At least seven days before making an appointment discussed previously in executive session, the board shall present at an open meeting and simultaneously make available for public inspection in the office of the clerk to the board a written list of the persons then under consideration for the appointment. Final action on appointments to and removal from other boards, commissions, or other public bodies shall be taken in open session.~~
- ~~(11) To consider information when state or federal law directs that the information be kept confidential or makes the confidentiality of the information a condition of state or federal aid.~~
- ~~(12) To consider and adopt contingency plans for dealing with, and consider and take action relating to, strikes, slowdowns, and other collective employment interruptions.~~
- ~~(13) To consider and take action necessary to deal with a riot or civil disorder or with conditions indicating that a riot or civil disorder is imminent.~~
- ~~(14) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.~~
- ~~(15) To consider and decide matters concerning specific inmates of or security problems at the county jail or other correctional facility.~~
- ~~(16) To consider and give instructions concerning the setting or negotiation of contracts, including leases, concerning the use of airport facilities. Final action approving landing fees or such a contract shall be taken in open session.~~

The board may hold closed sessions as provided by law. The board shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on N.C. Gen. Stat. §143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a

public record), the motion must also state the citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on N.C. Gen. Stat. §143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The board shall terminate the closed session by majority vote.

- ~~(b) The board may go into executive session only upon motion made and adopted at an open meeting. The motion shall state the general purpose of the executive session and must be approved by a majority of those board members present and voting. Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order in closed session.~~
- (c) Unless the motion to go into executive session provides otherwise, the county manager, county attorney, and clerk to the board shall attend the executive session. No other person shall attend the executive session unless specifically invited by majority vote of the board.

Sec. 2-58. - Public hearings—Generally.

Public hearings required by law or deemed advisable by the board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place and time of the hearing as well as any rules regarding the length of time of each speaker. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires or no one who has not yet spoken wishes to do so, the chair shall declare the hearing ended.

Sec. 2-59. - Same—Quorum.

A quorum of the board shall be required at all public hearings required by law.

Sec. 2-60. - Broadcasting and recording of meetings.

- (a) Except as provided in this section, any radio or television station may ~~broadcasting~~ all or any part of an official board meeting required to be open to the public. Any person may photograph, film, tape record, or otherwise reproduce any part of a meeting required to be open.
- (b) Any radio or television station wishing to broadcast any portion of an official board meeting shall so notify the county manager no later than 24 hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the county is available, the county manager may require the news media to either pool equipment and personnel or to secure and pay the costs of an alternative meeting site mutually agreeable to the board and the media representatives.

Sec. 2-61. - Minutes.

Minutes shall be kept of all board meetings.

Sec. 2-62. - Election of chair.

The chair of the board shall be elected annually and shall not be removed from the office of chair unless ~~he~~ the chair becomes disqualified to serve as a board member.

Sec. 2-63. - Powers of chair.

The chair shall preside at all meetings of the board. A member must be recognized by the chair in order to address the board. The chair shall have the power to:

- (1) Rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purpose;
- (2) Determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and entertain and rule on objections from other members on this ground;
- (3) Entertain and answer questions of parliamentary law or procedure;
- (4) Call a brief recess at any time;
- (5) Adjourn in an emergency.

Sec. 2-64. - Presiding officer when chair is active in debate.

If the chair wishes to debate a proposal actively, he shall designate another board member to preside. The chair shall resume the duty to preside as soon as action on the matter is concluded.

Sec. 2-65. - Order of business.

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- (1) Approval of the minutes;
- (2) Discussion and adjustment of agenda;
- (3) Public hearings;
- (4) Administrative reports;
- (5) Matters pertaining to Gibbs Woods, Fruitville Township and Poplar Branch Township (Beach);
- (6) Committee reports;
- (7) Unfinished business;
- (8) New business;
- (9) Informal discussion;
- (10) Budget amendment;
- (11) Announcements.

Without objection, the chair may call items in any order most convenient for the dispatch of business.

Sec. 2-66. - Agenda generally.

- (a) The clerk to the board shall prepare the agenda for each regular, special and emergency meeting. A request to have an item of business placed on the agenda must be received the Monday before the meeting. Any board member may, by a timely request, have an item placed on the agenda.
- (b) The agenda shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. A copy of all proposed ordinances shall be attached to the agenda. A copy of the agenda and attached materials shall be available for public inspection as soon as they are completed. Each board member shall receive a copy of the agenda. Copies may also be available for members of the public.
- (c) The board may, by majority vote, add an item that is not on the agenda.

Sec. 2-67. - Appointments.

The board shall use the following procedure to make appointments to fill vacancies in the board itself ~~or in other boards~~ and public offices over which the board has power of appointment:

- (1) The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. When the debate ends, the chair shall call the roll of the members, and each member shall vote. The votes shall not be tallied until each member has voted. The nominee who receives the highest number of votes shall be appointed.
- (2) If more than one appointee is to be selected, then each member shall have as many votes as there are positions to be filled. A member may cast all his votes or less than all of them.

To make appointments to fill vacancies in other boards over which the board has power of appointment the board shall use the procedure set forth in sections 2-96 and 2-97 of this Code.

Sec. 2-68. - Public address to board.

Any individual or group who wishes to address the board shall make a request to be placed on the agenda to the clerk to the board. However, the board shall determine at the meeting whether it will hear the individual or group.

Sec. 2-69. - Informal public comments.

The clerk to the board shall include on the agenda of each regular meeting time for comments or questions from the public in attendance on any item on the agenda or not on the agenda, so long as ~~said~~ the topic is not concerned with any matter that is the subject of a public hearing on that agenda. Each person wishing to address the board shall place ~~his~~ their name and address and the topic of his comments on the sign-up sheet. ~~The county attorney~~ chairman shall specify the time allotted to each speaker and shall chair the public comment portion of the agenda. When a speaker's time for informal public comments has expired, the county attorney shall advise the speaker accordingly and proceed to hearing the comments from the next speaker. This section in no way limits the board of commissioners from seeking comments from the public during their discussions on any agenda item.

Sec. 2-70. - Motions generally.

- (a) *Action by the board.* The board shall proceed by motion. Any member, including the chair, may make a motion.
- (b) *Second required.* All motions shall require a second.
- (c) *One motion at a time.* A member may make only one motion at a time.
- (d) *Adoption by majority vote.* A motion shall be adopted by a majority of the votes cast, unless otherwise required by this division or state law.
- (e) *Renewal.* A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
- (f) *Withdrawal.* A motion may be withdrawn by the introducer at any time before a vote.

Sec. 2-71. - Substantive motion.

A substantive motion is out of order while another substantive motion is pending.

Sec. 2-72. - Procedural motions.

In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order or priority, if applicable, the procedural motions are:

- (1) *To adjourn.* The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
- (2) *To recess.*
- (3) *To call to follow the agenda.* The motion must be made at the first reasonable opportunity or it is waived.
- (4) *To suspend the rules.* The motion requires a vote equal to a quorum.
- (5) *To divide a complex motion and consider it by paragraph.*
- (6) *To defer consideration or table.* A substantive motion whose consideration has been deferred or tabled expires 100 days thereafter unless a motion to revive consideration is adopted.
- (7) *To call the previous question.* The motion is not in order until there has been at least 20 minutes of debate and every member has had one opportunity to speak.
- (8) *To postpone to a certain time or day.*
- (9) *To refer to committee.* Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire board, regardless of where the committee has reported the matter back to the board.
- (10) *To amend.*
 - a. An amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion.

- b. There may be an amendment to the motion and an amendment to an amendment, but no further amendments.
 - c. Any amendment to a proposed ordinance shall be reduced to writing on the call of any member, including the chairman.
- (11) *To revive consideration.* The motion is in order at any time 100 days after a vote to defer consideration of it. A substantive motion on which consideration has been deferred expires 100 days after the deferral, unless a motion to revive consideration is adopted.
- (12) *To reconsider.* The motion must be made by a member who voted with the prevailing side. The motion must be made at the same meeting at which the original vote was taken. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before adjournment.
- (13) *To prevent reconsideration for six months.* The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioner board members, whichever occurs first.

Sec. 2-73. - Debate.

The chair shall state the motion and then open the floor to debate according to the following general principles:

- (1) The introducer, i.e., the member who made the motion, is entitled to speak first;
- (2) A member who has not spoken on the issue shall be recognized before someone who has spoken;
- (3) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Sec. 2-74. - Duty to vote.

It is the duty of each member to vote unless excused by a majority vote according to law. The board may excuse members from voting on matters involving their own financial interest or personal conduct. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Sec. 2-75. - Secret voting prohibited.

No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

Sec. 2-76. - Action by reference.

The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Sec. 2-77. - Introduction of ordinances, resolutions, orders.

A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda, regardless of whether it is actually considered by the board, and its introduction shall be recorded in the minutes.

Sec. 2-78. - Adoption of ordinances generally.

To be adopted at the meeting at which it is first introduced, an ordinance or any action with the effect of an ordinance, except the budget ordinance, any bond order, or any other ordinance for which a public hearing must be held before the ordinance is adopted, must receive the approval of all members of the board of commissioners. If the proposed ordinance is approved by a majority but not by all the members of the board, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within 100 days of its introduction receives a majority of the votes cast, the ordinance is adopted.

Sec. 2-79. - Adoption of budget ordinance.

- (a) Notwithstanding the provision of any general law or local act:
- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the board by a simple majority of those present and voting;
 - (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the board;
 - (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any local act concerning initiative or referendum.
- (b) During the period beginning with the submission of the budget to the board and ending with the adoption of the budget ordinance, the board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of G.S. 143-318.12, which continue to apply, provisions of law concerning the call of a special meeting do not apply during the period so long as (1) each member of the board has actual notice of each special meeting called for the purpose of considering the budget; and (2) no business other than consideration of the budget is taken up. This section does not allow the holding of closed meetings or executive sessions by the board otherwise prohibited by law from holding such a meeting or session, and may not be construed to do so.

Sec. 2-80. - Robert's Rules of Order.

To the extent not provided for in this division and to the extent that the reference does not conflict with the spirit of this division or North Carolina law, the board shall refer to Robert's Rules of Order Newly Revised to resolve procedural questions.

PART II. The Code of Ordinances, Currituck County, North Carolina is amended by adding a new section to Chapter 2, Article III, Division 1 to read as follows:

Sec. 2-100. Terms and Meeting Attendance.

- (a) Notwithstanding any other county ordinance, all appointments to county authorities, boards and commissions shall be for a term of two years unless otherwise provided by North Carolina law.
- (b) To participate and vote in a meeting of a county authority, board or commission the member must be physically present at the meeting. The seat of a county authority, board or commission shall be deemed vacant upon the member's unexcused absence from three consecutive meetings in a twelve month period of time and the board of commissioners shall appoint a person to the vacated seat for the unexpired term in accordance with sections 2-96 and 2-97.

PART III. The Code of Ordinances, Currituck County, North Carolina is amended by repealing Chapter 2, Article III, Division 2.

PART IV. The Code of Ordinances, Currituck County, North Carolina is amended by repealing Chapter 2, Article III, Division 3.

PART V. The Code of Ordinances, Currituck County, North Carolina is amended by adding a new division to Chapter 2, Article, III to read as follows:

DIVISION 2. ECONOMIC DEVELOPMENT ADVISORY BOARD

Sec. 2-111. - Created.

The county economic development advisory board is created pursuant to G.S. 153A-76.

Sec. 2-112. - Composition.

The economic development advisory board shall be composed of seven members who are citizens of the county. One member of the board of commissioners, the county manager, the president of the Currituck County Chamber of Commerce or designee and a representative of the College of the Albemarle appointed by the board of commissioners shall be ex officio members without a vote.

Sec. 2-113. - Appointment and terms of members.

The citizen members of the county economic development advisory board shall be appointed by and serve at the pleasure of the board of commissioners in the manner set forth in

sections 2-96 and 2-97. The initial economic development advisory board is to consist of three appointees for a term of one year and four appointees for a term of two years. Thereafter, all appointments are to be for terms of two years.

The commissioner serving as an ex officio member shall be appointed by the board of commissioners on the first Monday in December to serve for a two-year term.

Sec. 2-114. - Compensation of members.

The citizen members of the county economic development advisory board shall be paid the sum per meeting provided by the board of commissioners in the county fee schedule and shall be reimbursed for expenses incurred by them in the course of their duties upon the presentation of proper vouchers for those expenses.

Sec. 2-115. - Removal of members.

The board of commissioners shall have the right to remove any member appointed to the economic development advisory board at will and appoint a replacement member.

Sec. 2-116. - Duties.

The economic development advisory board is charged with the following duties:

- (1) working closely with the county's economic development director in formulating and recommending to the board of commissioners projects for carrying out an economic development program through attraction of new industries, encouragement of agricultural development and encouragement of new business and industrial ventures by local and nonlocal capital; promoting and encouraging tourism, and to that end shall seek advice and recommendations from the tourist industry; the study of tourist related services and recommendation to the board of commissioners for enhancement of tourist related services; and other activities of a similar nature; and
- (2) investigating, studying, and making recommendations to the board of commissioners pertaining to the construction, enlargement, improvement, maintenance, equipment, operation and regulation of the county airport.

Sec. 2-117. - Function as advisory body.

The county economic development advisory board shall have no legislative powers of its own but shall simply be an advisory body to the board of commissioners concerning the matters with which it is charged, and the board of commissioners will receive and consider the board's recommendations in the construction, enlargement, improvement, maintenance, equipment, operation, and regulation of the county airport and in the promotion, encouragement, and enhancement of tourism, and related services, and economic development within the county.

Sec. 2-118. - Officers.

The economic development advisory board shall appoint from its membership a chairman and any other officers as it may deem necessary for the orderly conduct of its business.

Sec. 2-119. - Meetings.

The economic development advisory board shall hold meetings once quarterly and at hours as may be fixed by the board. Special meetings may be held on call of the chairman upon 48 hours' notice to the members of the board. A copy of the minutes of all meetings shall be sent to

the county manager. All meetings or other business of the board shall be conducted in accordance with the Open Meetings Law.

PART VI. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART VII. Part I and Part II of this ordinance are effective immediately upon adoption. Part III, Part IV and Part V of this ordinance are effective January 1, 2014.

C) Consent Agenda:

1. Approval of October 7, 2013 Minutes
2. Budget Amendments
3. Adoption of Airport Transportation Improvement Program (TIP)
4. Approval of Maple Commerce Park Covenants
5. Approval of Local Firefighter's Relief Fund Boards
6. Charge to Tax Collector the Levy on Motor Vehicles for July Renewals
7. Approval of DSS Request to Purge Records
8. Request to dispose of Finance records per the records retention schedule

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

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|---|--|---|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 10752-514003 | Travel-Spec. Adopt. Elderly & Disabled | \$ 73 | |
| 10330-530600 | Transportation | \$ 310 | \$ 2,997 |
| 10752-532003 | Supplies-Spec. Adopt. | \$ 598 | |
| 10330-432200 | HCCBG In Home | \$ 4,476 | |
| 10752-545003 | Contracted Serv-Spec. Adopt. | \$ 5,539 | |
| 10390-499900 | Fund Appropriate Balance | \$ 7,900 | |
| 10752-561003 | Prof Services-Spec. Adopt. | \$ 8,444 | |
| 10752-519600 | Child Daycare | \$ 18,954 | |
| 10330-431000 | DSS Administration | | \$ 18,790 |
| 10330-431800 | Foster Care & Boarding Home | | \$ 213 |
| 10330-432800 | Daycare | | \$ 18,954 |
| 10560-519701 | HCCBG -Access Services | | \$ 2,033 |
| 10560-545000 | Contracted Services | | \$ 310 |
| 10752-519700 | HCCBG - In Home | | \$ 2,997 |
| | | <u>\$ 46,294</u> | <u>\$ 46,294</u> |

Explanation: *PUBLIC ASSISTANCE (752) - Adjust to State Funding Authorizations and carry forward Special Adoption funds. INTER COUNTY TRANSPORTATION (560)- Adjust to State Funding Authorizations. REVENUE (330)-Adjust to the State Funding Authorizations.*

Net Budget Effect: Operating Fund (10) - Decreased by \$22,894.

| <u>Account Number</u> | | <u>Account Description</u> | Debit | Credit |
|-----------------------|--------|----------------------------|--|---|
| | | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 10440 | 545000 | Contract Services | \$ 10,000 | |
| 10440 | 514000 | Travel | \$ 3,500 | |
| 10445 | 545000 | Contract Services | \$ 4,700 | |
| 10445 | 514000 | Travel | \$ 2,000 | |
| 10350 | 468000 | Sale of Fixed Assets | | \$ 10,000 |
| 10320 | 410000 | Deed Stamp Excise Tax | | \$ 10,200 |
| | | | <u>\$ 20,200</u> | <u>\$ 20,200</u> |

Explanation: *Finance (10440), Human Resources (10445) - Increase appropriations for Tyler Technologies/MUNS onsite training for Payroll/Human Resource and General Billing and for increased usage of GovDeals governmental auctions for disposal of surplus assets.*

Net Budget Effect: Operating Fund (10) - Increased by \$20,200.

| <u>Account Number</u> | | <u>Account Description</u> | Debit | Credit |
|-----------------------|--------|-------------------------------------|--|---|
| | | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 50795 | 590002 | Lawn/Field Maintenance Equipment | \$ 275,000 | |
| 50380 | 481000 | Investment Earnings | | \$ 275,000 |
| | | | <u>\$ 275,000</u> | <u>\$ 275,000</u> |

Explanation: *Maple Community Park (50795) - Equipment to maintain landscaping and fields at the Maple Commerce Park/Recreation facilities.*

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$275,000.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|--|---|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 68888 | 590000 | Capital Outlay | |
| 68330 | 448800 | Walnut Island POA | |
| 68390 | 499900 | Appropriated Retained Earnings | |
| | | \$ 140,000 | \$ 66,225 |
| | | | \$ 73,775 |
| | | <u>\$ 140,000</u> | <u>\$ 140,000</u> |

Explanation: *Walnut Island Sewer District (68888)* - Increase appropriations for road improvements in the Walnut Island Sewer District. This will utilize funds that came from the Walnut Island Sewer District upon dissolution and additional funds from the Property Owners Association.

Net Budget Effect: Walnut Island Sewer District (68) - Increased by \$140,000.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|--|---|
| | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 42450 | 587067 | T T - Moyock Central Sewer Operations | |
| 42320 | 414000 | Land Transfer Tax | |
| 67878 | 561000 | Professional Services | |
| 67390 | 495042 | T F - Transfer Tax Capital Fund | |
| | | \$ 53,000 | \$ 53,000 |
| | | | \$ 53,000 |
| | | <u>\$ 106,000</u> | <u>\$ 106,000</u> |

Explanation: *Land Transfer Tax Capital Fund (42450);Moyock Central Sewer Operations (67878)* - Increase appropriations for an Environmental Assessment for the Moyock Central Sewer System.

Net Budget Effect: Transfer Tax Capital Fund (42) - Increased by \$53,000.
Moyock Central Sewer Fund (67) - Increased by \$53,000.

| <u>Account Number</u> | | <u>Account Description</u> | Debit | Credit |
|-----------------------|--------|----------------------------|--|---|
| | | | Decrease Revenue or Increase Expense | Increase Revenue or Decrease Expense |
| 57878 | 594500 | Contract Services | \$ 12,400 | |
| 57878 | 596100 | Professional Services | | \$ 12,400 |
| | | | <u>\$ 12,400</u> | <u>\$ 12,400</u> |

Explanation: *Moyock Central Sewer Construction Fund (57) - Transfer budgeted funds to complete the Moyock VFD Sewer connection.*

Net Budget Effect: Moyock Central Sewer Construction Fund (57) -No change.

C) Commissioner’s Report

Commissioner Aydlett commented on the reason the ad valorem tax rate was increased, in order to maintain operations at the same level.

Commissioner Petrey appreciated the efforts to clean up the corridor; however, some struggling families are unable to purchase paint to improve the appearance of their homes.

Commissioner Gilbert announced the next Moyock Small Area Plan meeting on October 28 at the Moyock Library. She also reminded everyone that October is Breast Cancer Awareness month and encouraged preventative testing.

D) County Manager’s Report

No report.

Closed Session

Commissioner Petrey moved to enter closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and pursuant to N.C. Gen. Stat. §143-318.11(a)(6) to discuss a personnel matter. Commissioner Petrey seconded the motion. Motion carried.

Adjourn

After returning to open session, no action was taken. There being no further business, Commissioner Griggs moved to adjourn. Commissioner Gilbert seconded the motion. The meeting was adjourned.

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2014.

| <u>Account Number</u> | <u>Account Description</u> | <u>Debit</u> | <u>Credit</u> |
|-----------------------|------------------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 50795 | 494501 Soccer Fields - PARTF Grant | \$ 530,000 | |
| 50795 | 494500 Soccer Fields | | \$ 265,000 |
| 50330 | 476001 PARTF Grant | | \$ 265,000 |
| | | <u>\$ 530,000</u> | <u>\$ 530,000</u> |

Explanation: *Community Park Soccer Fields (50795)* - Increase appropriations to record receipt of PARTF Grant Contract 5574/Project 2013-742 for the period October 1, 2013 through September 30, 2016.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$265,000.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2014.

| <u>Account Number</u> | <u>Account Description</u> | <u>Debit</u> | <u>Credit</u> |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 50795 | 590003 | Maintenance Building | |
| | | \$ 500,000 | |
| 50795 | 545000 | Contract Services | |
| | | \$ 44,129 | |
| 50795 | 590000 | Furnishings & Equipment | |
| | | \$ 2 | |
| 50795 | 594500 | Soccer Fields | \$ 44,131 |
| 50390 | 495040 | T F - Capital Improvements | \$ 500,000 |
| | | <u>\$ 544,131</u> | <u>\$ 544,131</u> |

Explanation: *Community Park (50795)* - Increase appropriations for Maintenance Building for Parks & Recreation equipment storage and to close out YMCA/Recreation building.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$500,000.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2014.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|--|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 50390 | 495040 T F - Capital Improvements Fund | \$ 750,000 | |
| 50330 | 447000 Grant - Commerce Park | | \$ 750,000 |
| | | <u>\$ 750,000</u> | <u>\$ 750,000</u> |

Explanation: *Maple Commerce Park (50390) - Reallocate funding to record NC DOT grant funding for roads at Maple Commerce Park.*

Net Budget Effect: County Governmental Construction Fund (50) - No change.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2014.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10415 | 540000 | Worker's Compensation | |
| | | \$ 24 | |
| 10461 | 540000 | Worker's Compensation | |
| | | \$ 1,335 | |
| 10460 | 540000 | Worker's Compensation | |
| | | \$ 27 | |
| 10510 | 540000 | Worker's Compensation | |
| | | \$ 6,042 | |
| 10512 | 540000 | Worker's Compensation | |
| | | \$ 148 | |
| 10530 | 540000 | Worker's Compensation | |
| | | \$ 8,635 | |
| 10550 | 540000 | Worker's Compensation | |
| | | \$ 142 | |
| 10750 | 540000 | Worker's Compensation | |
| | | \$ 389 | |
| 10795 | 540000 | Worker's Compensation | |
| | | \$ 948 | |
| 10320 | 411000 | Article 39 Sales Tax | \$ 17,690 |
| 61818 | 540000 | Worker's Compensation | |
| | | \$ 2,686 | |
| 61360 | 470000 | Utilities Charges | \$ 2,686 |
| 66868 | 540000 | Worker's Compensation | |
| | | \$ 2,687 | |
| 66360 | 470000 | Utilities Charges | \$ 2,687 |
| | | <u>\$ 23,063</u> | <u>\$ 23,063</u> |

Explanation: *Various Departments* - Increase appropriations for additional worker's compensation for FY 2013 resulting from the final audit.

Net Budget Effect: Operating Fund (10) - Increased by \$17,690.
 Mainland Water Fund (61) - Increased by \$2,686.
 Southern Outer Banks Water Fund (66) - Increased by \$2,687.

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 Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2014.

| <u>Account Number</u> | <u>Account Description</u> | <u>Debit</u> | <u>Credit</u> |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 61818 | 590002 Waterline extension | \$ 47,000 | |
| 61360 | 470000 Utility charges | | \$ 47,000 |
| | | <u>\$ 47,000</u> | <u>\$ 47,000</u> |

Explanation: *Mainland Water (61818)* - Increase appropriations for betterment costs to upsize waterline as per Farms and Timberland Inc license agreement.

Net Budget Effect: Mainland Water Fund (61) - Increased by \$47,000.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of November, 2013, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2014.

| <u>Account Number</u> | <u>Account Description</u> | Debit | Credit |
|-----------------------|----------------------------|---|---|
| | | <u>Decrease Revenue or Increase Expense</u> | <u>Increase Revenue or Decrease Expense</u> |
| 10795 | 576003 | \$ 1,400 | |
| 10350 | 469001 | | \$ 585 |
| 10350 | 469015 | | \$ 55 |
| 10795 | 576009 | | \$ 760 |
| | | <u>\$ 1,400</u> | <u>\$ 1,400</u> |

Explanation: *Recreation (10795)* - Increase flag football funding due to increased participation this fall.

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

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Clerk to the Board



Michelle Perry, E.I.T.
Engineer Technician

Currituck County

153 Courthouse Road, Suite 302
Currituck, North Carolina 27929
252-232-6034
FAX 252-232-3298
Michelle.Perry@CurrituckCountyNC.gov

MEMORANDUM

Date: October 28, 2013

To: Board of Commissioners
Dan Scanlon

From: Michelle Perry
Eric Weatherly

RE: Maple Park Expansion Phase 1 – Multipurpose (Soccer) Fields
Change Order #1: PART F Grant

Phase 1 of the Maple Park Expansion project consists of the construction of 3 Multipurpose fields, and a Concession/Restroom building, all located near the Community Center at Currituck Community Park. A.R. Chesson Construction Co., Inc. was awarded the contract in the amount of \$2,467,164 and began construction in April of this year.

The original bid included a playground, picnic shelters, and sidewalks at the Multipurpose Field complex. This portion was removed from the bid in order to apply for a PART F grant to help fund this work with a County Match.

We received the PART F grant award and agreement at the beginning of October and have since executed the PART F agreement. The amount of the awarded PART F project is \$530,000. This consists of a \$265,000 PART F grant with a \$265,000 County match. Of the total project, \$24,091 was allocated towards planning and design. The remainder of the grant (\$505,909) was allocated for construction purposes. (See Engineer's letter attached.)

It is our recommendation that a Change Order (#1) to A.R. Chesson Construction Co., Inc. be approved in the amount of \$505,909.



LANDSCAPE
ARCHITECTURE

CIVIL ENGINEERING

SITE PLANNING

October 28, 2013

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

Reference: Currituck Community Park
Site Solutions Project Number 3337
Summary of Proposed Change Order 1rev. – PARTF
Maple Park – AR Chesson Construction Company, Inc.
Sent: Via EMAIL -

Dear Mr. Weatherly:

You will find in the package included with this letter several components of what will be the first change order to the contract between Currituck County and AR Chesson for the aforementioned project. This change order incorporates changes in the scope of work as well as lengthens the contract period duration.

To summarize these changes please note the following ((supported by exhibits) as marked below following the attached AIA change order document):

Changes to the contract value based on the incorporation of PARTF into the project. This is supported by documents- Exhibit A and Exhibit B which add a value of \$505,909.00 (Five Hundred Five Thousand, Nine Hundred Nine Dollars) to the contract.

This figure is broken down and will be incorporated into a separate schedule of values in the following manner in compliance with PARTF scope and requirements:

\$400,000 added based on scope for PARTF see Exhibit A
\$70,000 playground equipment allowance (PARTF) – See Exhibit A
\$6,000 add environmental education areas (PARTF) see Exhibit B
\$10,415 add for cost increase since original bid for shelters (allowed as part of PARTF contingency)
\$19,494 remainder of contingency

\$505,909 - TOTAL

Likewise, the incorporation of the PARTF grant into the scope of work lengthens the contract period from September 3, 2013, to April 18, 2014. This is supported by a preliminary revised schedule from AR Chesson issued as Exhibit C in this change order. Site Solutions respectfully recommends the adoption of this change order by signing the enclosed AIA document.

We appreciate your continued trust and look forward to the fulfillment of the PARTF grant and the facilities it will add.

Sincerely,
Site Solutions Inc.

Benjamin Simpson, ASLA ,RLA

2320 W. Morehead St.
Charlotte, NC 28208
Phone: 704.521.9880
Fax: 704.521.8955
sitesolutionspa.com

AIA Document G701™ – 2001

Change Order

| | | |
|--|---|--|
| PROJECT (Name and address): Maple Park Expansion Phase I Currituck, North Carolina | CHANGE ORDER NUMBER: 001 DATE: October 25, 2013 | OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/> |
| TO CONTRACTOR (Name and address): A.R. Chesson Construction Co., Inc. P.O. Box 2266 Elizabeth City, NC 27909 | ARCHITECT'S PROJECT NUMBER: 3337 CONTRACT DATE: February 21, 2013 CONTRACT FOR: General Construction | |

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)
 To include the scope of work and agreed upon value associated with PART F Grant 2013 as well as extend the contract period accordingly.

| | | |
|--|----|--------------|
| The original Contract Sum was | \$ | 2,467,164.00 |
| The net change by previously authorized Change Orders | \$ | 0.00 |
| The Contract Sum prior to this Change Order was | \$ | 2,467,164.00 |
| The Contract Sum will be increased by this Change Order in the amount of | \$ | 505,909.00 |
| The new Contract Sum including this Change Order will be | \$ | 2,973,073.00 |

The Contract Time will be increased by Two Hundred and Twenty-Seven (227) days.
 The date of Substantial Completion as of the date of this Change Order therefore is April 18, 2014

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.

| | | |
|---|--|---|
| Site Solutions ARCHITECT (Firm name) | A.R. Chesson Construction Co., Inc. CONTRACTOR (Firm name) | Currituck County OWNER (Firm name) |
| 2320 West Morehead Street, Charlotte, NC 28208 ADDRESS | P.O. Box 2266, Elizabeth City, NC 27909 ADDRESS | 153 Courthouse Road, Currituck, NC 27929 ADDRESS |
| BY (Signature) | BY (Signature) | BY (Signature) |
| BENJAMIN SIMPSON (Typed name) | ADAM HUGHES (Typed name) | (Typed name) |
| OCTOBER 29, 2013 DATE | 30 OCT 2013 DATE | DATE |

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User Notes:

(1281975125)



A.R.CHESSON
CONSTRUCTION CO., INC.

January 28, 2013

Jeff Ashbaugh, RLA
Site Solutions
2320 W. Morehead Street
Charlotte, NC 28208

RE: Maple Park Expansion Phase I

Mr. Ashbaugh,

Pursuant to your request, we submit the following costs for the items listed.

1. Credit for PARTF Scope.....(\$400,000.00)

Playground (\$49,620.00)

- Site prep for equipment (clearing, grading, subdrain, stone sub-base, and fabric, play surfacing and installation of it)
- Exclude the cost of Equipment (play structure) and installation of it since it is in the \$70,000 allowance which will not be included initial contract
- 120 LF of 8 foot wide walk
- 245 LF of 8 foot wide walk with turndown edge
- 40 LF of 6 foot wide walk
- Site prep associated with sidewalk (4 inches of sand sub-base, fine grading, compacting sub-grade)
- Benches and associated concrete pads

Concrete Walks (\$98,906.00)

- 3000 LF of 8 foot wide walk
- 675 LF of 5 foot wide walk
- Site prep associated with sidewalk (4 inches of sand sub-base, fine grading, compacting sub-grade)
- All swale bridges including the one by Maple Parkway (exclude alt.#1 bridge). Consider in this credit the cost to install a 15" HDPE with flared end section(FES) at both pipe ends. Pipe length at each location will be 16' including FES.

Multi-purpose Fields (\$32,192.00)

- Soccer Goals
- Team benches
- Spectator seating and associated concrete pads and access walks

ELIZABETH CITY BRANCH OFFICE

ELIZABETH CITY, NC

138 RICH BLVD ~ 27909 ~ PO BOX 2266 ~ 27906 ~ 252.338.9171 ~ fax 252.338.9172

Picnic Shelters (\$176,391.00)

- Shelter Structure including column wraps
- Pad, footing, and foundation
- Shop drawings
- Site prep for pad
- Picnic Tables under shelter
- Trash Receptacle for shelter
- Sign for shelter

Site Furnishings (\$5,405.00)

- Bike rack, Flag pole, trash can at restroom, field signage

Landscaping (\$22,391.00)

- All trees and shrubs (exclude any grassing)

Fencing (\$15,095.00)

- All black vinyl chain link fence behind soccer goals

2. Credit to decrease the multipurpose field sidelines from 15' to 10' (sod, subdrain, sand silt, soil conditioner).....(\$14,700.00)
3. Credit to reduce all multipurpose field lights from 50FTC to 40FTC.(\$89,000.00)
4. Credit to eliminate 25 yr warranty on multipurpose field lights.....(\$9,000.00)
5. Add sidewalk along Maple Pkwy on west side of wetland bridge (County is in process of determining length).....\$26.40 / SY

Feel free to contact me with any questions or concerns.

Yours truly,

A.R. CHESSON CONSTRUCTION CO., INC.

Adam C. Hughes
 Adam C. Hughes
 Project Manger

ELIZABETH CITY BRANCH OFFICE

ELIZABETH CITY, NC

138 RICH BLVD ~ 27909 ~ PO BOX 2266 ~ 27906 ~ 252.338.9171 ~ fax 252.338.9172

Project Costs

Use the format below to show the costs of your project. Include the title of the project, the name of the local government and the date the document was prepared.

Project Costs
Community Park - Currituck County
January 2013

| Project Elements (Include specific units - sizes, numbers, lengths, etc. - for each item.) | Unit | Unit Cost | Total Item Cost |
|--|-----------------|-----------|------------------|
| Building Costs | | | |
| Picnic Shelters, 25'x25' (4 grills, 16 tables, and 4 trash receptacles) | 4 | \$44,098 | \$176,392 |
| Playground (play structures, installation, benches, site prep, and border) | Lump Sum | \$115,325 | \$115,320 |
| Walking Trail - 5',6', and 8' wide, paved ADA accessible trail | 2,800 linear ft | \$35.32 | \$98,906 |
| Multi-purpose field Furnishings (6 soccer goals, 6 team benches, and 3 bleacher areas) | Lump Sum | \$32,192 | \$32,192 |
| Site furnishings (bike rack, flag pole, signage) | Lump Sum | \$5,405 | \$5,405 |
| Landscaping (trees and shrubs) | Lump Sum | \$22,391 | \$22,391 |
| Rubber surfacing for playground | 3,847 sqft. | \$2.63 | \$10,118 |
| Environmental Education Stations | Lump Sum | \$6,000 | \$6,000 |
| Fencing | 925 linear ft | \$16.31 | \$15,095 |
| Costs to Develop the Project | | | \$481,819 |
| Contingency for the Cost of Building | | | |
| Contingency (not to exceed 5% of the cost to develop the project) | 5% | N/A | \$24,091 |
| Value of Land to be Purchased or Donated | | | |
| Land Acquisition | N/A | N/A | N/A |
| Planning and Incidental Land Acquisition Costs | | | |
| Construction management, site planning, design, preparing the | 5% | N/A | \$24,091 |
| Total Project Cost | | | \$530,000 |
| Total PARTF Grant Request | | | \$265,000 |
| Total Local Match | | | \$265,000 |

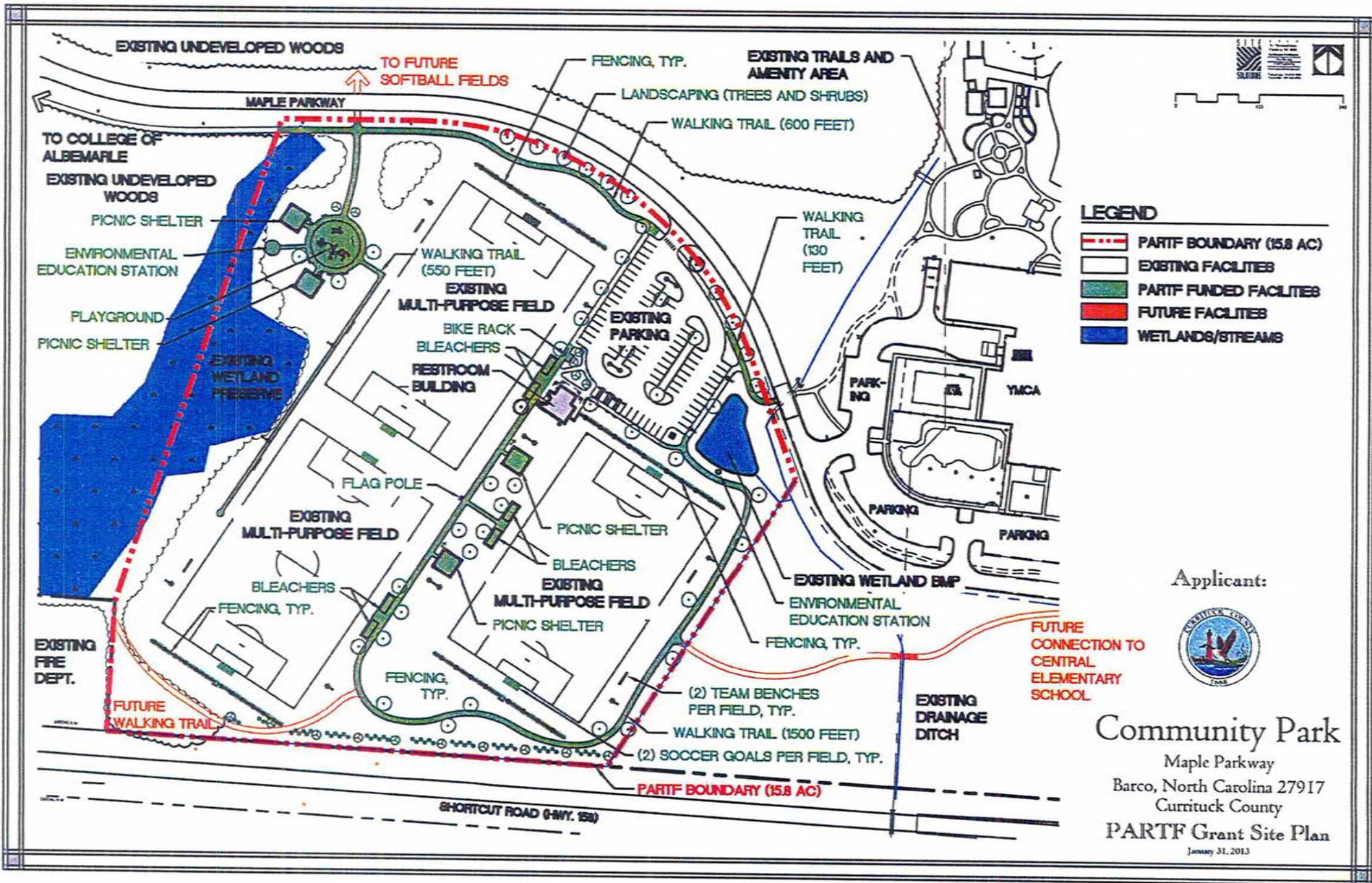
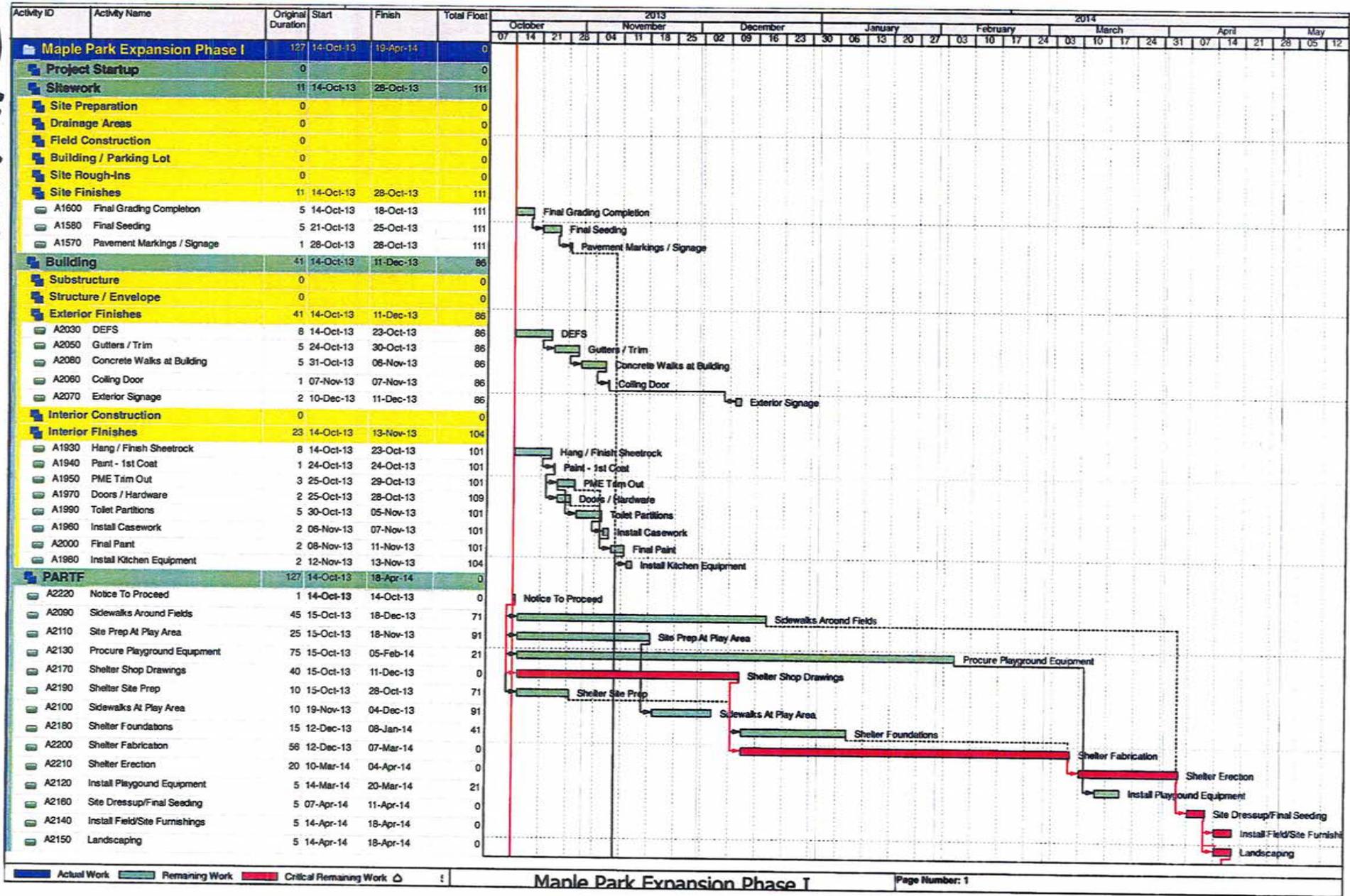


EXHIBIT C





LANDSCAPE
ARCHITECTURE

CIVIL ENGINEERING

ARCHITECTURE

SITE PLANNING

April 3, 2013

Mr. Adam Hughes , Project Manager
AR Chesson Construction Company, Inc.
PO Box 2266
138 Rich Boulevard
Elizabeth City NC 27909

RE: NOTICE TO PROCEED
Maple Park Expansion Phase I
Site Solutions Project Number: 3337
Via – Email and US mail

Dear Mr. Hughes:

This letter expressly documents your **Notice to Proceed** in accordance with plans, specifications and the executed contract.

The contract amount is two million four hundred sixty-seven thousand one hundred and sixty-four dollars (\$2,467,164) Allowances, and alternates included in the construction contract amount are as follows:

| | | |
|-----------------------------|-----------|-------------|
| Base Bid (contract amount): | | \$2,372,164 |
| Kitchen Equipment | allowance | \$19,000 |
| Water Tap Fee | allowance | \$ 6,000 |
| Electrical Service Fees | allowance | \$70,000 |

Total Contract Value Including Alternates (stated below) and Allowances \$2,467,164

- Bid Alternate Numbers 3 (rubber mulch play surface),4 (shelter at Y),5 (subdrains), and 6 (sand slit drains) are accepted and a part of your contract. :
- Unit prices are also in your contract for additional work that apply to common tasks (see contract). Change orders subsequent to the contract will use these unit prices where applicable.

Your contract period commences **Wednesday April 3, 2013**. The stated time for this contract is **(150) calendar days to achieve substantial completion**. Substantial completion is defined as being materially completed such that the owner may safely and legally use (with all inspections approved) the facility for its intended purpose. The anticipated substantial completion date is , **September 3, 2013**. There are liquidated damages in your contract in the amount of \$500 dollars per calendar day for failure to substantially complete the project within the specified time frame.

We look forward to a project that is done on time and within budget. Please do not hesitate to call me should you require clarifications or have questions about this letter, or any other aspect of this project. My direct line is 704.943.1195.

Sincerely,
SITE SOLUTIONS

Benjamin Simpson, RLA, ASLA

CC: Ms. Michelle Perry, Engineer Assistant, Currituck County
Mr. Sean Robey, PE, Hyman Robey

2320 W. Morehead St.
Charlotte, NC 28208
Phone: 704.521.9880
Fax: 704.521.8955
sitesolutionspa.com

Ben Simpson

From: Hughes; Adam <adam@archesson.com>
Sent: Thursday, October 24, 2013 3:48 PM
To: Ben Simpson
Subject: Picnic Shelters
Attachments: Scanned from a Xerox multifunction device001.pdf

Ben – as suspected, the shelter prices have gone up since the project bid a year ago. Attached is the low quote we used on bid day and the suppliers updated quote. Difference is \$10,415.00. Unfortunately, the 5th shelter went up as well but I guess I am stuck with that additional cost since it was in the base bid.

Adam Hughes



A.R. Chesson Construction Co., Inc.

PO Box 2266

138 Rich Boulevard

Elizabeth City, NC 27909

252.338.9171 *Tel*

252.338.9172 *Fax*

252.333.8472 *Mobile*

www.archesson.com

Proposal #: 17242
Date: 11/15/2012

RCP SHELTERS, INC.
PROPOSAL/ORDER FORM



All Bidders

Attn: ALL BIDDERS

2100 SE Rays Way • Stuart, FL 34994
P: 800-525-0207 • 772-288-3600
F: 772-288-0207
info@rcpshelters.com • http://www.rcpshelters.com

Phone:
Fax:
E-mail:

Prepared by: Kyle Ritter
kyle@rcpshelters.com

Maple Park Expansion - Maple, NC

| ITEM | QTY | DESCRIPTION | PRICE |
|---------|--|--|-------------|
| A | 4.00 | Model #: AS-SQ30-2T-06-MG 30' x 30' ALL STEEL TWO-TIERED SQUARE SHELTER | \$86,795.00 |
| FREIGHT | Delivery to an accessible site. Refer to notes on page 2 for more details. | | Included |
| TOTAL | Delivered Cost | | \$86,795.00 |

INCLUDED

- NC Certified Drawings: includes standard RCP foundation design
- Frame: powder coated tube steel
- Roof Deck: 24 gauge exposed fastener metal roofing
- Hardware: all required fasteners
- Delivery: to an accessible site

NOT INCLUDED

- Column masonry
- Unloading
- Concrete
- Concrete embedment (anchor bolts, wire mesh, rebar, etc.)
- Electrical or other cutouts (priced upon request)
- Rails/ornamentation/benches/cupola
- Installation
- Anything not specifically listed as "Included"

PRICING NOTES

- Prices valid 30 days.
- Prices subject to change if shipment not taken within 180 days.
- Orders are not subject to cancellation.
- Maximum snow load for this quote is 30 psf. If local code requires higher snow load, RCP reserves the right to re-quote.

INSTALLATION COST SAVING ADVANTAGES

- Column anchor bolts located outside the column tube (easily accessible for installation)
- Factory cut roofing panel end caps (minimal, if any, on site cutting required)
- Factory fabricated roofing seam and corner caps (minimal, if any, on site cutting or fabrication required)
- Metal roofing and powder coating touch up paint included
- One-piece, factory welded clerestory beams vs. numerous piece field assemblies (no on site assembly required)

(Signature)

(Print/Title)

(Date)

Page
1/3

Signature confirms acceptance of all pages of this proposal.

Proposal #: 17242.R1
 Date: 10/24/2013

RCP SHELTERS, INC.
 PROPOSAL/ORDER FORM



A. R. Chesson Construction Co., Inc.
 Attn: Adam Hughes
 P.O. Box 1147
 Williamston, NC 27892

2100 SE Rays Way • Stuart, FL 34994
 P: 800-525-0207 • 772-288-3600
 F: 772-288-0207
 info@rcpshelters.com • http://www.rcpshelters.com

Phone: 252-338-9171
 Fax:
 E-mail: adam@archesson.com

Prepared by: Kyle Ritter
 kyle@rcpshelters.com

Maple Park Expansion - Maple, NC

| ITEM | QTY | DESCRIPTION | PRICE |
|------------------|--|--|-------------|
| A | 4 | Model #: AS-SQ30-2T-06-MG 30' x 30' ALL STEEL TWO-TIERED SQUARE SHELTER | \$97,210.00 |
| B | 1 | Model #: AS-SQ30-2T-06-MG 30' x 30' ALL STEEL TWO-TIERED SQUARE SHELTER | \$24,302.00 |
| FREIGHT | Delivery to an accessible site. Refer to notes on page 2 for more details. | | Included |
| SALES TAX | Add only for FL or CA sales tax, or provide tax exempt certificate | | |
| TOTAL | Delivered Cost | | |

INCLUDED

- NC Certified Drawings: includes standard RCP foundation design
- Frame: powder coated tube steel
- Roof Deck: 24 gauge exposed fastener metal roofing
- Hardware: all required fasteners
- Delivery: to an accessible site

NOT INCLUDED

- Column masonry
- Unloading
- Concrete
- Concrete embedment (anchor bolts, wire mesh, rebar, etc.)
- Electrical or other cutouts (priced upon request)
- Rails/ornamentation/benches/cupola
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- One-piece, factory welded clerestory beams vs. numerous piece field assemblies (no on site assembly required)

 (Signature)

 (Print/Title)

 (Date)

Page
 1/3

Signature confirms acceptance of all pages of this proposal.

CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: PARALEGAL

GENERAL STATEMENT OF JOB:

The Paralegal is a stand-alone classification that is distinguished from other administrative support classes by its responsibility for performing support activities that require a paralegal degree. An employee in this class performs administrative areas or specialty fields in support of the activities of the County Attorney. Work is performed under the regular supervision of the County Attorney.

SPECIFIC DUTIES AND RESPONSIBILITIES:

Paralegal duties include drafting complex legal documents and contracts, conducting legal research into complex issues without specific precedence, and acting as a front-end interface with clients, County staff, and attorneys for the purposes of screening calls and/or summarizing communications between outside parties and the County Attorney. The employee participates in data gathering and preparation of scheduling of witnesses, and the organization of supporting documents, exhibits, and evidence. Work requires independence and self-initiative in activities and the employee is expected to determine when assistance is required from the County Attorney. Administrative duties require tact and discretion in handling sensitive or confidential matters for the County Attorney. Work is performed under the supervision of the County Attorney and is evaluated through work planning and monitoring interactions, observation, conferences, feedback from citizens and staff, and ongoing evaluation and testing of the quality and effectiveness of work products developed.

EXAMPLES OF DUTIES:

Serves as the receptionist for the legal department; greets the public in person or by telephone.

Conducts legal research to include reviewing case files, public records, codes, laws, statutes and title searches.

Prepares a variety of legal documents such as right of way agreements, water and sewer easements, audit letters, deeds, closing documents for real estate transactions; schedules closings; disburses funds; secures proper execution of documents.

Maintains files and records for the Legal Department; prepares spreadsheets documenting actions; maintains Legal Department library.

Drafts correspondence, memos, and documents for the attorney's review; transcribes leases, ordinances, agreements, bid documents, proposals, correspondence and other documents.

Types legal notices; secures publication in newspaper and proofs for errors.

Schedules meetings for the County Attorney; prepares documents prior to meetings; secures information via telephone or personal contact; selects appropriate materials to answer questions and often handles the inquiries independently.

Meets with parties to explain legal documents and to obtain signatures; notarizes documents when signed.

Compiles and manages budget for Legal Department; purchases supplies; codes bills for payment.

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

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

Serves as back up for County Manager's Office.

Performs related duties assigned by the County Attorney.

Performs other related tasks as required.

Possesses, or is able to obtain, Notary Public appointment.

Possesses, or is able to obtain, North Carolina Certified Paralegal Certification by continuing with the required course work to maintain the certification.

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

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED

TO PERFORM ESSENTIAL JOB FUNCTIONS

Associates degree with course work emphasis in paralegal studies; supplemented by two or more years of experience and/or training that includes performing paralegal work; or an equivalent combination of education and experience.

Supplemental Qualifications or Information:

Ability to obtain certification as a Notary Public.

Current North Carolina Certified Paralegal preferred

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

KNOWLEDGE, SKILLS AND ABILITIES

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

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

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

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

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

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

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

Ability to effectively express ideas orally and in writing.

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

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

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

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

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

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

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

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



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Consent Agenda: September 2013 CDBG Monthly Status Report

Brief Description of Agenda Item

September 2013 Community Development Block Grant Status Report

Board Action Requested

Information

Person Submitting Agenda Item

Tammy D. Glave

Presenter of Agenda Item



COUNTY OF CURRITUCK

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

Memorandum

TO: Board of Commissioners

FROM: Ben Woody, AICP
Planning Director

DATE: October 15, 2013

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

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

- House plans for three (3) reconstruction recipients are being finalized by the Architectural firm and will be available early in October.
- Demolition scopes of work have been completed and a bid package is being prepared.
- The County has received the asbestos reports for the three (3) reconstruction properties.
- The contract for Surveying Services and Notice to Proceed are being sent to Hyman and Robey, PC.
- General administration and financial management responsibilities are continuing.

Attached is the September Monthly Status Report for your review. Thank you.

Monthly Performance Status Report

(Due on 15th of each month)

Grantee Name: Currituck County Grant Number: 11-C-2308 Month: October Year: 2013

| <u>Activity</u> <u>(September Activity)</u> | <u>Performance</u> <u>Schedule</u> <u>(On/Off)</u> | <u>Current Performance Status</u> <u>(If Off Schedule)</u> | <u>Remedy to get back on Schedule</u> <u>(If Off Schedule)</u> |
|--|--|---|---|
| Rehabilitation-Rehabilitation | ON | | |
| Rehabilitation-Reconstruction | ON | | |
| Rehabilitation-Clearance | ON | | |
| Planning | ON | | |
| Administration | ON | | |
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Prepared By: Brendan Nolan Title: Project Manager
 Endorsed By: Dan Scanlon /  Title: County Manager (City/County Manager or Clerk)
 Board or Council Update: Dan Scanlon, County Manager Date: 11/4/13

Performance Schedule
 (Based on *Performance Based Contract*)
On/Off Schedule

- ❖ **On Performance Schedule:** Stop and submit report, no current performance status or remedy to get back on schedule is required
- ❖ **Off Performance Schedule:** Provide current performance status and remedy to get back on schedule and submit report



Currituck County Agenda Item Summary Sheet

Agenda Item Title

Consent Agenda: Execution of Performance Bonds

Brief Description of Agenda Item

Authorization for County Manager to execute performance bonds for subdivisions and developments.

Board Action Requested

Action

Person Submitting Agenda Item

Ben Woody/Ike McRee

Presenter of Agenda Item

Ben Woody



COUNTY OF CURRITUCK

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

MEMORANDUM

TO: Board of Commissioners

FROM: Ben Woody, AICP
Planning and Community Development Director

DATE: October 28, 2013

SUBJECT: Execution of Performance Bonds

It has come to our attention that the County needs to appoint someone to execute performance bonds received for subdivisions and other development. It is recommended that the County Manager be authorized to execute performance bonds. Generally, performance bonds do not require a signature, but we've received a submittal (attached) asking for a signature.

Please let me know if you have any questions. Thank you.

HORNTHAL, RILEY, ELLIS & MALAND, L.L.P.

ATTORNEYS AT LAW

2502 S. CROATAN HIGHWAY

NAGS HEAD, NORTH CAROLINA 27959

TELEPHONE (252) 441-0871

TELEFAX (252) 441-8822

INTERNET: www.hrem.com

OF COUNSEL

CHARLES W. OGLETREE

J. FRED RILEY

THOMAS L. WHITE, JR.

RETIRED

MARK M. MALAND

OTHER OFFICES

ELIZABETH CITY, NC

COLUMBIA, NC

**M. H. HOOD ELLIS
DAVID C. GADD
BENJAMIN M. GALLOP
ROBERT B. HOBBS, JR.*
L. P. HORNTHAL, JR.
L. PHILLIP HORNTHAL, III
ANDREW W. HOWLE
A. VANN IRVIN**
JOHN D. LEIDY
W. BROCK MITCHELL
JOHN R. PARKER, JR.
DONALD C. PRENTISS**

***BOARD CERTIFIED SPECIALIST IN
REAL PROPERTY LAW**

**** BOARD CERTIFIED SPECIALIST IN
ESTATE PLANNING AND PROBATE LAW**

October 24, 2013

Ben E. Woody, AICP
Planning & Community Development
Currituck County
153 Courthouse Road, Suite 110
Currituck, North Carolina 27929

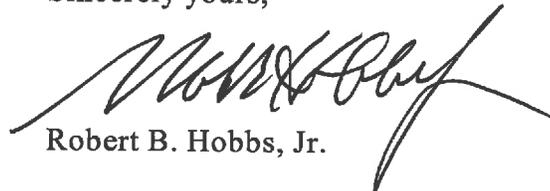
OVERNIGHT MAIL

Re: Estates at Carova Beach

Dear Ben:

Enclosed are two duplicate signed originals of the two performance bonds and checks for the cash bond amounts (2) as discussed. Please have these executed and dated by the County, and return one fully executed original of each bond to my attention. Thank you for your assistance.

Sincerely yours,



Robert B. Hobbs, Jr.

cc: Donald I. McRee, Jr. (via email)
Larry Riggs (via email)
Mark Bissell (via email)

3142

OCEAN-CAROVA JOINT VENTURE

2101 PARKS AVENUE, SUITE 300
VIRGINIA BEACH, VA 23451

DATE Sept 30, 2013

68-1/510 VA
1299

PAY
TO THE
ORDER OF

Cumtuck County

\$ 5,750⁰⁰/₁₀₀

Five thousand seven hundred fifty

00/100

DOLLARS

Bank of America



ACH R/T 051000017

FOR Bond re ditch cleaning

Herbert H. Gray
[Signature]

⑈003141⑈ ⑆051000017⑆ 000021821430⑈

GUARANTEE & SAFETY

3141

OCEAN-CAROVA JOINT VENTURE

2101 PARKS AVENUE, SUITE 300
VIRGINIA BEACH, VA 23451

DATE Sept 30, 2013

68-1/510 VA
1299

PAY
TO THE
ORDER OF

Cumtuck County

\$ 345⁰⁰/₁₀₀

three hundred forty five

00/100

DOLLARS

Bank of America



ACH R/T 051000017

FOR work Bond - Carova

Herbert H. Gray
[Signature]

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**PERFORMANCE BOND
FOR
ESTATES AT CAROVA BEACH
(Section 2 Ditch Maintenance)**

THIS PERFORMANCE BOND (this "Bond"), effective as of _____, 2013 (the "Effective Date"), by and between CAROVA CORPORATION, a North Carolina corporation, and OCEAN SANDS CORPORATION, a Virginia corporation, whose address is c/o Riggs Realty Corporation, PO Box 400, Corolla, NC 27927, hereinafter referred to as "Declarant," and the COUNTY OF CURRITUCK, NORTH CAROLINA, a body politic and corporate, whose address is 153 Courthouse Road, Ste. 204, Currituck, NC 27929 (the "County").

Premises

- A. Declarant has applied to the County for final approval of the subdivision plats for Estates at Carova Beach (the "Planned Community").
- B. The County has agreed to permit the recordation of the subdivision plats for the Planed Community on the condition that Declarant complete certain improvements to the Planned Community as set forth below.
- C. Declarant has agreed to guarantee the completion of such improvements through the execution of this Bond and the deposit of a cash deposit to secure this Bond.

Agreement

NOW, THEREFORE, in consideration of the Premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Declarant is held and firmly bound unto the County in the just and full sum of \$5,750.00.
2. This bond is secured by a cash deposit of \$5,750.00 by Declarant to the County (the "Cash Deposit"), which such Cash Deposit the County hereby acknowledges receipt.
3. The condition of the foregoing obligation is as follows: Declarant shall perform ditch maintenance in Section 2 of the Planned Community. Within 60 days after the plat of Section 2 has been recorded, Declarant will cause the newly formed homeowners' association to apply to the United States Army Corps of Engineers for permission to perform maintenance on approximately 950 linear feet of the existing ditches that were constructed within wetlands within the limits of proposed Lots 105 through 108 in Section 2. Within 60 days of receiving

approval from the Corps of Engineers to perform the ditch maintenance, Declarant will perform and complete such ditch maintenance, and Declarant will provide a record of completion to the County (the "Work").

4. Upon the County's receipt and approval of Declarant's record of completion of the Work, the requirements of this Bond shall be completed, this Bond shall be come void, and the County shall return the Cash Deposit to the Declarant within ten (10) business days after County's receipt of Declarant's record of completion.

5. If Declarant does not perform the Work, and if Declarant shall default in any conditions of this Bond, this obligation shall, at the option of the County, at once become due and payable and the said County may pursue its remedies under this Bond including, but not limited to, the County's retention of the Cash Deposit. It is understood and agreed that liability of Declarant for any and all claims hereunder shall in no event exceed the amount of the Cash Deposit.

6. Failure to exercise any such right or remedy shall not be a waiver or release of such rights or remedies or the right to exercise any of them at another time.

IN WITNESS WHEREOF, Declarant and County have executed this Bond, the day and year first above written.

(signatures begin on the following page)

DECLARANT:

CAROVA CORPORATION, a North Carolina corporation

BY: *H. Glenn Gray*
H. Glenn Gray, President

City of Portsmouth, Commonwealth of Virginia

I certify that the following person personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: H. Glenn Gray, President of CAROVA CORPORATION, a North Carolina corporation.

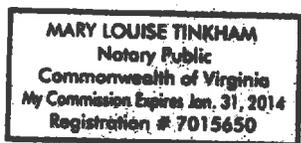
Date: 10-21-13

(AFFIX NOTARY SEAL)

Mary Louise Tinkham
Signature of Notary Public

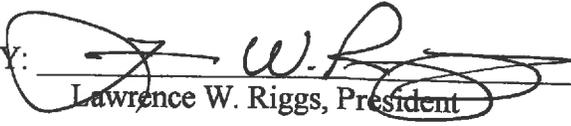
My commission expires: 1-31-14

MARY Louise Tinkham
Typed or printed name of Notary Public



DECLARANT:

OCEAN SANDS CORPORATION, a Virginia corporation

BY: 
Lawrence W. Riggs, President

Dare County, North Carolina

I certify that the following person personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Lawrence W. Riggs, President of OCEAN SANDS CORPORATION, a Virginia corporation.

Date: October 16, 2013

(AFFIX NOTARY SEAL)

My commission expires: 5/3/2015


Signature of Notary Public

Karen Gresham
Typed or printed name of Notary Public



COUNTY:

COUNTY OF CURRITUCK, NORTH
CAROLINA

BY: _____
Name: _____
Title: _____

_____ County, North Carolina

I certify that the following person personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____ (name), the _____ (title) of the County of Currituck, North Carolina.

Date: _____

(AFFIX NOTARY SEAL)

Signature of Notary Public

My commission expires: _____

Typed or printed name of Notary Public

**PERFORMANCE BOND
FOR
ESTATES AT CAROVA BEACH
(Culvert on Red Snapper in Section 2)**

THIS PERFORMANCE BOND (this "Bond"), effective as of _____, 2013 (the "Effective Date"), by and between CAROVA CORPORATION, a North Carolina corporation, and OCEAN SANDS CORPORATION, a Virginia corporation, whose address is c/o Riggs Realty Corporation, PO Box 400, Corolla, NC 27927, hereinafter referred to as "Declarant," and the COUNTY OF CURRITUCK, NORTH CAROLINA, a body politic and corporate, whose address is 153 Courthouse Road, Ste. 204, Currituck, NC 27929 (the "County").

Premises

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- C. Declarant has agreed to guarantee the completion of such improvements through the execution of this Bond and the deposit of a cash deposit to secure this Bond.

Agreement

NOW, THEREFORE, in consideration of the Premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. Declarant is held and firmly bound unto the County in the just and full sum of \$345.00.
- 2. This bond is secured by a cash deposit of \$345.00 by Declarant to the County (the "Cash Deposit"), which such Cash Deposit the County hereby acknowledges receipt.
- 3. The condition of the foregoing obligation is as follows: Declarant shall repair the damaged culvert on Red Snapper (the "Work").
- 4. Upon the County's receipt and approval of Declarant's record of completion of the Work, the requirements of this Bond shall be completed, this Bond shall be come void, and the

County shall return the Cash Deposit to the Declarant within ten (10) business days after County's receipt of Declarant's record of completion.

5. If Declarant does not perform the Work, and if Declarant shall default in any conditions of this Bond, this obligation shall, at the option of the County, at once become due and payable and the said County may pursue its remedies under this Bond including, but not limited to, the County's retention of the Cash Deposit. It is understood and agreed that liability of Declarant for any and all claims hereunder shall in no event exceed the amount of the Cash Deposit.

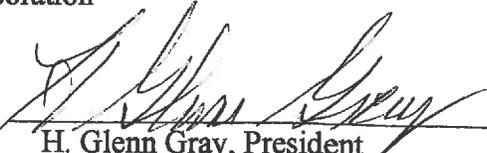
6. Failure to exercise any such right or remedy shall not be a waiver or release of such rights or remedies or the right to exercise any of them at another time.

IN WITNESS WHEREOF, Declarant and County have executed this Bond, the day and year first above written.

(signatures begin on the following page)

DECLARANT:

CAROVA CORPORATION, a North Carolina corporation

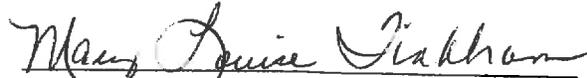
BY: 
H. Glenn Gray, President

City of Portsmouth, Commonwealth of Virginia

I certify that the following person personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: H. Glenn Gray, President of CAROVA CORPORATION, a North Carolina corporation.

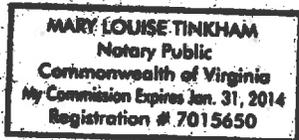
Date: 10-21-13

(AFFIX NOTARY SEAL)


Signature of Notary Public

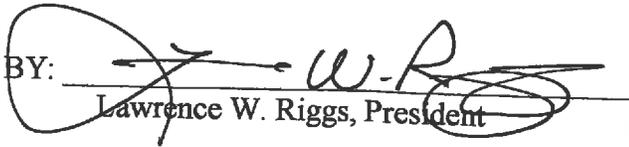
My commission expires: 1-31-14

MARY LOUISE TINKHAM
Typed or printed name of Notary Public



DECLARANT:

OCEAN SANDS CORPORATION, a Virginia corporation

BY: 
Lawrence W. Riggs, President

Dare County, North Carolina

I certify that the following person personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Lawrence W. Riggs, President of OCEAN SANDS CORPORATION, a Virginia corporation.

Date: October 16, 2013

(AFFIX NOTARY SEAL)

My commission expires: 5/3/2015


Signature of Notary Public

Karen Gresham
Typed or printed name of Notary Public



COUNTY:

COUNTY OF CURRITUCK, NORTH
CAROLINA

BY: _____
Name: _____
Title: _____

_____ County, North Carolina

I certify that the following person personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____ (name), the _____ (title) of the County of Currituck, North Carolina.

Date: _____

(AFFIX NOTARY SEAL)

Signature of Notary Public

My commission expires: _____

Typed or printed name of Notary Public