



**BOARD OF COMMISSIONERS  
AGENDA**

**FEBRUARY 17, 2014**

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**REVISED**  
**Currituck County**  
**Board of Commissioners Agenda**  
Historic Currituck County Courthouse

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**Date: Monday, February 17, 2014      Time: 7:00 PM**

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**Work Session**

6:00 PM Joint Meeting with Tourism Advisory Board

**7:00 pm Call to Order**

- A) Invocation-Reverend Daniel Bentley, New Life Church
- 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) Presentation of US Tennis Association (USTA) Grant Check

**Public Hearings**

- A) **PB 13-17 Moyock Crossing:** Request for a 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.
- B) ~~**PB 13-12 Moyock Commons:** Request for a conditional rezoning of 27.66 acres from AG (Agricultural) to CD-SFM (Conditional District-Single-Family Mainland), Tax Map 15, Parcel 79, Moyock Township. **CONTINUED**~~
- C) **Public Hearing and Action on Authorization of Incentives for "Project Jessica"**

**New Business**

**A) Board Appointments:**

1. Appointment to Recreation Advisory Board

**B) Consent Agenda:**

1. Approval of January 24-25, 2014, Minutes
  2. Approval of February 3, 2014, Minutes
  3. Budget Amendments
  4. 2013 Order of Collections to the Tax Collector
  5. 2013 Order to Advertise Unpaid Tax Liens
- Consideration of Grant Agreement With Currituck County Historical Society for Publication of Book on Historic Architecture in Currituck County

**C) Commissioner's Report**

**D) County Manager's Report**

**Adjourn**

**CANCELLED**



## Currituck County Agenda Item Summary Sheet

### Agenda Item Title

PB 13-12 Moyock Commons: Conditional rezoning of 27.66 acres from AG (Agricultural) to CD-SFM (Conditional District-Single Family Mainland)

### Brief Description of Agenda Item

This item was continued at the August 19, 2013 Board of Commissioners meeting. That request was for conditional rezoning from AG (Agriculture) to CD-PDR (Conditional District – Planned Development-Residential).

**CANCELLED**

### Board Action Requested

Action

### Person Submitting Agenda Item

Ben Woody

### Presenter of Agenda Item

Ben Woody

CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: February 17, 2014  
PB 13-17 Moyock Crossing

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**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:** Gen's Group of North Carolina, Inc.  
770 Linnhart Parkway, #160  
Virginia Beach, VA 23452

**APPLICANT:** Hyman & R... PC  
150 US HWY 158  
PO Box 339  
Camden, NC 27911

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

	Land Use	Zoning
<b>NORTH:</b>	Low density residential	SFM/GB
<b>SOUTH:</b>	Low density residential/auto service/storage	GB
<b>EAST:</b>	Shingle Landing Creek/Low density residential	SFM
<b>WEST:</b>	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:** 1.55 units – overall density

**OPEN SPACE:** 23.26 Acres Required  
23.36 Acres Provided  
20.84 acres primary conservation  
2.52 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 2.30 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.
- On November 4, 2013, the Board of Commissioners denied a text amendment to allow street intersections to be spaced 200 feet apart. The applicant redesigned the subdivision to meet the current UDO requirements which resulted in an increase of 6 lots and lots located on the western side of Crossing Avenue.
- All lots proposed to be served by county water and wastewater.
- 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. The subdivision should have little to no negative 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.  
**Staff Findings:**
  - a. As proposed, the minimum lot size is 9,080 square feet (0.21 acre) and an average size of 13,030 square feet.
  - b. Proposed lots adjacent to Fox Run and Shingle Landing Farms subdivisions shall have a minimum 125 feet of road frontage.
  - c. A 10 foot evergreen buffer will be provided between the proposed subdivision and Fox Run and Shingle Landing Farms subdivisions.
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, consistent 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. These 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. 22 elementary students
  - ii. 7 middle school students
  - iii. 12 high school students
- b. The proposed development will not exceed the county's ability to provide adequate public facilities

**III. COMPATIBILITY ANALYSIS (requested by the Board of Commissioners)**

At the January 6, 2014 Board of Commissioners meeting, the board requested staff to complete an analysis of surrounding development patterns.

Development Patterns

- The development patterns of improved residential lots (2012 data) were analyzed based on the lot sizes within one-half mile and one mile of the proposed development, as well as Moyock Township.

- 1/2 Mile of Moyock Crossing

Lot Size	Number of Lots (315)	Percentage
1/2 acre or less	67	21%
1/2 - 1 acre	196	62%
1-2 acres	40	13%
2-3 acres	6	2%
3+ acres	6	2%

- 1 Mile of Moyock Crossing

Lot Size	Number of Lots (595)	Percentage
1/2 acre or less	80	13%
1/2 - 1 acre	349	59%
1-2 acres	108	18%
2-3 acres	23	4%
3+ acres	35	6%

- Moyock Crossing

Lot Size	Number of Lots (2241)	Percentage
1/2 acre or less	572	26%
1/2 - 1 acre	924	41%
1-2 acres	367	16%
2-3 acres	108	5%
3+ acres	270	12%

### Traffic

- The following table illustrates the Annual Average Daily Traffic (AADT) volumes for intersections located near Moyock Crossing.
- The development analysis prepared by Hyman and Robey estimates 552 daily trips at build-out of Moyock Crossing.

- NCDOT AADT

Location	2012 AADT	Capacity
168 N of Shingle Landing Road intersection	19,000	37,600
168 S of Shingle Landing Road intersection	21,000	37,600
168 S of Tulls Creek Road intersection	17,000	37,600
Camelia Road W of Shingle Landing Road intersection	380	N/A
Tulls Creek Road E of Shingle Landing Road intersection	4,200*	8,000*

\*2011 NCDOT AADT data

### Stormwater

- According to Mike Doxey, Soil Conservation, there are no additional stormwater concerns based on the proposed development being adjacent Shingle Landing Creek, which provides a drainage outlet. In addition the soils within the development do not present drainage concerns.

#### IV. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends conditional approval subject to the following plan corrections (based on the resubmitted plan):

1. Please contact James Mims regarding the fire hydrant placement. The proposed spacing appears to be greater than 1000 feet. *(Staff commentary: The fire marshal's office is reviewing the revised plan).*
2. The proposed drainage plan does not include lot line swales which are required by the UDO. However, there may be alternative methods for lot line swales that must be approved by the county engineer. A swale does not appear to extend along the western property line of lots 1-9 and lots 49-50 (entirely). Please clarify how the drainage will be handled on these lots. *(Staff commentary: Engineering has reviewed the revised plan and has no comments).*
3. The Water Department has requested an upsized waterline of 10" to be installed on "Crossing Avenue" from Moyock Landing Drive to Shingle Landing Road. A license agreement based on a certified engineering proposal must be submitted. *(Staff commentary: Public utilities has reviewed the revised plan and approved).*
4. Please indicate the riparian buffer zones on the plan. *(Staff commentary: The revised plan illustrates the riparian buffer).*
5. Since lots are now located along Crossing Avenue, sidewalks must be provided on both sides of the proposed street. *(Staff commentary: See Planning Board recommendation).*
6. Please clarify the installation of improvements for Crossing Avenue and the proposed phasing plan. *(Staff commentary: Phasing plan was corrected on revised plan).*
7. All corner lots (lots 10, 42, 71, and 96) shall include a five foot non-ingress/egress easement along the lot line bordering the most heavily travelled street.
8. With the increase in the number of lots, one additional (9 total) recreational equipment storage space shall be provided. *(Staff commentary: The revised plan reduced the total number of lots to 90).*
9. The proposed fenced storage area shall be landscaped and indicated on the construction plans.
10. Utility easements shall be indicated on the preliminary plan.
11. Please clarify the function of the narrow strip of open space located behind many of the lots. The plan appears to create an area that may become a maintenance concern and not a functional area of open space.
12. The revised plan now indicates proposed lots located along Fox Run and Shingle Landing Farm property lines. As many as three lots now abut one existing residential lot to the west. Although the proposed development is consistent with the density allowed under the UDO, the development of lots 1-9 and 49-50 appear to not be consistent with one of the use permit criteria. Specifically, the criteria states, "The use will not injure the value of adjoining neighboring lands and will be in harmony with the area in which it is located". By developing as many as three lots that abut one residential lot does not appear to be in harmony with the subdivisions in the area. Efforts must be made to mitigate the impacts of the lots along the existing subdivisions. *(Staff commentary: The revised plan illustrates lots adjacent to Fox Run and Shingle Landing Farm subdivision have a minimum lot width of 125').*

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

1. Plan corrections must be resubmitted and approved.
2. Stormwater ponds for the development may not be located on individual lots unless an easement is provided for stormwater maintenance.
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.

5. To minimize the dissimilarity of the lot sizes in Moyock Crossing the subdivision plan shall incorporate one or a combination of the following options:
  - a. An adequate open space buffer must be provided between the proposed lots in Moyock Crossing and the existing residential lots in Fox Run and Shingle Landing Farms,
  - b. Increased lot sizes consistent with the lots in Fox Run and Shingle Landing Farms, or
  - c. Removal of lots along the western side of Crossing Avenue.

**V. PLANNING BOARD RECOMMENDATION:**

The Planning Board **recommended approval** of the preliminary plat/use permit with staff recommendation and the following conditions:

- Crosswalks are implemented at the intersections in order to prevent sidewalks in the wetlands.
- Continue sidewalks on both sides of the road on the north end of the subdivision.
- Reduce the number of lots on Fox Run from nine to five at 125 ft. lot width.
- Ten foot wide evergreen buffer at the back of the five lots and lots 49 and 50 that adjoin Fox Run and Shingle Landing Farms.
- An eight foot wide sidewalk installed along Crossing Avenue on one side of the street from intersection to intersection of several streets.

CANCELLED

**BOARD OF COMMISSIONERS (1-6-14)**

Mr. Woody addressed Commissioners' questions regarding lot sizes, compliance with the Small Area Plan study and tap fees.

Jason Mizelle, Hyman and Robey, representing the applicant, reviewed compliance with the UDO. Proposed homes would be 2500-3000 sq.ft. at a cost of \$275,000-\$325,000. He stated drainage would not be an issue due to stormwater ponds.

Mr. Woody noted Shingle Landing Creek would not be negatively impacted. The subdivision would have to comply with the stormwater manual.

Commissioners were concerned about compatibility with the surrounding subdivisions. Mr. Mizelle described the transition between proposed subdivision and Shingle Landing. Vice-Chairman Martin opened the Public Hearing.

Jo Drago, Moyock, was concerned with density, drainage and providing services.

Bob Crocker, Moyock, was concerned with lot coverage, drainage, and run-off.

Commissioner Aydlett asked about original plans.

Eddie Hyman, Hyman and Robey, explained the original plan was for 39 lots plus open space designed under the old UDO. Due to availability of sewer, the lot number increased.

Mary Waller, Moyock, was in favor of the project; however, she was concerned with run-off and drainage. She expressed the need for diversity and more affordability.

Don Williams, Moyock, developer of Shingle Landing, proposed interconnection with Shingle Landing Drive. He asked where the sewer system would be coming in for the new development. The response was Moyock Landing Drive.

Eldon Miller, III, and Dorothee White, Moyock, members of the Small Area Plan Committee, spoke together. Ms. White stated that low density was preferred as well as a quality subdivision with adequate buffering. She remarked on the various plans that had been presented and her opinion that the sewer system was for commercial businesses. Mr. Miller was also concerned with density. He liked the original plan with 30+ lots and also felt the sewer should be for commercial use. He had commercial properties he would be interested in hooking up, but the tap fees were too high. He was opposed to residential hooking up to central sewer system. He also felt the subdivision was not in harmony with the area, and asked what it will create in the future.

Bob Gregory, Moyock, was concerned that the plan kept changing. He was not against development, but not in favor of the density.

Susan Davis, Moyock, requested denial of the sewer connection. Then fewer homes would be possible. She was opposed to 90 homes.

Bob Crocker, Moyock, asked if permission was needed to cut through the road. Ike

McRee, County Attorney, responded that an easement was needed.

Eddie Hyman, related the plans were evolving due to community meetings and Planning Board comments. He described the buffers. Sewer taps were offered and paid. He stated the project meets the criteria and requirements. When asked about changing the size of the homes, if not successful, he was confident the homes would sell. When asked about a homeowners association, he responded it was mandated under the UDO. In response to a question about traffic concerns, he stated DOT was in the process and felt there was adequate visibility. Interconnectivity will enhance safety.

There was also concern with the public boat ramp traffic.

Commissioners observed that the sewer allows a difference in this subdivision as opposed to one where sewer was not available.

Mr. Hyman responded that the County was looking for customers for the sewer system. He noted the design will come with approval. It is designed under the UDO, and stormwater rules will help.

Commissioners felt more study was needed to determine compatibility.

Vice-Chairman Martin said they were at an impasse and suggested continuing the public hearing and action until the first meeting in February.

Commissioner Gilbert moved to continue PB 13-17 to allow staff to perform an analysis of surrounding development patterns since the proposed density of the project may not be in harmony with the area in which it is located. Compatibility, drainage and easements were to be addressed. Commissioner McCord seconded the motion. Motion carried unanimously.

#### **PLANNING BOARD DISCUSSION (12-10-13)**

Mr. Bell asked if the applicant was aware sidewalks were required on both sides of the street.

Ms. Voliva stated they were aware based on recommendations from previous plans.

Ms. Bell stated she is concerned with the number of proposed homes on this little piece of land when wetlands are involved; and neighbors this close with their lot sizes. A difference in the Moyock Small Area Plan is in its final stages and a development of this size is not desirable. Mr. Clark agreed.

Ms. Voliva said this is a conservation subdivision and the minimal lot size no longer applies as it is based upon density.

Mr. Cartwright said people may not like certain things, but the applicant is going to follow the ordinance and rules and you should vote for the rules and not personal feelings.

Mr. Cooper stated the way it is drawn out it meets the density and outlay meet the current rules with the exception of the sidewalks.

Ms. Voliva stated it is not so much the use, but the compatibility between the two subdivisions with the lot sizes.

Mr. Mizelle said Phase 1 does provide connection to Shingle Landing. Mr. Mizelle provided a handout stating the proposed lots on Fox Run will go from nine lots to five lots, which will make the total of 92 lots. This will make the lots larger and more compatible to the adjoining lots. The lots are currently 11,000 sq. ft. and will be going to 18,000 sq. ft. Mr. Mizelle stated they will do crosswalks at each intersection to minimize the impact on the wetlands area.

The Planning Board discussed stormwater ponds and who will maintain them.

Mr. Clark asked if the applicant/owner would consider adding a buffer to the proposed five lots since they are increasing the lot size.

Mr. Mizelle said they would do a buffer, but prefer not to have an open space buffer. The homeowner will maintain the buffer.

Mr. Cooper stated that the evergreen buffer will be on the plat, as well as in the covenants so a potential buyer will know.

Mr. Crocker said he is concerned with stormwater runoff, traffic on a private road in Moyock Landing, and the impact of 92 driveways. Mr. Crocker stated he has been to a few of the Moyock Small Area Plan meetings and this request is far from what the residents of Moyock want to see.

Ms. White said she is a member of the Moyock Small Area Plan and this request is not what they are looking to see.

Mr. Clark said the board is really concerned with the resident concerns. Mr. Clark said the county has a Land Use Plan and Unified Development Ordinance, which an applicant/owner has to meet these criteria. If they meet them, then they have no other choice but to grant them permission to do what they want to do. The applicant/owner came back with a plan to decrease their lot sizes in order to meet the compatibility standard.

Ms. White said they would like to see fewer lots on the property.

Mr. Wright talked about this request is not in harmony with the surrounding area.

Mr. Miller said he understands you need to abide by rules when the Gee's Group brought this property the original plan was for 39 lots with nice buffering. This request breaks his heart.

Ms. Bell stated it is hard to keep your emotions out of it when it is a place you live. Ms. Bell stated the developer will come and build these homes and leave. The people in this area will have to deal with stormwater, crowds and traffic. Ms. Bell stated it would be nice if someone could think about the impact of the human beings that are going to live there for the rest of their lives and leave them with the consequences.

Mr. Clark stated when he became a board member five years ago his intent was to stop developments like this; but the county has a Unified Development Ordinance and adopted plans which the board is bound by.

Mr. Cooper said the board have rules which a lot of time and effort went into to develop them; and the board has to take these rules into consideration otherwise it may give the appearance to the public that they board is making up rules as they go along.

## **ACTION**

Mr. Cooper moved to approve PB 13-17 with the following conditions:

- Crosswalks be implemented at the intersections in order to prevent sidewalks in the wetlands;
- Continue sidewalks on both sides of the road on the north end of the subdivision;
- Reduce the number of lots on Fox Run from nine to five at 125 ft. lot width; and,
- Ten foot wide evergreen buffer at the back of the five lots and lots 49 and 50 that adjoin Fox Run and Shingle Landing Farms.

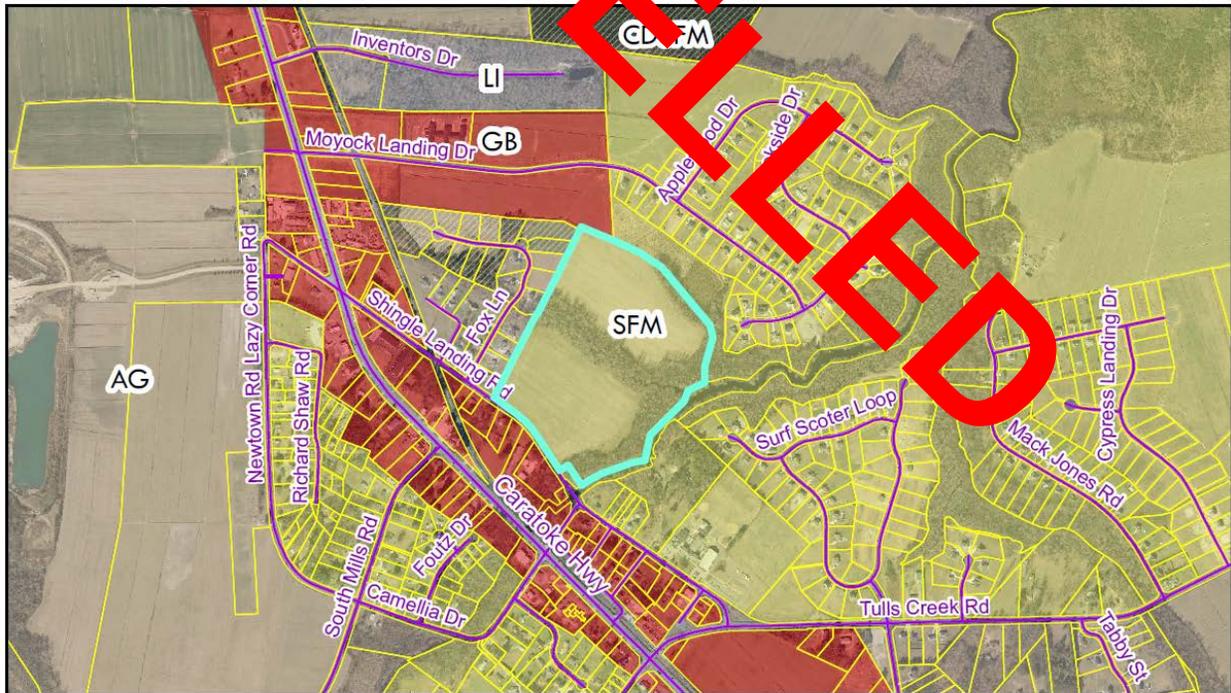
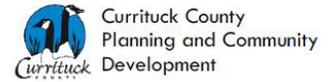
- An eight foot wide sidewalk installed along Crossing Avenue on one side of the street from intersection to intersection of internal streets.

Mr. Cartwright seconded the motion. Ayes: Mr. Bell, Ms. Newbern, Mr. Cooper, Mr. Clark, Ms. Wilson, and Mr. Cartwright. Nays: Ms. Bell and Mr. Wright.

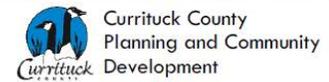
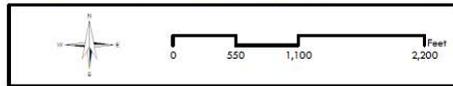
**CANCELLED**



PB 13-17  
Moyock Crossing  
Preliminary Plat - Aerial

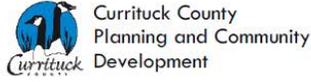


PB 13-17  
Moyock Crossing  
Preliminary Plat - Zoning





PB 13-17  
 Moyock Crossing  
 Preliminary Plat - LUC



**CANCELLED**

## 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

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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 252-232-6002**

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, Paul Irwin**

Approval with corrections

1. Place two valves on each tee

**Currituck County Fire and Emergency Management, James Mims**

Reviewed

1. Please move fire hydrant (not 1, 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.
2. Provide Wastewater and Water plans and specifications and hydraulic analysis 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 wetland and will require Corps delineation. Site will also need state stormwater permit.

Comments not received from:

Currituck County Building Inspection Spence Castello

THE APPLICATION AND RELATED MATERIAL ARE AVAILABLE ON THE COUNTY'S WEBSITE  
Board of Commissioners: [www.currituck.nc.gov/board-of-commissioners-minutes-current.cfm](http://www.currituck.nc.gov/board-of-commissioners-minutes-current.cfm)

**MOYOCK TOWNSHIP  
(EXCLUDING GIBBS WOODS)**

RESIDENTIAL LOTS (2012 DATA): 2,241  
 GREATER THAN 3 ACRES: 270  
 3 ACRES OR LESS: 1,971  
 2 ACRES OR LESS: 1,863  
 1 ACRE OR LESS: 1,496  
 1/2 ACRE OR LESS: 572

**1/2 MILE OF MOYOCK CROSSING**

RESIDENTIAL LOTS (2012 DATA): 315  
 GREATER THAN 3 ACRES: 6  
 3 ACRES OR LESS: 309  
 2 ACRES OR LESS: 303  
 1 ACRE OR LESS: 263  
 1/2 ACRE OR LESS: 67

**1 MILE FROM MOYOCK CROSSING**

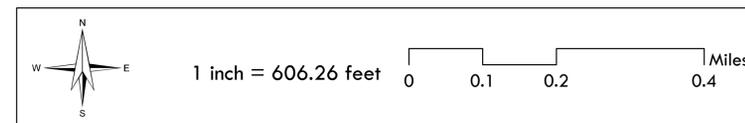
RESIDENTIAL LOTS (2012 DATA): 595  
 GREATER THAN 3 ACRES: 35  
 3 ACRES OR LESS: 560  
 2 ACRES OR LESS: 537  
 1 ACRE OR LESS: 429  
 1/2 ACRE OR LESS: 80

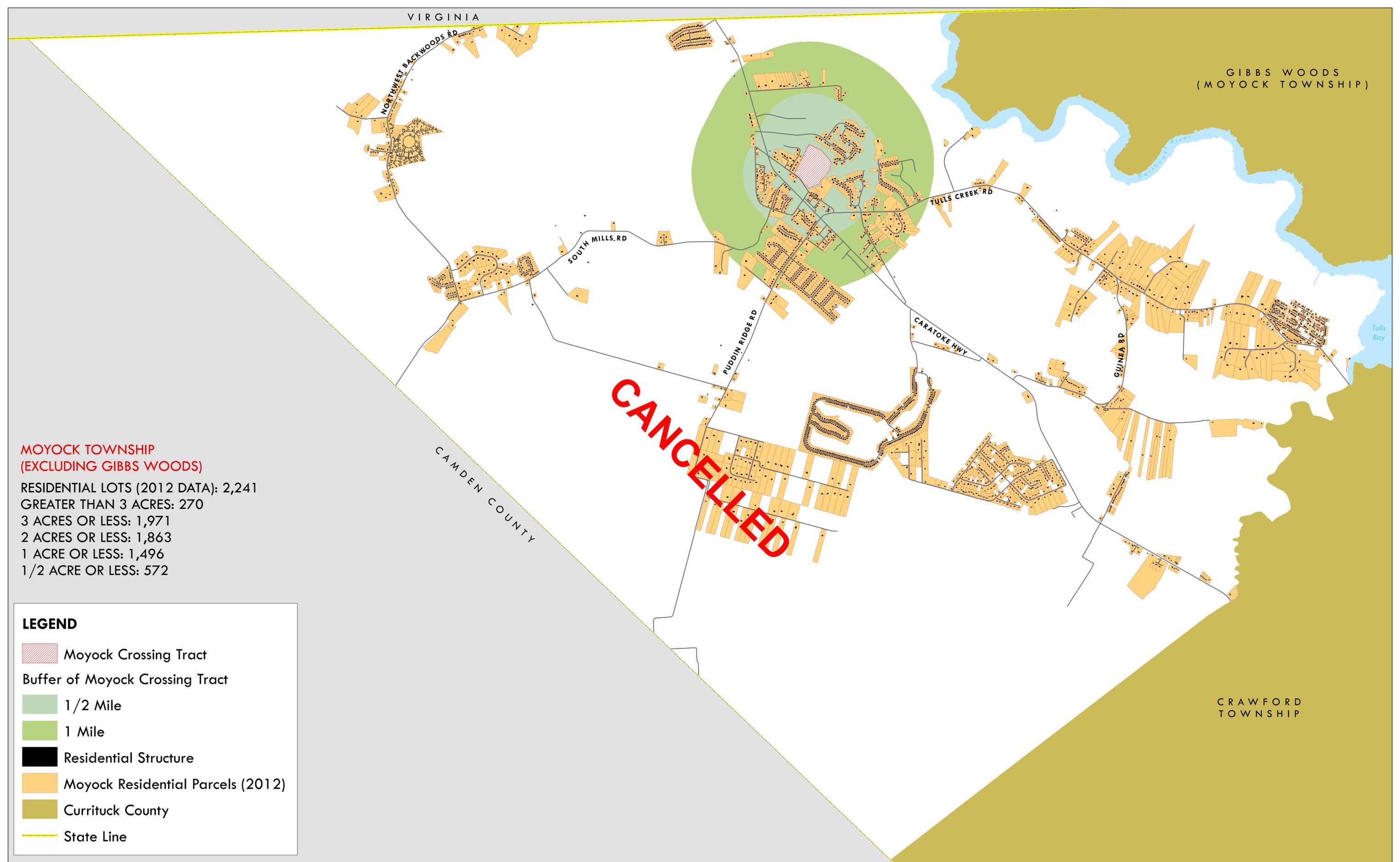
**LEGEND**

- Moyock Crossing Proposed Lot Lines
- Moyock Crossing Tract
- Buffer of Moyock Crossing Tract
- 1/2 Mile
- 1 Mile
- Residential Parcels By Acreage
- ACREAGE\_GI
- 1/2 Acre or Less
- 1/2 to 1 Acre
- 1 to 2 Acres
- 2 to 3 Acres
- Greater Than 3 Acres



**MOYOCK CROSSING:  
COMPATIBILTY ANALYSIS DETAILED VIEW**





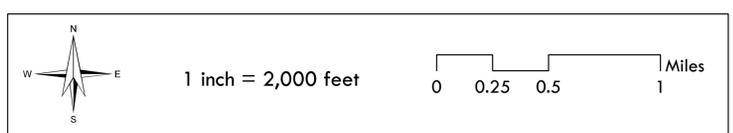
**MOYOCK TOWNSHIP  
(EXCLUDING GIBBS WOODS)**

RESIDENTIAL LOTS (2012 DATA): 2,241  
 GREATER THAN 3 ACRES: 270  
 3 ACRES OR LESS: 1,971  
 2 ACRES OR LESS: 1,863  
 1 ACRE OR LESS: 1,496  
 1/2 ACRE OR LESS: 572

**LEGEND**

- Moyock Crossing Tract
- Buffer of Moyock Crossing Tract
- 1/2 Mile
- 1 Mile
- Residential Structure
- Moyock Residential Parcels (2012)
- Currituck County
- State Line

# MOYOCK CROSSING: COMPATIBILTY ANALYSIS OVERVIEW



**PRELIMINARY**  
DO NOT USE FOR CONSTRUCTION  
SALES OR NEGOTIATION.

**MOYOCK CROSSING SUBDIVISION**

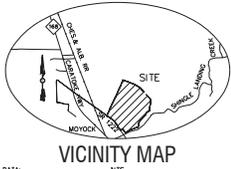
MOYOCK TOWNSHIP  
CURRITUCK COUNTY  
NORTH CAROLINA  
KEY PLAN

Project #: 120168  
Drawing #: 120168-SHEET SET  
Drawn: RLH  
Checked: JMM  
Approved: SCR  
Date: 11/20/13  
Sheet #: 04/05  
Scale: 1:100

REVISIONS:  
NUM. DATE DESCRIPTION

SHEET TITLE:  
**SITE PLAN OVERVIEW**  
SHEET NUMBER:

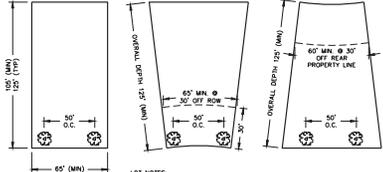
**C200**



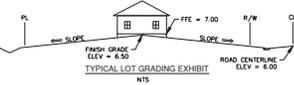
- SITE DATA:** NTS
- OWNER: THE GROUP OF NORTH CAROLINA, INC.  
770 LYNNHAVEN PARKWAY, SUITE 160  
VIRGINIA, VA 23062
  - PN: 0009-000-0041-0000
  - THE MAJORITY OF THE SITE IS LOCATED IN FLOOD ZONE "A" A PORTION OF THE SITE IS LOCATED IN FLOOD ZONE "AE" (ELEV 5') AS SHOWN ON F.I.P.M. PANEL: 3721822000 EFFECTIVE DATE: DECEMBER 16, 2005 AND ON PANEL: 8721833000 EFFECTIVE DATE: DECEMBER 16, 2005.
  - ZONING: SINGLE FAMILY MAINLAND
  - SITE AREA: 58.16 AC  
WETLAND: 15.51 AC  
UPLANDS: 42.65 AC
  - WETLANDS SHOWN HERON DELINEATED BY ATLANTIC ENVIRONMENTAL CONSULTANTS, LLC ON APRIL 18, 2013. US ARMY CORPS OF ENGINEERS APPROVED DELINEATION DATE: APRIL 29, 2013. SIGNED PLAT PENDING.
  - PRIMARY CONSERVATION AREA: 20.84 AC (20%)  
SECONDARY CONSERVATION AREA: 2.52 AC (4%)  
TOTAL CONSERVATION AREA: 23.36 AC (40%)
  - DENSITY CALCULATION:  
FILL SERVICE AREA: 47.68 AC @ 2.00 UNITS/AC = 95 UNITS  
RURAL AREA: 10.48 AC @ 0.33 UNITS/AC = 3 UNITS  
ALLOWABLE DENSITY = 98 UNITS TOTAL (90 SHOWN)
  - NO STREET LIGHTING IS PROPOSED.
  - RECREATION AND PARK AREA DEDICATION  
90 LOTS x 0.0255 AC/LOT = 2.30 AC

LINE TABLE		CURVE TABLE							
LINE	BEARING	DISTANCE	CURVE	ARC LENGTH	RADIUS	TANGENT	DELTA	CHORD BEARING	CHORD LENGTH
L1	N20° 40' 07"E	624.23	C1	90.26'	500.00'	45.25'	107°20'35"	N31° 56' 24"E	90.14'
L2	N20° 40' 07"E	48.73	C2	253.46'	500.00'	129.52'	297°02'41"	N22° 39' 21"E	250.76'
L3	N37° 04' 47"E	119.97	C3	269.02'	1000.00'	135.31'	152°44'48"	N13° 42' 25"E	268.21'
L4	N40° 04' 07"E	26.51	C4	27.37'	1000.00'	13.69'	175°45'05"	N24° 15' 52"E	27.37'
L5	N25° 02' 50"E	159.02	C5	355.28'	685.66'	181.72'	294°11'17"	N17° 14' 14"E	351.32'
L6	N25° 02' 50"E	135.47	C6	261.07'	500.00'	133.59'	295°01'11"	S48° 42' 49"E	258.12'
L7	N32° 04' 52"E	197.79	C7	183.52'	150.00'	112.87'	73°55'15"	S3° 12' 19"W	180.38'
L8	N40° 02' 57"E	38.06	C8	334.76'	180.67'	240.23'	158°04'45"	N48° 58' 47"W	288.97'
L9	S63° 40' 18"E	350.25	C9	543.53'	461.96'	287.83'	463°37'22"	N57° 03' 58"W	528.66'
L10	S33° 45' 18"E	452.82	C10	55.73'	230.00'	28.00'	175°25'50"	S56° 17' 25"E	55.59'
L11	S39° 48' 57"W	1.83	C11	67.52'	1000.00'	33.61'	375°25'50"	S51° 16' 41"E	67.31'
L12	N33° 45' 19"W	200.00	C12	324.25'	180.00'	227.10'	103°17'39"	S1° 36' 04"E	282.15'
L13	S49° 20' 58"E	292.63	C13	302.17'	180.00'	209.58'	96°11'05"	N81° 54' 12"W	287.92'
L14	S53° 17' 24"E	293.10							
L15	S50° 00' 15"W	25.78							
L16	S50° 00' 15"W	83.83							
L17	N33° 48' 39"W	165.89							
L18	N39° 59' 43"W	35.00							

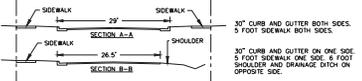
L8 and C5 NOT SHOWN



- LOT NOTES:**
- SMALLEST LOT SIZE IS 0.080 AC (LIVE: 11,030 SF)
  - UNLESS OTHERWISE NOTED, SETBACKS ARE:  
FRONT = 30 FT  
REAR = 30 FT  
SIDE = 5 FT
  - MINIMUM LOT COVERAGE = 40%
- TYPICAL LOT PARAMETERS**



NTS



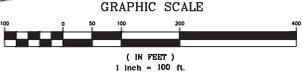
NTS



NTS  
D.E. 997 PG. 202  
ZONED: SFM  
CONNECTIVITY INDEX SCORE (CIS):  
CIS = LINKS/ROADES = 6/23 = 2.60  
MINIMUM CIS FOR SFM ZONING = 1.20

**LEGEND**

- RIGHT-OF-WAY
- PROPERTY BOUNDARY
- ADJACENT PROPERTY LINE
- PROPERTY LINE
- PROPOSED TOP OF BANK
- PROPOSED CURB/RT
- WETLAND
- PROPOSED SIDEWALK
- EXISTING ASPHALT PAVEMENT
- PROPOSED ASPHALT PAVEMENT
- PHASE DELINEATION LINE
- EXISTING HOODLINE
- PROPOSED HOODLINE
- EXISTING UTILITY POLE
- EXISTING TELEPHONE PEDESTAL
- WILLOW OAK
- LIVE OAK
- RED MAPLE
- SCARLET OAK
- WAX MYRTLE
- NELLE STEVENS HOLLE





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 meetings are 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 a 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 the venue 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, the development will shorten the response time to the assisted living facility and Shingle Landing Subdivision. Don 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 for 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 & Roberts, P.C.

cc: Currituck County Planning Board

**CANCELLED**

# MOYOCK CROSSING DEVELOPMENT IMPACT STATEMENT

## PHYSICAL ANALYSIS

This project is a 90 lot conservation subdivision on 58.16 acres of land for residential development. The lots range in size from 9,080 square feet upward of 27,500 square feet with the average size being 13,030 square feet. The primary conservation area will occupy 20.84 acres, or 36% of the subdivision area. An additional 2.52 acres or 4% 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 2,000 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, retired, 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 to 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 90 lots once all the homes are completed 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.

## 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:

- Where 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 to 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.



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

PB 13-12 Moyock Commons: Conditional rezoning of 27.66 acres from AG (Agricultural) to CD-SFM (Conditional District-Single Family Mainland)

## Brief Description of Agenda Item

This item was continued at the August 19, 2013 Board of Commissioners meeting. That request was for conditional rezoning from AG (Agricultural) to CD-PDR (Conditional District – Planned Development-Residential).

### Action:

PB 13-12 Moyock Commons (PD) request to rezone 27.66 acres from Agricultural (AG) to Planned Development – Residential (PD-R).

Board of Commissioners continued case on August 19, 2013

### Planning Board – July 9, 2013

The Planning Board recommended approval of PB 13-12 as presented and with the following conditions:

- \*The Technical Review Committee recommendations.
- \*The stormwater management study to be provided by the developer.

**CANCELLED**

## Board Action Requested

Action

## Person Submitting Agenda Item

Ben Woody

## Presenter of Agenda Item

Ben Woody

**CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: February 17, 2014  
PB 13-12 Moyock Commons**

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*Note: This item was continued at the August 19, 2013 Board of Commissioners. That request was for conditional rezoning from AG (Agricultural) to CD-PDR (Conditional District-Planned Development-Residential). Per direction from the county attorney, the zoning amendment application can be amended to SFM without returning to the Planning Board. This is considered a modification of the application to a less intense district and therefore allowable.*

**ITEM:** PB 13-12 Moyock Commons a conditional rezoning of 27.66 acres from AG (Agricultural) to CD-SFM (Conditional District -Single Family Mainland).

**PROPOSED USE:** Single family detached residential community established as a reservation subdivision.

**LOCATION:** Moyock – Landing Ridge Road

**TAX ID:** 0015-000-0007-0000

**OWNER:** Moyock Land Co LLC  
500 Pacific Avenue #600  
Virginia Beach VA 23451

**LAND PLANNER:** Hassell & Folkes, PC  
Jim Bradford, CLA  
325 Volvo Parkway  
Chesapeake VA 23320

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

	Land Use	Current Zoning
<b>NORTH:</b>	Low Density Residential	SFM
<b>SOUTH:</b>	Vacant	AG
<b>EAST:</b>	Retail	AG
<b>WEST:</b>	Active Farmland/Undeveloped	GL

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as Full Service within the Moyock subarea. The policy emphasis for the Moyock area is on properly managing the increased urban level of growth that this area is sure to experience over the next decade and beyond. Residential development densities should be medium to high depending upon available services. In areas where central sewer is proposed or existing, additional services are available, and the character of the surrounding areas supports it, higher density ranging from 3-4 units per acre could be considered though the use of overlay zones. The

proposed plan 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.

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 HN2: Currituck County recognizes that there are many types of housing, in addition to manufactured housing that are often overlooked in meeting the affordable housing needs of young families, workers of modest incomes, citizens, and others.

POLICY ML Currituck County recognizes the particular interest of residents and property owners in the Mainland Area in PRESERVING FARMLAND AND OPEN SPACE. The County shall exercise diligence in applying policies, plans, and actions that will encourage compact growth and the preservation of farmland and open space in the Mainland Area.

**CURRENT ZONING:** AG (Agricultural)

**PROPOSED ZONING:** CD-SFM (Conditional District – Single Family, Mainland)

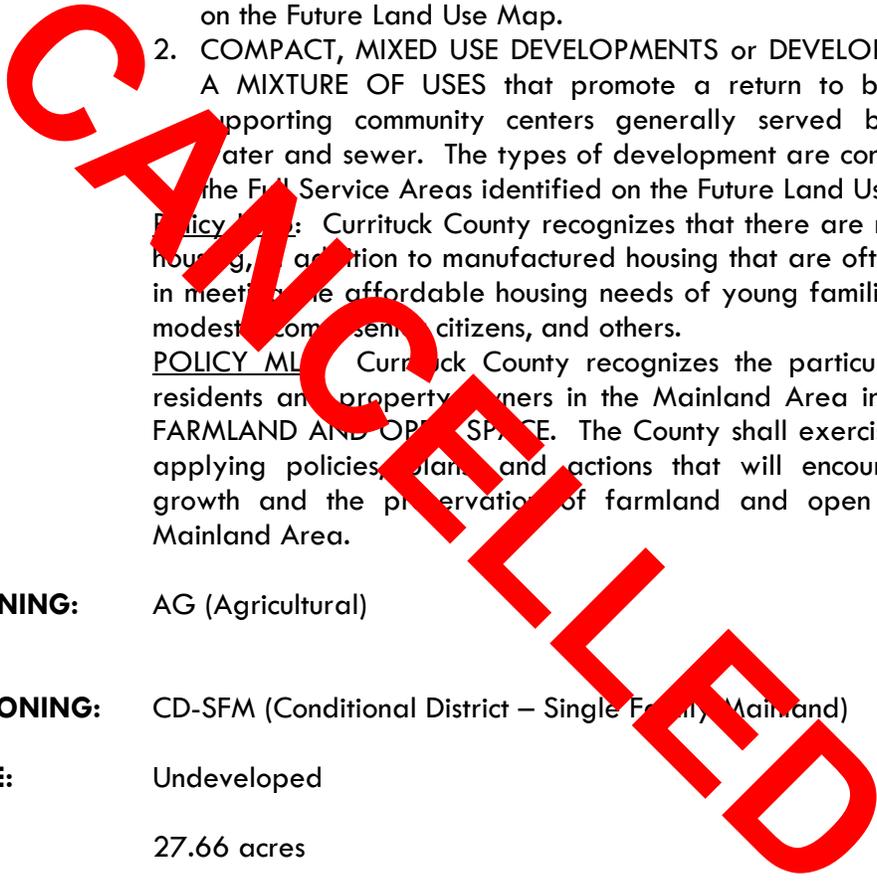
**CURRENT USE:** Undeveloped

**SIZE OF SITE:** 27.66 acres

**ZONING HISTORY:** 1989 Official Zoning Map indicates the property was zoned A (Agricultural).  
1974 Official Zoning Map indicates the property was zoned R-20 (Residential) and A-40 (Agricultural).

**UTILITIES:** The proposed development will connect to the county water and sewer systems.

**TRANSPORTATION:** The proposed streets will be constructed to NCDOT design and construction standards. Stub streets are proposed to the adjacent vacant lands.



**FLOOD ZONE:** X and Shaded X

**WETLANDS:** There are .08 acre wetlands identified by the applicant. The applicant will be petitioning the US Army Corps of Engineers to fill the identified wetlands.

**PROPOSED ZONING CONDITIONS:**

The applicant/owner proposes the following conditions:

1. Minimum rear yard setback for all residential lots along the perimeter boundary shall be as shown on plan. These setbacks shall apply to all principal uses but shall not apply to fences or accessory structures.
2. On-street parking shall be prohibited by the provision of signage.
3. The location of rights-of-way, open space areas, setbacks, and stormwater management areas shall be as generally shown on the approved conceptual development plan.
4. The developer agrees that stormwater management for the improvements resulting from this application shall not exceed pre-developed discharge rates as allowed by ordinance. Such improvements shall be identified by means of a preliminary drainage impact study to be provided by the developer and approved by the county prior to submittal of the preliminary subdivision plan. As an alternative, at the developer's discretion, downstream improvements to include ditch regarding and cleaning, piping and the purchase of any required easements for the conveyance of stormwater may be accomplished in accordance with a county approved plan.
5. All residential dwellings shall be constructed either with crawl spaces or on raised slabs (finished floor at least 16 inches above outside ground grade)
6. The use of prefabricated structures or trailers as dwellings shall be strictly prohibited.

**COMMUNITY MEETING:**

A community meeting was held on February 22, 2013. (See Attachment 3)

**TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

The conditional rezoning request appears to be consistent with the goals, objectives and policies of the Land Use Plan and the purposes of the UDO. The proposed development shall be evaluated during the subdivision process to ensure the infrastructure impacts on the surrounding area are not increased.

The technical review committee recommends approval of the 27.5 acre rezoning from Agricultural (AG) to Conditional District – Single Family Mainland (C-500) subject to the conditions as proposed by the applicant and the following proposed condition and amended conditions. All conditions must be agreed in writing by the applicant:

1. Minimum rear yard setback for all residential lots along the perimeter boundary shall be as shown on plan. These setbacks shall apply to all principal uses but shall not apply to fences or accessory structures. ***In no instance shall setbacks be less than allowed by the UDO.***
2. Prior to any land disturbing activities within the development, the property owner shall conduct a tree inventory plan as required by Section 7.2 of the UDO. The purpose of said plan shall be to identify the number and location of any heritage trees present and the methods by which they will be preserved.

3. That an effort be made to work with the owner of the existing commercial shopping center to extend a sidewalk from the proposed development to the shopping center.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board *recommended approval* PB 13-12 to rezone 27.66 acres from Agricultural (AG) to Planned Development – Residential (PD-R) and with the following conditions:

- The Technical Review Committee recommendations.
- The stormwater management study to be provided by the developer.

**CANCELLED**

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
Board of Commissioners: [www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)

**Board of Commissioners (8-19-13)**

**(Rezone 27.66 acres from Agricultural (AG) to Planned Development – Residential (PD-R)**

Case continued.

**Planning Board Discussion (7-9-13)**

**(Rezone 27.66 acres from Agricultural (AG) to Planned Development – Residential (PD-R)**

Mr. Cooper asked if there is a commercial component to this plan.

Mr. Woody stated no.

Mr. Cooper asked if this project will comply with the new stormwater manual.

Mr. Woody stated yes.

Mr. Craddock asked if Moyock Commons Drive goes to the property line.

Mr. Woody stated yes.

Mr. Bradford stated he is the agent representing the property owner on this property. Mr. Bradford provided an overview of the property. The detached homes price range is \$200,000 to \$275,000 and the unattached homes ranging from \$200,000 to \$225,000. The developer, at his expense, will provide a stormwater management study which will be subject to the county approval.

Mr. Winslow stated he is an adjacent property owner. Mr. Winslow stated he received a letter from the developer, during the planning stage of Floodplain, to allow overflow into the Lindsay ditch. Mr. Winslow stated the ditch behind Food Lion now runs overflow to the south end of the ditch with overflow into the Lindsay ditch. Mr. Winslow did not grant approval. Mr. Winslow is concerned with stormwater runoff which can damage his crops.

Mr. Eley stated he is concerned with stormwater drainage, size of the lots, and the outlet going to the highway causing traffic issues.

Ms. Lusk provided exhibits for the board showing pictures of flooding and the soil types causing drainage issues. Ms. Lusk is concerned with the stormwater drainage, traffic issues, property values decreasing, and buffering behind Moyock Commons.

Mr. Hall stated there needs to be a buffer zone between this development and the homes located along the northwest property line. Mr. Hall is concerned with stormwater drainage.

Mr. Scaff stated he is concerned with the drainage issues and more houses will create quicker stormwater runoff.

Mr. Sanderlin stated he is concerned with flooding in this area.

Mr. Bradford talked about drainage and traffic. Mr. Bradford offered for consideration a 30 ft. buffer which would become part of the common area for lots 12, 13, 14, and 15 as shown on the current plan, as well as lots 4 through 11 against E Street.

The Planning Board discussed buffering, type of trees and type of buffering, buffering behind Food Lion, Moyock Commons Drive, affordable housing, access to property, and stormwater drainage.

Mr. Rose stated that Moyock Commons Drive is a private road, which is owned by Moyock Commons Property Owners Association and the have no intentions of turning it over to the state. Mr. Rose stated this will be a major development for Moyock and an economic benefit for the county.

Mr. Cooper asked who will approve the stormwater management study.

Mr. Woody stated the county's Technical Review Committee.

### **ACTION**

Mr. Cooper moved to approve PB 13-12 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 with the following conditions:

- The Technical Review Committee recommendations.
- The stormwater management study to be provided by the developer.

Ms. Newbern seconded the motion. Ayes: Ms. Newbern, Mr. Wright, Mr. Cartwright, Mr. Cooper, and Mr. Clark. Nays: Mr. Bell, Ms. Wilson, and Mr. Craddock. Motion carried.

**CANCELLED**



Conceptual Drainage Plan - Attachment 2



### Moyock Commons PDR

RE: Community Meeting

Date: February 22, 2013

Location: 102-C Moyock Commons Drive

Listing the concerns and comments recorded during the community meeting:

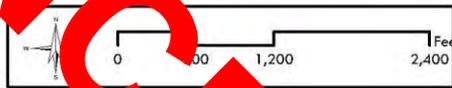
1. Flooding/drainage
2. Water damage
3. Making it an undesirable community.
4. Potential re-zoning
5. Future impact of the other two parcels
6. High density
7. Lower Income class of people
8. Transient/Undesirable people
9. Traffic

**CANCELLED**

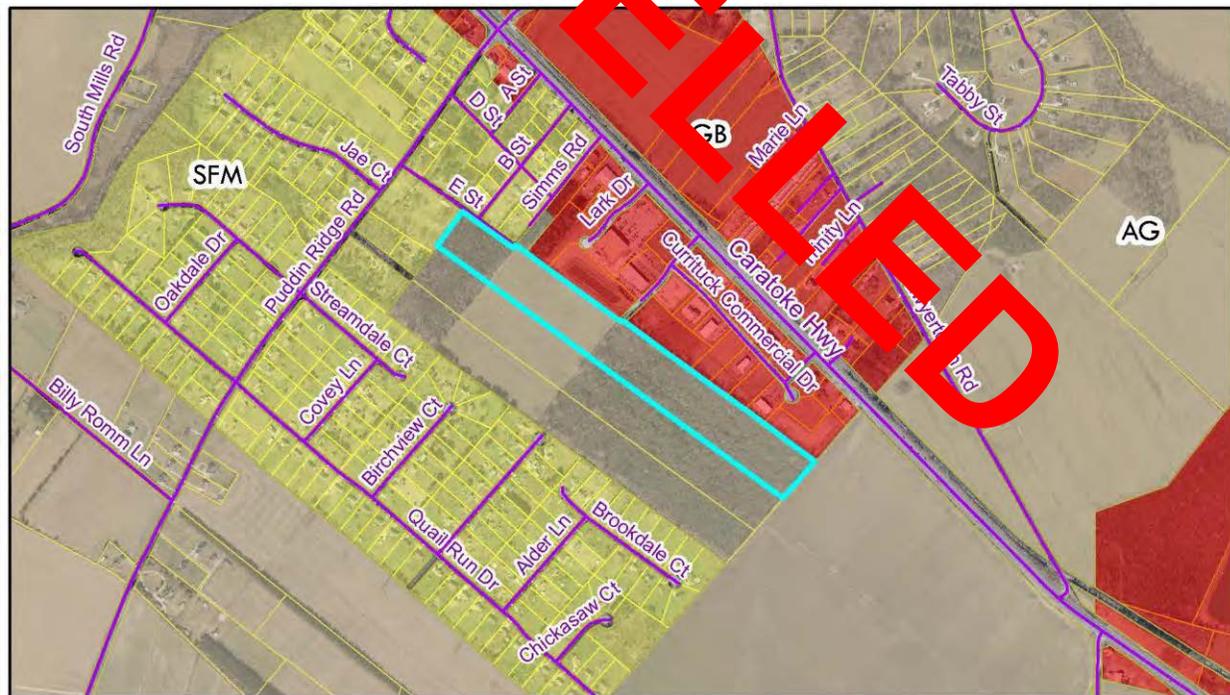
**MAPS**



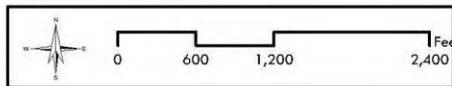
PB 13-12 Moyock Commons  
Conditional Rezoning  
2012 Aerial Photography



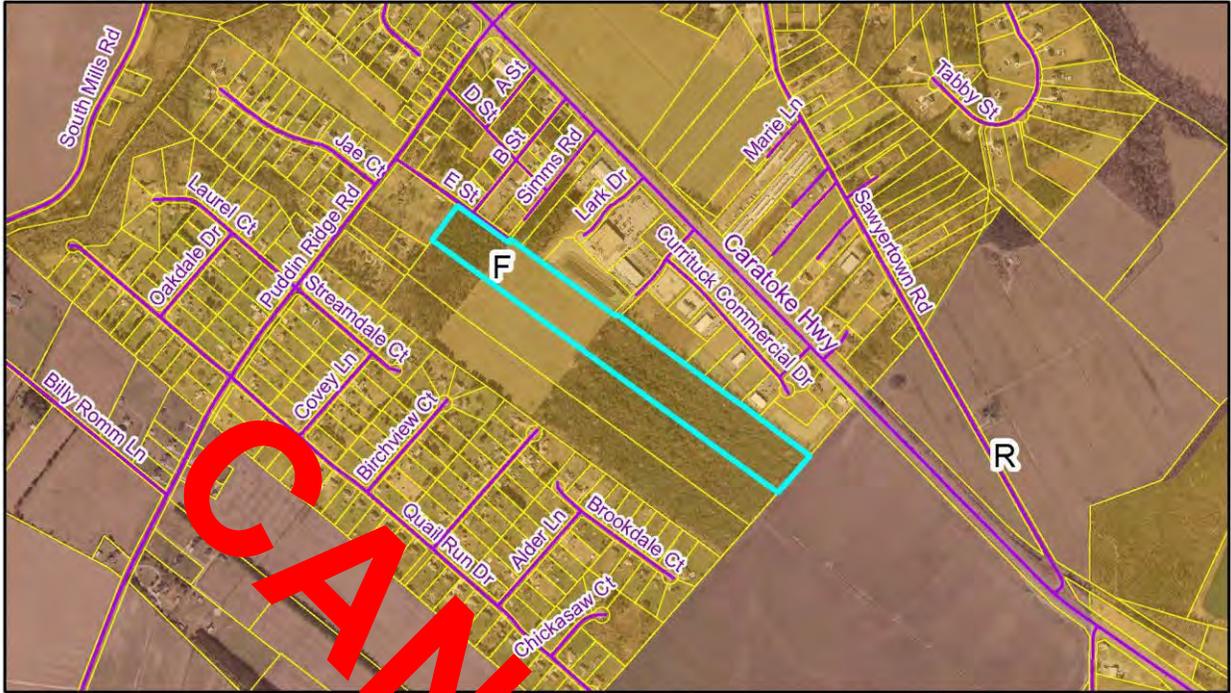
Currituck County  
Planning and  
Community Development



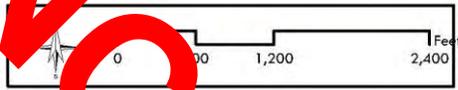
PB 13-12 Moyock Commons  
Conditional Rezoning  
Zoning Map



Currituck County  
Planning and  
Community Development



PB 13-12 Moyock Commons  
 Conditional Rezoning  
 Land Use Plan Classification Map



Currituck County  
 Planning and  
 Community Development

**TRC COMMENTS**

**Currituck County**

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

TO: Jim Bradford, Hassell & Folkes, PC  
FROM: Tammy Glave, Planner II  
DATE: June 19, 2013  
SUBJECT: Moyock Commons – Planned Development- Residential, Master Plan  
June 19, 2013 TRC Comments

The following comments have been received for the June 19, 2013 TRC meeting. In order to be scheduled for the July 9, 2013 Planning Board meeting, please address all comments and resubmit corrected plans by 3:00 p.m. June 24, 2013. TRC comments are valid for six months from the date of the TRC meeting.

**Currituck County Planning and Zoning Division (Tammy Glave, 252-232-6025):**

Reviewed with comments:

*Requirements*

1. Please note responsible party for all rights-of-way, easements, open space, stormwater infrastructure, and any other public facilities on the plat. (Section 3.7.2.1.2)
2. Please extend pavement for future street extensions to the property line. If the property boundary is within a drainage swale, the roadway connection or street stub shall terminate at the edge of the swale, and the developer shall post a performance guarantee with the county to ensure funds are available to complete the street connection. (Section 5.6.5).
3. Sidewalks are required on both sides of all street rights-of-way. Please show those on the plan. (Section 5.6.10)
4. If there are any heritage trees on the site, they must be preserved. Please see Section 7.2 of the UDO for species, size, protection regulations, etc.

These items can either be noted on the plan or listed in a Terms and Conditions document. Please refer to the tables in Section 3.7.3 B and C of the UDO:

1. Dimensional Standards
  - a. Individual building size, maximum (sq ft)
  - b. Setback from abutting residential zoning district or existing residential use (ft). Appears to be 15' (Unit 70) to 30'.
2. Development Standards
  - a. It appears that you intend to develop according to the UDO without modifications to any of the development standards. A note stating the same is sufficient. If you plan to modify any of the requirements, alternate plans are required at application submission. Development standards include such things as off-street parking,

- landscaping, tree protection, open space set-asides, fences and walls, exterior lighting, community form, and multi-family design.
3. Planned Development Terms and Conditions
    - a. If you will be placing any conditions related to approval of the application for the PD-R zoning district, those conditions must be called out on the plan or in a Terms and Conditions document. Please refer to Section 3.7.2.J of the UDO.
  4. If you will be placing any conditions related to the approval of the master plan, including any conditions related to the form and design of development, those conditions must be called out on the plan or in a Terms and Conditions document.
  5. If you will not be placing any conditions on the application or master plan, a note stating the same will be sufficient.

*Recommended Conditions*

1. Although the development exceeds the required connectivity index score, staff recommends providing interconnectivity to the 300 acre Winslow farm to the south to improve future access to Moyock Commons.

*At Subdivision Submittal*

Once the PD-R district is approved and you prepare to submit the subdivision for review, please pay special attention to Chapter 6 Subdivision and Infrastructure Standards of the UDO. Chapter 6 covers such things as Subdivision Standards, Required Infrastructure, Performance Guarantees, and Recreation and Park Area Designation.

**Currituck County Engineer (Eric Weatherly, 252-232-6035)/Currituck County Soil and Water (Mike Doxey 252-232-3360)**

Approved with comment:

1. When will sewer be needed? How much flow is anticipated for each phase?
2. There are concerns about outlet capacity for the proposed north pond.
3. There is a Stormwater Manual going through a review process at this time. It is possible that these regulations could be in place at the time this development submits for Subdivision or Site Plan review.

**Currituck County Emergency Management (James Mims, 252-232-4424)**

Approved with comment:

1. Please show fire hydrant location at subdivision submittal.

**Currituck County Information Technology (Harry Lee, 252-232-2034)**

Reviewed with comment:

1. Please propose street names.
2. Addresses will be assigned by GIS at Preliminary Plat review phase and before Final Plat.

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

Reviewed with comment:

1. Would be nice to see an alternative to having (2) Gazebo/Cookout Areas. Active recreation?

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

Reviewed without comment.

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

Reviewed with comment:

1. PLEASE DESCRIBE PROPOSED METHOD TO SERVE/PROVIDE WASTEWATER TREATMENT AND DISPOSAL FOR THIS PROPOSED DEVELOPMENT.

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

Reviewed without comment.

**NC DENR Water Quality, (Amy Adams 252- 948-3917)**

Reviewed with comment:

1. Will require state stormwater high density permit.

**NC State Archaeologist (Lawrence Abbott, 919-807-6554)**

Reviewed with comment:

1. An archaeological survey is not recommended.

**CANCELLED**



### Conditional Rezoning Application

BY: \_\_\_\_\_

OFFICIAL USE ONLY:

Case Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Gate Keeper: \_\_\_\_\_

Amount Paid: \_\_\_\_\_

**Applicant Information**

**APPLICANT:**

Name: Moyock Land Co., LLC

Address: 5000 Highway 8600  
Highway 8600, Maysboro, VA 23451

Telephone: 757-860-8600

E-Mail Address: landco@me.com

**PROPERTY OWNER:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: same entity

**Property Information**

Physical Street Address: Hicklin Ridge Road

Location: Moyock, N.C.

Parcel Identification Number(s): Tax Map 15, Tract 19, Lot 001-010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, 100

Total Parcel(s) Acreage: 27.66 acres

Existing Land Use of Property: Property is currently unimproved

**Request**

Current Zoning of Property: AG

Proposed Zoning Districts: S

**Community Meeting**

Date Meeting Held: February 23, 2015

Meeting Location: 1111 Moyock Commons

CANCELLED

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

Proposed Use(s):

The proposed use is that of a single family detached residential community established as a conservation subdivision.

Proposed Zoning District(s):

Development Nodes 6, 8, 9 & 10 as illustrated on the Conceptual Development Plan shall be considered as conditions of this zoning application.

An application has been duly filed requesting that the property involved with this application be rezoned from AG to SFM.

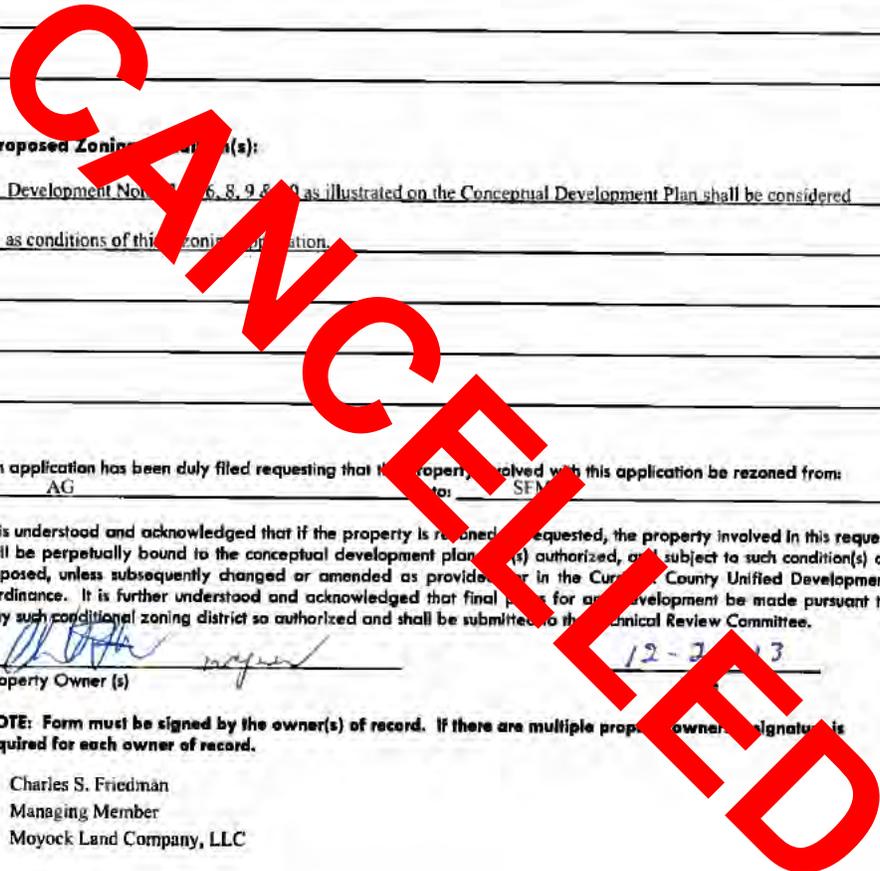
It is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the conceptual development plan(s) authorized, and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Currituck County Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such conditional zoning district so authorized and shall be submitted to the Technical Review Committee.

[Signature]
Property Owner (s)

12-2-13

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners, signature is required for each owner of record.

Charles S. Friedman
Managing Member
Moyock Land Company, LLC





## Currituck County Agenda Item Summary Sheet

### Agenda Item Title

Public Hearing and Action on Authorization of Incentives for “Project Jessica”

### Brief Description of Agenda Item

The Board of Commissioners will consider action to match a One North Carolina Grant from the NC Department of Commerce to extend utility services and provide a cash grant to “Project Jessica” in exchange for a \$925,000 capital investment and the creation of 60 jobs by 2017.

**CANCELLED**

### Board Action Requested

Action

### Person Submitting Agenda Item

Peter Bishop

### Presenter of Agenda Item

Peter Bishop

**RESOLUTION AUTHORIZING INCENTIVES CONTRACT  
WITH “PROJECT JESSICA”**

WHEREAS, Section 158-7.1 of the General Statutes of North Carolina authorizes a county to undertake an economic development project by extending assistance to a company in order to cause the company to locate or expand its operations within the county; and

WHEREAS, the Currituck County Board of Commissioners held a public hearing on February 17, 2014 to receive public comments regarding Currituck County, (the “County”), participation in an economic development project with “Project Jessica,” by reimbursing “Project Jessica” for the cost of connecting to county wastewater services and supplying additional funds in the form of a cash grant, to satisfy the required local match for the North Carolina Department of Commerce’s award of a OneNorth Grant to “Project Jessica”; and

WHEREAS, “Project Jessica” will rehabilitate an existing building in the County to serve as the company’s corporate headquarters, making an investment of at least \$925,000 and creating at least 60 new, permanent full-time jobs in the County; and

WHEREAS, as proposed “Project Jessica” will stimulate, diversify and help stabilize the local economy, promote business in the county, and result in the creation of a substantial number of jobs in the County; and

WHEREAS, the Currituck County Board of Commissioners will adopt an amendment to the County’s budget ordinance appropriating the funds necessary for the project;

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

- 1) The County is authorized to expend up to \$120,000 of County funds for “Project Jessica.”
- 2) This resolution and expenditure of funds are contingent on the execution of an incentives contract between the County and “Project Jessica” outlining specific job-creation milestones and financial clawbacks should “Project Jessica” fail to meet obligations.

- 3) The Chairman of the Currituck County Board of Commissioners is authorized to execute the incentives contract and any other documents necessary to the project on behalf of the County.
- 4) Due to the competitive and confidential nature of "Project Jessica," and the specific rules of the OneNC Fund, no public announcements shall be made by the County until first announced and provided by the Governor of North Carolina or his designee.

Adopted this \_\_\_\_\_ day of February, 2014

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

ATTEST:

\_\_\_\_\_  
Mary S. Gilbert  
Clerk to the Board of Commissioners

(COUNTY SEAL)

**CANCELLED**

RECREATION ADVISORY BOARD  
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of 1st Appointment	End of Term
<b>Steven Carletti</b>	<b>District 1</b>	<b>Ryan Hodges</b>	<b>Vance Aydlett</b>	<b>2/18/2013</b>	<b>1st Term January 2016</b>
Neel Smith	District 2		David Griggs	1/17/2012	1st Term January 2015
Michael Payment	District 3		Butch Petrey	1/22/2013	1st Term January 2016
Janet Rose	District 4		Kevin McCord	1/17/2012	1st Term January 2015
Charles Pickell	District 5		Marion Gilbert	1/22/2013	2nd Term January 2016
Bill Freethy	At-Large		Paul Martin	1/22/2013	2nd Term January 2016
Cynthia Hampton	At-Large		Paul Neal	1/17/2012	2nd Term January 2015

\* Resigned-Appointee to Fulfill Unexpired Term

Commissioner McCord



The Currituck County Board of Commissioners met for a special meeting on January 24 and 25, 2014, at the Historic Courthouse Conference Room. Present were Chairman O'Neal, Vice-Chairman Martin and Commissioners Aydlett, Gilbert, Griggs, McCord and Petrey.

On January 24, Chairman O'Neal called the meeting to order at 1:00 PM.

**Consideration of New Business Items and Consent Agenda Items from cancelled January 21, 2014 Meeting.**

**New Business**

**A) Approval of NC Parks and Recreation Trust Fund (PARTF) Assurance for Grant Application**

Dan Scanlon, County Manager explained that approval was needed to submit the application. Should the grant be awarded, the County would be required to provide matching funds. Elements of the application would be baseball fields, bocci ball and horseshoes.

Commissioner Gilbert moved to go forward with the application. Commissioner Petrey seconded the motion. Motion carried unanimously.

**B) Board Appointments**

**1. Appointments to Board of Adjustment**

Thesesa Dozier, David Palmer and Cameron Tabor were unanimously reappointed to the Board of Adjustment.

**2. Appointments to Senior Citizens Advisory Board**

Marcia Steele was unanimously reappointed to the Senior Citizens Advisory Board.

Commissioner Gilbert moved to table her nomination. Motion carried.

**3. Appointment to Library Board**

Deborah Mountain was unanimously appointed to the Library Board.

**C) Consent Agenda:**

1. Approval of January 6, 2014 Minutes
2. Consideration of Amendment to Board Minutes of June 3, 2013
3. Budget Amendments

4. Lottery application-reallocate residual funds from closed projects to the JPK/Moyock Elementary School cafeteria roof replacements
5. Award Contract for Walnut Island Asphalt Overlay Project
6. Award Engineering Contract for Ocean Sands Water and Sewer District (OSWSD) Wastewater Expansion Environmental Assessment
7. Right of Entry and License Agreement for Mud Run

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
51848	JPK & Moyock Elem Roof Replacement	\$ 33,221	
51848	CCMS HVAC/Griggs Gym		\$ 12,396
51848	Central Elementary Chiller		\$ 20,825
		<u>\$ 33,221</u>	<u>\$ 33,221</u>

**Explanation:** *School Facilities (51848)* - Transfer funds to close out the CCMS and Griggs Gym HVAC and Central Elementary School Chiller projects and move funds to complete the JPK and Moyock Cafeteria Roof replacement projects. This is funded with lottery funds.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
20609	590000 Capital Outlay	\$ 837,000	
20609	588000 Contingency		\$ 271,000
20310	402013 Ad Valorem Taxes		\$ 10,000
20380	481000 Investment Earnings		\$ 6,000
20390	499900 Appropriated Fund Balance		\$ 550,000
		<u>\$ 837,000</u>	<u>\$ 837,000</u>

**Explanation:** *Whalehead Subdivision Drainage (20609)* - Increase appropriations to fund Phase IV of the drainage project, boardwalk, SCADA and Dominion Power.

**Net Budget Effect:** Whalehead Subdivision Stormwater Drainage District (20) - Increased by \$566,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795	590000	Capital Outlay	
10795	532000	Supplies	
		\$ 3,495	
			\$ 3,495
		<u>\$ 3,495</u>	<u>\$ 3,495</u>

**Explanation:** *Parks & Recreation (10795) - Transfer funds to purchase 6 galvanized aluminum picnic tables for the Knotts Island Park.*

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10775	532000	Supplies	
10380	486000	Donations	
		\$ 450	
			\$ 450
		<u>\$ 450</u>	<u>\$ 450</u>

**Explanation:** *Senior Citizens Center (10775) - To record donation received in memory of Mabel Berry. Funds will be used to purchase sewing supplies for the Senior Center.*

**Net Budget Effect:** Operating Fund (10) - Increased by \$450.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510	516200	Vehicle Maintenance	
10380	484001	Insurance Recovery	
		\$ 8,993	
			\$ 8,993
		<u>\$ 8,993</u>	<u>\$ 8,993</u>

**Explanation:** Sheriff (10510) - Increase appropriations to repair four Sheriff vehicles damaged in accidents since July 1, 2013.

**Net Budget Effect:** Operating Fund (10) - Increased by \$8,993.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10640 532005	Supplies - Ag Appropriated Fund	\$ 745	
10390 49990	Balance		\$ 745
		\$ 745	\$ 745

**Explanation:** Pesticide Extension (10640) - To carry forward Pesticide Grant funding that came in June 2013.

**Net Budget Effect:** Operating Fund (10) - Increased by \$745.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510 557500	Crime Control Act	\$ 5,000	
10330 421500	Crime Control Act		\$ 5,000
		\$ 5,000	\$ 5,000

**Explanation:** Sheriff (10510) - Increase appropriations to increase funding expenditures pursuant to the NC Crime Control Act.

**Net Budget Effect:** Operating Fund (10) - Increased by \$5,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
66868	513000	Utilities	\$ 20,000
66868	516200	Vehicle Maintenance	\$ 2,000
66868	545000	Contracted Services	\$ 2,000
66360	470000	Utility Charges	\$ 20,000
		\$ 22,000	\$ 22,000

**Explanation:** Southern Outer Banks Water System (66868) - Transfer funds to purchase tires and other maintenance for vehicles and increases in utilities during the year at the Southern Outer Banks Water System.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12545	590005	Capital Outlay	\$ 19,030
12545	545000	Contract Services Appropriated Fund	\$ 5,181
12390	499900	Balance	\$ 13,849
12546	590006	Capital Outlay Appropriated Fund	\$ 9,250
12390	499900	Balance	\$ 9,250
		\$ 28,280	\$ 28,280

**Explanation:** Lower Currituck Volunteer Fire Department (12545); Corolla Volunteer Fire Department (12546) - 1) Transfer funds in Lower Currituck VFD contract for 5% grant matching funds to purchase fifteen SCBA and related supplies. 2) Increase appropriations to Lower Currituck VFD for 50% grant matching funds for the purchase/replacement of hydraulic rescue tools. 3) Increase appropriations to Corolla VFD to purchase wireless headsets. This funding request was recommended by the Fire and EMS Advisory Board in a letter dated October 22, 2013.

**Net Budget Effect:** Fire Services Fund (12) - Increased by \$23,099.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550 526100	Airport Promotions	\$ 2,000	
10550 590000	Capital Outlay	\$ 1,800	
10650 516200	Vehicle Maintenance	\$ 200	
10650 516200	Economic Development Promotions	\$ 10,000	
10650 545000	Contracted Services		\$ 200
10380 482000	Miscellaneous		\$ 1,800
10390 495000	Transfer - Occupancy Tax		\$ 12,000
		\$ 14,000	\$ 14,000

**Explanation:** Airport (10550); Economic Development (10650) - Increase appropriations for additional promotion of the Airport and Economic Development, to replace airport equipment damaged by lightning and for repairs to the Economic Development vehicle.

**Net Budget Effect:** Operating Fund (10) - Increase by \$13,800.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10490 545003	Contracted Services - Court Facilities	\$ 2,000	
10460 545000	Contracted Services		\$ 2,000
		\$ 2,000	\$ 2,000

**Explanation:** Public Works (10460); Court Facilities (10490) - Transfer funds for additional costs of landscaping contracts.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50544 590000	Capital Outlay	\$ 39,000	
50390 495012	T F - Fire Services Fund		\$ 39,000
12541 587050	T T - County Governmental Construction	\$ 39,000	
12390 499000	Appropriated Fund Balance		\$ 39,000
		<u>\$ 78,000</u>	<u>\$ 78,000</u>

**Explanation:** County Governmental Construction - Crawford Fire Station (50544) - Increase appropriations for the Crawford Fire Station addition and increase annual repayment amount to \$10,000.93.

**Net Budget Effect:** Fire Services Fund (1) - Increased by \$39,000.  
County Governmental Construction Fund (50) - Increased by \$39,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10420 561000	Professional Services	\$ 10,000	
10380 482000	Miscellaneous		\$ 10,000
		<u>\$ 10,000</u>	<u>\$ 10,000</u>

**Explanation:** Governing Body (10420) - Increase appropriations for lobbyist to work on various County issues.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
63838	521000	Rent	\$ 2,700
63838	545800	White Goods Disposal	\$ 4,500
63838	571501	Recycling - Electronics	\$ 25,000
63838	545001	Contracted Services - Collection	\$ 32,200
		\$ 32,200	\$ 32,200

**Explanation:** Solid Waste (63838) - Transfer funds for increases in operations in Solid Waste disposal.

**Net Budget Effect:** Solid Waste (63) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510	539000	Unemployment Insurance	\$ 14,129
10530	539000	Unemployment Insurance	\$ 13,276
10640	539000	Unemployment Insurance	\$ 556
10390	499900	Fund Balance Appropriated	\$ 7,039
10960	539000	Unemployment Insurance	\$ 35,000
61818	539000	Unemployment Insurance	\$ 6,205
61360	471000	Tap & Connection Fees	\$ 6,205
		\$ 41,205	\$ 41,205

**Explanation:** Various Departments - Transfer and increase appropriations for actual unemployment claims through July 31, 2013.

**Net Budget Effect:** Operating Fund (10) - Decreased by \$7,039.  
Mainland Water Fund (61) - Increased by \$6,205.

## **The making of proper motions and review of quasi-judicial proceedings**

Ike McRee, County Attorney, related he had presented the same workshop on quasi-judicial proceedings to the Planning Board as they should operate by the same rules and procedures as the Board of Commissioners. He noted three Planning Board members were absent.

Commissioner McCord moved that Mr. McRee offer the presentation again for the Planning Board members who missed it the first time. Commissioner Aydlett seconded the motion. Motion carried unanimously.

Mr. McRee reviewed how to make a motion and what to include in the motion in order for it to withstand quasi-judicial review. Consideration and motion must be based on whether the application meets the four criteria. Arguments against the project require expert testimony on it. Commissioners suggested including information on the expert testimony requirements in the letter which is sent to adjacent property owners. Public hearing and motion need to stick to findings of fact.

Mr. McRee noted Board of Adjustment is also a quasi-judicial proceeding, hearing appeals on the interpretation of the Planning Director.

### **Appointments to advisory boards**

Mr. McRee reviewed the ordinance on making nominations for advisory boards. He noted that, although the term may have expired, the sitting member remains until replaced. Commissioner Griggs advised the diligence of appointees to find the best people to serve. Chairman O'Neal emphasized orientation for new members. The Clerk was to check for persons serving on more than one board.

### **Commissioner Committees (Planning, etc.)**

There was discussion on dividing the Board of Commissioners into smaller committees with specific duties to operate more efficiently. Commissioner Aydlett moved to direct Mr. McRee to gather information from Pasquotank County and tailor to the needs of Currituck County. Commissioner Martin seconded the motion. Motion carried unanimously.

### **What are you looking for from the newly appointed ED Board?**

Pater Bishop, Economic Development Director, had prepared a proposal of duties of the new board. Chairman O'Neal suggested increasing the number of members to eleven, seven of which would require county residence with one nomination by each Commissioner. The remaining four could live outside the county but have business ties to the county.

Commissioner McCord moved to increase the number of members to eleven, seven to be county residents with one nomination by each Commissioner, and the remaining four nominations by the Commissioners as a whole. Commissioner Petrey seconded the motion. Motion carried unanimously.

Mr. Bishop was to finalize the document and provide copies to the Commissioners to distribute to prospective members.

### **Water line extension policy**

The Commissioners agreed the long term goal should be to provide central water for the entire county. Ben Woody, Planning and Community Development Director, reviewed five plans for providing the infrastructure. Commissioners agreed that option one, requiring infrastructure and water connection to be accomplished by the developer, was preferable.

At 5:00 PM, Commissioner Aydlett moved to recess the meeting until the following morning at 8:30 AM. Commissioner Gilbert seconded the motion. Motion carried. The meeting was recessed.

**January 25, 2014, 8:30 AM**

### **Fire Services Assessment**

The Commissioners discussed scheduling a meeting with stakeholders to discuss the study. Commissioner Petrey requested that the other Commissioners read the study prior to the next meeting. Once the Commissioners had read the study, it would be released to the FEAB and Fire Department.

### **Non-Profit Signage**

In light of a recent request for exemption from the sign ordinance, Mr. Scanlon and Mr. Woody asked if any amendments were wanted. The Board agreed no amendments were necessary. Commissioners were in favor of equal, more aggressive enforcement. Mr. Woody was requested to allow non-profits to obtain one permit for all events during the year. Staff was also directed to look into a community event sign to be placed at each county recycling center.

### **Minor v. Major subdivisions - is there a reason/basis to maintain the distinction?**

Mr. Woody reviewed the history and intent of minor subdivisions. After discussion, the Commissioners agreed that some minors were needed and a five-year limit was to be placed on turning a minor subdivision into a major subdivision. The minor subdivision was to be included in the major subdivision with infrastructure to encompass the entire tract.

### **Non-budgeted expenditures**

Mr. Scanlon noted the budget was adopted as an ordinance, meaning no new expenditures should be added until planning the budget for the following year. Commissioners expressed the need to find a way to cut spending to decrease the tax rate by 1 to 2 cents and to look at the 10 year plan and see what can be put off. The Board agreed to apply the ordinance to bring projects forward at budget time.

## **Establishing reporting for projects**

Commissioners requested a progress report on directives given to staff. Mr. Scanlon was to add a section to his weekly report giving an accounting of BOC tasked directives.

## **Shooting Range**

Mr. Scanlon related the possibility of partnering with the Wildlife Resources Commission to construct a public shooting range. There was discussion on opening to the public. The Board was in favor of building two ranges, to move forward with the Sheriff's range, and explore the WRC partnership, preferably locating it on State property which Mr. Scanlon described.

## **Prioritizing Capital Improvement Projects**

Mr. Scanlon noted that a list had been provided previously, and he requested the projects be prioritized for when funding becomes available. Funding sources for capital projects were reviewed. There was discussion on ways to narrow down. There were concerns with changing boards. It was suggested to start with smaller projects with short turn-around.

## **Potential Impact of Biggert-Weathers Flood Insurance Reform Act**

Mr. Woody reviewed how the act impacts Currituck County. He explained pre-FIRM (1984) and post-FIRM and the number of homes affected by each. With the new flood maps, 30% of the homes will be removed from special flood hazard area. Dunes and beach replenishment were considered to have assisted with this. Dune and beach replenishment would be studied to determine if further replenishment should be undertaken.

Homeowners insurance increase was discussed briefly.

Mr. Woody was to furnish an executive summary highlighting the numbers affected.

## **Upcoming year's work plan**

Mr. Scanlon asked the Commissioners to let him know of anything to be included in the budget. Employee health insurance was discussed.

Mr. Scanlon described problems with NC FAST. If problems were not fixed by the middle of March, the federal government would cut funding to North Carolina, administrative funding to the County would cease, and the County would be impacted.

Mr. McRee related a member of the Brough Law Firm had contacted him to question whether legal representation of the Gees Group would present a conflict problem for the Board. The Board agreed not to waive the conflict.

## **Multi-family housing options**

Mr. Woody noted the ordinance allows staff approval. He presented various scenarios for regulating MXR zoning. The Board agreed on conditional zoning for multi-family.

## Density

Mr. Woody showed two examples of density which included the same number of dwellings but different configurations. He felt minimum lot size was not the way to deter high density. The Commissioners were hearing from Moyock citizens that they believed small lots were the issue and they did not want high density utilizing small lots.

Commissioners directed implementing minimum lot size of 20,000 square feet or greater for every new development on the mainland, unless it is a PUD.

## Proposed Tolling of Knotts Island Ferry

The public hearing to be sponsored by NCDOT on February 4 was discussed as the first step to imposing tolls on the Currituck-Knotts Island Ferry. Commissioner Aydlett moved to contact Senator Conrad and Representative Steinburg to request they use whatever means necessary to induce legislation to exempt the Knotts Island Ferry from tolling. Commissioner Gilbert seconded the motion. Motion carried unanimously. It was noted that residents already pay tolls and gas tax. Tolls would be double taxing.

## Beach strand activities – what level of commercial operations will be permissible

It was suggested that permitted commercial activities be left up to the subdivisions; however, Commissioners agreed to staff bring an amendment for their consideration concerning parameters for commercial operations.

## Vision for the off-road area

The only subject discussed was driving on the beach. It was suggested trying parking at the foreshore and directing traffic to drive behind the parked vehicles. Commissioner Aydlett felt this would be more dangerous as pedestrians, especially children, were more visible on the flat foreshore than they would be in the softer sand areas. There would also be more incidents of vehicles getting stuck in the soft sand and blocking traffic. Commissioner Petrey felt more education was needed concerning the pressure when driving on the sand.

## Adjourn

There being no further business, Commissioner Petrey moved to adjourn. Commissioner Aydlett seconded the motion. The meeting was adjourned.

CURRITUCK COUNTY  
NORTH CAROLINA  
February 3, 2014

The Board of Commissioners met at 6:00 PM for a work session with Ben Woody, Planning and Community Development Director; Eric Weatherly, County Engineer; and Pat Irwin, Public Utilities Director regarding a Water Line Extension Policy. Commissioners agreed that the goal is to provide safe and high-quality water to all residents, and the policy should require every new subdivision to connect to the water system.

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

Chairman O'Neal called the meeting to order at 7:00 PM and announced that the Board had met in a work session to discuss Water Line Extension Policy.

**A) Invocation**

Reverend Bill Masciangelo, Moyock United Methodist Church, gave the invocation.

**B) Pledge of Allegiance**

Reverend Bill Masciangelo, Moyock United Methodist Church, led the Pledge of Allegiance.

**C) Approval of Agenda**

Chairman O'Neal moved Administrative Reports to follow Public Comment and added Consent Agenda, Item #5, Resolution Opposing Unfair Property Tax Increases. Commissioner Martin moved to approve the Agenda as amended. Commissioner Petrey seconded the motion. Motion carried unanimously.

**APPROVED AGENDA**

**Work Session**

6:00 PM Water Line Extension Policy

**7:00 pm Call to Order**

- A) Invocation – Reverend Bill Masciangelo, Moyock United Methodist Church
- 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) **Presentation by Willo Kelly on Biggert-Waters Flood Insurance Reform A**

**Public Hearings**

- A) **PB 13-31 A&B Auto Sales:** Request for a Use Permit to operate an automobile sales business. The property is located at 1862 Caratoke Highway, Tax Map 32, Parcels 87A and 87B, Crawford Township.
- B) **PB 13-15 Water Supply Standards:** Request to amend the Unified Development Ordinance Chapter 6: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to the county water supply system.

**New Business**

- A) **Board Appointments:**
  - 1. Reappointment of Jack Riggle to Whalehead Stormwater Drainage Service District Advisory Board
- B) **Conservation Agenda**
  - 1. DBG Monthly Status Report
  - 2. Resolution to Support Library Book Drops
  - 3. Recreation Park Area Dedication: Payment In-Lieu
  - 4. East Carolina Behavioral Health Fiscal Monitoring Report for Quarter Ending December 31, 2013
  - 5. Resolution Opposing Unfair Property Tax Increases
- C) **Commissioner's Report**
- D) **County Manager's Report**

**Special Meeting****Tourism Development Authority**

- A) TDA Budget Amendments

Adjourn

- D) **Public Comment**

Chairman O'Neal opened the Public Comment period.

Mary Etheridge, Shawboro, stated that her family had been in litigation with the county for two years over the approval of a junkyard in Shawboro which was not in harmony with the community. Even though the court found in favor of her family, no Commissioner had ever apologized for their action. She cited a recent meeting where the Commissioners had directed a study of a proposed housing project to determine if it was in harmony with its surroundings.

Will Crodick, Knotts Island, expressed his concerns with the school system having 14 combination classes. He stated the cost to provide a solution to his concern and asked for support from the Commissioners and the public to persuade the Board of Education to budget for enough teachers to remedy the situation.

Chairman O'Neal noted the County could not mandate how the funding was budgeted by the Board of Education.

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

## Administrative Reports

### **A) Presentation by Willo Kelly on Biggert-Waters Flood Insurance Reform Act**

Willo Kelly, Government Affairs Director of Outer Banks Home Builders Association and Association of Realtors, and President of NC-20, gave a presentation on the impact of the Biggert-Waters Flood Insurance Reform Act of 2012. She gave statistics on the flood insurance program and told of the impact particularly on homeowners with mortgages and those who wished to be approved for a mortgage or to refinance. She gave an email address for those who may have experienced problems with getting flood insurance or other questions. The address is [ncinsurancehelp@gmail.com](mailto:ncinsurancehelp@gmail.com). She encouraged citizens to contact their insurance companies to determine the impact this may have. She asked for support from the Board of Commissioners and county citizens to try to get the act changed.

There was also a short discussion of homeowners insurance. Ms. Kelly noted that Commissioner of Insurance Wayne Goodwin advocates for the citizens and should be contacted regarding proposed rate increases.

Commissioners thanked Ms. Kelly for her informative presentation.

## Public Hearings

### **A) PB 13-31 A&B Auto Sales: Request for Use Permit to operate an automobile sales business. The property is located at 1862 Caratoke Highway, Tax Map 32, Parcels 87A and 87B, Crawford Township.**

Sworn testimony was given prior to making comments.

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

**CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: February 3, 2014  
PB 13-31 A&B Auto Sales**

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<b>ITEM:</b>	PB 13-31 A&B Auto Sales request for a Use Permit to operate an automobile sales business.
<b>LOCATION:</b>	Sligo: 1862 Caratoke Highway
<b>TAX ID:</b>	0032-000-087B-0000 and 0032-000-087A-0000
<b>ZONING DISTRICT:</b>	General Business (GB) and Agricultural (AG - at rear of property and not part of this use)
<b>PRESENT USE:</b>	Office/Warehouse/Auto Repair

**OWNER:** Carvel Eugene Benson Jr  
1862 Caratoke Hwy  
Moyock NC 27958

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

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

	Land Use	Zoning
<b>NORTH:</b>	Low Density Residential	AG
<b>SOUTH:</b>	Cultivated Farmland	AG
<b>EAST:</b>	Low Density Residential	AG
<b>WEST:</b>	Cultivated Farmland/Undeveloped	AG

**LAND USE PLAN**

**CLASSIFICATION:** The 2010 Land Use Plan classifies the site as Rural within the Shawboro Crawford subarea.

**SIZE OF SITE:** 7.9 acres (546) and 1.49 acres (87A)

**COMMUNITY MEETING:** A community meeting was held on November 20, 2013 at the Moyock Library. No residents attended the meeting.

**I. NARRATIVE OF REQUEST:**

1. The applicant is requesting to operate automobile sales facility located next to his existing office/warehouse/auto repair building.
2. There is no new building associated with this use. The sales office will be located in the existing building.
3. In order to improve traffic safety at the site, the existing service entrance to this lot will be clearly marked as a service entrance and the traffic will be directed to enter the business from the existing, improved, driveway where the existing building is located.
4. A handicapped accessway will be provide by extending the five foot wide concrete sidewalk from the existing building to the new display pad on the adjoining lot.

**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 are outlined as follows:

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

**Staff Findings:**

- a. The use should not endanger the public health or safety as it is an allowable use in the GB zoning district with a use permit.

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 use should not injure the value of nearby lands and should be in harmony with the area in which it is located as it is an extension of the existing business.

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 Rural within the Shawboro-Crawford subarea. With respect to nonresidential uses small businesses serving the needs of a rural area should be encouraged. The proposed use is in keeping with the policies of the plan, which include:

- a. POLICY ED4 In addition to the recruitment and expansion of major new industries, the considerable value of small business start-ups, expansions, and spin-offs shall also be recognized.
- b. POLICY CA1 Landscape improvements at existing and new commercial developments, particularly as related to breaking up and softening the appearance of expansive parking areas, and controlling stormwater runoff, shall be required.

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

**Staff Findings:**

- a. The proposed use should not produce additional burdens on schools, fire and rescue, or other public facilities because there are currently sufficient adequate public facilities to service this request.

**III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval of the use permit subject to the finds of fact as presented.

**IV. PLANNING BOARD RECOMMENDATION:**

Ms. Overstreet moved to approve PB 13-31 with the findings of fact and the Technical Review Committee recommendations included in the case analysis.

**PLANNING BOARD DISCUSSION (1-14-14)**

Mr. Hyman provided a brief overview of the request and will be glad to answer any questions from the Board.

Mr. Wright asked if any driveway would be added.

Ms. Glave stated no. Ms. Glave said the existing service entrance to this lot will be clearly marked as a service entrance and the traffic will be directed to enter the business from the existing, improved, driveway where the existing building is located.

Mr. Craddock asked if there will be allowed signage for the consumer to know that the second driveway is going to the auto sale lot?

Ms. Glave said there will be directional signage.

#### **PLANNING BOARD ACTION**

Ms. Overstreet moved to approve PB 13-31 with the findings of fact and the Technical Review Committee recommendations included in the case analysis. Mr. Wright seconded the motion. Motion carried unanimously.

Chairman O'Neal opened the Public Hearing.

Eddie Hyman, Hyman and Robey, was present to represent the applicant. He stated the application met all criteria and he was available for any questions.

Mr. McCord questioned the acreage to which Mr. Hyman replied 1.92 acres for the business. There would be additional screening and buffering.

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

Commissioner Petrey moved to approve PB 13-31 with the staff findings and recommendations included in the case analysis. Commissioner Martin seconded the motion. Motion carried unanimously.

#### **B) PB 13-15 Water Supply Standards: Request to amend the Unified Development Ordinance Chapter 9: Required Infrastructure and Chapter 10: Definitions and Measurement to revise the water supply standards to exempt certain development from connecting to the county water supply system.**

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

The following text amendment submitted by Mr. Eugene White is intended to amend the county's water supply standards to exempt subdivisions located more than one mile from a county water main from connecting to the system. Under the current ordinance major subdivisions are required to connect to the county water system (or provide a cash deposit for future connection) based on a formula included in the ordinance. The connection requirement has generally been successful in managing growth of the county water system; however, low density subdivisions that are located a long distance from an existing county water main are required to provide a cash deposit at a rate of cost plus 15 percent for future water system improvements. To date, subdivisions that have provided cash deposits have not connected to the county water system due to the lack of waterline extensions. The exemption submitted by Mr. White is included as **Option 1**.

The Technical Review Committee (TRC) reviewed this request and is recommending minor revisions to the original text amendment. Based on an analysis of the county water system, the TRC is recommending the exemption be for major subdivisions located one mile from an existing 6-inch or larger water main. The proposed amendment also includes minor text changes recommended by the Technical Review Committee and is intended to clarify terminology, remove the requirement to convert cash deposits to letters of credit, and provide consistency with the NC Fire Code. Revisions recommended by the TRC that are beyond the scope of the original text amendment are included in **Option 2**.

At the November 18 Board of Commissioners meeting, staff was directed to perform additional due diligence on the water supply standards requirement and provide a policy option at the February 3 Board meeting. The information will be presented at a work session prior to the public hearing.

**BOARD OF COMMISSIONERS DISCUSSION (11/18/13)**

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

Chairman O'Neal opened the Public Hearing.

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

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

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

**BOARD OF COMMISSIONERS DISCUSSION (9/16/13)**

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

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

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

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

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

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

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

Chairman O'Neal opened the Public Hearing.

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

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

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

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

#### **BOARD OF COMMISSIONERS ACTION**

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

#### **PLANNING BOARD DISCUSSION (3/12)**

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

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

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

#### **PLANNING BOARD ACTION**

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

Mr. Cooper moved to approve PB 13-15 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Mr. Cartwright seconded the motion. Motion carried unanimously.

### **OPTION 1**

#### **PB 13-15**

#### **UDO AMENDMENT REQUEST**

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

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

**Item 1:** That Section 6.2.3 Utility Standards is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

### Water Supply Standards

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

#### Water Supply System Required

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

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

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

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

#### Connection to Public County Water Supply System

Whenever it is legally possible and practicable in terms of topography to connect development to the county's water supply system the developer or subdivider shall install the pipes and accessories necessary to provide water service to all lots or units in a development. The following development is exempt from the requirement to connect to the county's potable water system:

Lots in a family subdivision (see Section 20.8);

Subdivisions in the Fruitville and Moyock-Gibson Woods Townships;

Subdivisions where the distance to an existing water main exceeds the formula in Subsection (b) below; and

Subdivisions located more than one mile from an existing water main.

Connection to the county's water supply system shall be considered impractical if the distance between the closest existing county water main and the proposed development as measured along the probable route of the service line exceeds a distance equivalent to 100 feet for each of the first ten units plus 20 feet for each additional unit.

*Example: a proposed subdivision with 30 single-family residential lots would have to be located over 1,400 feet from an existing water main to be considered impractical for connection (10 units x 100) + (20 units x 20).*

However, the subdivider shall submit a performance guarantee in the form of a cash deposit for the water improvements (including, but not limited to: fire hydrants, laterals, service lines, meter boxes, and yokes) at a rate of cost plus 15 percent. In the event the water supply infrastructure is not constructed within three years of the approval date, the performance guarantee shall automatically convert to an evergreen letter of credit. In no instance shall a performance guarantee be required for a development located more than one mile from an existing water main.

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

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

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

The maximum connection distance for nonresidential development shall be determined by converting projected water demand from the development into an equivalent number of residential units and applying the formula in Subsection (b) above. For the purposes of this section, an individual residential dwelling unit uses 250 gallons of water per day. A nonresidential use anticipated to use 7,000 gallons per day shall be equivalent to four residential dwelling units.

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

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

#### **Centralized Water Supply System Configuration**

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

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

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

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

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

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

**Connection Fees**

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

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

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

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

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

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

**CENTRALIZED WATER SUPPLY SYSTEM**

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

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

**OPTION 2**  
**PB 13-15**  
**UDO AMENDMENT REQUEST**

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

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

**Item 1:** That Section 6.2.3 Utility Standards is amended by adding the following underlined language, deleting the strikethrough language, and renumbering accordingly:

**Water Supply Standards**

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

**Water Supply System Required**

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

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

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

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

**Connection to Public County Water Supply System**

~~Whenever it is legally possible and practicable in terms of topography and the County Engineer determines service is available the following development shall ~~to connect development~~ to the county's water supply system; ~~the developer or subdivider shall install the pipes and accessories necessary to provide water service to all lots or units in a development.~~ *(Staff Note: this subsection was previously listed as exemptions)*~~

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

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

~~Major Subdivisions and multi-family development abutting an where the distance to an existing water main or meeting the formula~~

~~requirements in subsection (b) below exceeds the formula in Section 6.2.3.D.3 Connection to Public Water Supply System; and Major site plans abutting an existing water main or meeting the requirements in subsection (f) below.~~

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

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

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

~~However, where the distance to an existing six-inch or larger water main exceeds the formula above but is less than one mile, the subdivision developer shall submit a performance guarantee in the form of a cash deposit to the water improvements (including, but not limited to: fire hydrants, laterals, service lines, meter boxes, and yokes) at a rate of cost plus 15 percent. In the event the water supply infrastructure is not constructed within three years of the approval date, the Planning Director shall release the performance guarantee and shall automatically convert to an evergreen letter of credit. In no instance shall a performance guarantee be required for a development located more than one mile to an existing six-inch or larger water main.~~

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

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

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

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

anticipated to use 1,000 gallons per day shall be equivalent to four residential dwelling units.

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

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

### Centralized Water Supply System Configuration

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

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

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

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

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

~~A community water system may be located within a green space set aside.~~

### Connection Fees

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

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

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

### **C. Water Supply for Fire Protection when not Served by Public Centralized Water Supply System**

~~*Major subdivisions Residential development containing 20 or more dwelling units and every nonresidential subdivision containing 10 or more lots and not served by a public*~~

*centralized water supply system shall provide a supply of water for fire-fighting purposes in accordance with the following standards:*

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

**CENTRALIZED WATER SUPPLY SYSTEM**

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

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

Chairman O'Neal noted the Public Hearing was still open from a previous meeting.

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

Commissioner Martin moved to deny PB 13-15 due to its inconsistency with POLICY PP3 of the 2006 Land Use Plan and that the request is not reasonable and not in the public interest, does not address a demonstrated community need, and does not result in a logical and orderly development pattern. Commissioner Griggs seconded the motion. Motion carried unanimously.

**New Business**

**A) Board Appointments**

1. Reappointment of Jack Riggle to Whalehead Stormwater Drainage Service District Advisory Board

Commissioner Aydlett moved to reappoint Jack Riggle to the Whalehead Stormwater Drainage Service District Advisory Board. Motion carried unanimously.

**B) Consent Agenda:**

1. CDBG Monthly Status Report
2. Resolution to Surplus Library Book Drops
3. Recreation & Park Area Dedication: Payment In-Lieu
4. East Carolina Behavioral Health Fiscal Monitoring Report for Quarter Ending December 31,2013

5. Resolution Opposing Unfair Property Tax Increases

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

**RESOLUTION**

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina, during its regularly scheduled meeting held on February 3, 2014, authorized, pursuant to GS 160A and 270(b), that the property listed below be declared surplus and disposed of:

Library Items for Surplus

Description	Service Tag #	Asset Tag	Item #
Outdoor steel book return located at Shawboro	none	5378	none
Outdoor steel book return located at Moyock	none	4387	none
Outdoor steel book return located at Point Harbor	none	4388	none
Outdoor steel book return located at Barco Library	none	none	none

**Recreation Park Area Dedication: Payment In-Lieu**

The Unified Development Ordinance (UDO) provides that new residential development of six or more units shall dedicate land to the county for use in the development of recreation and park areas. The land offered for dedication is intended to serve the recreational needs of residents of the subdivision and development within the immediate area. Any land proposed for dedication as recreation and park area is required to meet standards included in the UDO. The county's Technical Review Committee is responsible for applying the standards and determining if the proposed dedication is suitable for acceptance.

If the land offered for dedication does not comply with the standards included in the UDO, the Technical Review Committee shall require a payment-in-lieu instead of land dedication. The payment-in-lieu is calculated based upon the acreage of land otherwise required for dedication using the land's assessed value. Payments-in-lieu received shall only be used for the acquisition or development of recreation and park areas that serve residents living in the immediate area of the development making the payment-in-lieu, consistent with the requirements of North Carolina General Statutes Section 153A-331.

There are five payment-in-lieu areas. These areas are established using existing and planned facilities identified in the county's *Comprehensive Parks and Recreation Master Plan* adopted January 3, 2011. Payments-in-lieu received shall be used for land acquisition or park and recreation facilities in the area for which the payment is collected.

**RESOLUTION OPPOSING UNFAIR PROPERTY INSURANCE INCREASES**

**WHEREAS**, Currituck County is located in North Carolina Rate Bureau Homeowner Territories #7 and #48, which includes barrier islands along the northern North Carolina coast; and

**WHEREAS**, the homeowners in Territories #7 and #48 already have higher base rates for homeowners insurance than many other territories in the State of North Carolina; and

**WHEREAS**, excluding the other coastal territories, homeowners in Territories #7 and #48 currently pay base rates that are already 5 times higher than the base rate in many counties in central and western North Carolina with greater claims; and

**WHEREAS**, the NC Rate Bureau has filed a request for increased base rates that will be reviewed by the NC Commissioner of Insurance in the coming weeks; and

**WHEREAS**, the proposed increase in base rates for Territory #7 is 35% and #48 is 9.8%, which is significantly higher than the proposed increases in central and western North Carolina; and

**WHEREAS**, the 2014 proposed increase follows a recent rate increase of 17% for the Currituck Outer Banks in July 2013; and

**WHEREAS**, depending on policy renewal dates, some homeowners have yet to experience the brunt of the significant 2013 rate increase; and

**WHEREAS**, homeowners insurance represents a significant financial burden for our property owners, and this burden has a negative impact on family budgets, the regional tourism industry and the local real estate market; and

**WHEREAS**, there is a significant disparity in homeowners insurance rates across North Carolina, and this disparity is unfair to homeowners in coastal North Carolina, including Currituck County;

**NOW, THEREFORE, BE IT RESOLVED**, that the Currituck County Board of Commissioners strongly encourages the NC Commissioner of Insurance to not only reject the proposed 35% and 9.8% increases on Territories #7 and #48 respectively, but also reject any and all homeowners insurance rate increases; and

**BE IT FURTHER RESOLVED**, that the Currituck County Board of Commissioners encourages the NC Commissioner of Insurance to work toward a fairer homeowners insurance rate structure for coastal North Carolina.

### **C) Commissioner's Report**

Commissioner McCord commended Reggie Saunders and the NCDOT staff for the good job they did clearing highways during and after the recent snowstorm.

Commissioner Aydlett also commended NCDOT and the Sheriff’s Department. He announced the NCDOT public hearing meeting the following evening to address tolling the Knotts Island Ferry and thanked the Board of Commissioners and staff for supporting the Knotts Island citizens.

Chairman O’Neal stated that counties need to stand together to prevent tolls in Northeastern North Carolina. He also announced that Currituck County had received a Distinguished Partners in Education award for its partnership with College of the Albemarle.

**D) County Manager’s Report**

Dan Scanlon, County Manager, announced that the rating agency, Standard and Poor, had recently upgraded the County’s credit rating. He also noted that an assessment had been done of North Carolina Election Offices and Currituck County’s was in the top 10, placing 7<sup>th</sup> for accessibility and service.

Commissioner Aydlett moved to recess the regular meeting and reconvene as the Tourism Development Authority. Commissioner Metrey seconded the motion. Motion carried unanimously.

**Special Meeting**

**Tourism Development Authority**

A) TDA Budget Amendments

Dan Scanlon, County Manager, reviewed the Budget Amendment requests.

Commissioner Aydlett moved to approve the TDA Budget Amendment. Commissioner Griggs seconded the motion. Motion carried unanimously.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-526650	Economic Development Appropriated Fund	\$ 150,000	
15390-499900	Balance		\$ 150,000
		\$ 150,000	\$ 150,000

**Explanation:** Occupancy Tax - Tourism Related (15447) - Increase appropriations for construction of water and sewer lines for Economic Development projects.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$150,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15442-511000	Telephone & Postage	\$	50,000		
15442-516000	Maintenance & Repair	\$	6,000		
15442-514000	Travel	\$	1,000		
15442-526200	Promotion			\$	50,000
15442-590000	Capital Outlay			\$	6,000
15442-514500	Training & Education			\$	1,000
			<u>\$ 57,000</u>		<u>\$ 57,000</u>

**Explanation:** Occupancy Tax - Tourism Promotion (15442) - Transfer funds for promotion related operations for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
15442-587010	T T - Operating Fund	\$	12,000		
15320-415000	Occupancy Tax Fund			\$	12,000
			<u>\$ 12,000</u>		<u>\$ 12,000</u>

**Explanation:** Occupancy Tax - Tourism Promotion (15442) - Increase appropriations for additional promotion at the airport and for Economic Development. (See B/A 2014051)

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$12,000.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
15447-561000	Professional Services	\$ 10,000	
15320-415000	Occupancy Tax Fund		\$ 10,000
		<u>\$ 10,000</u>	<u>\$ 10,000</u>

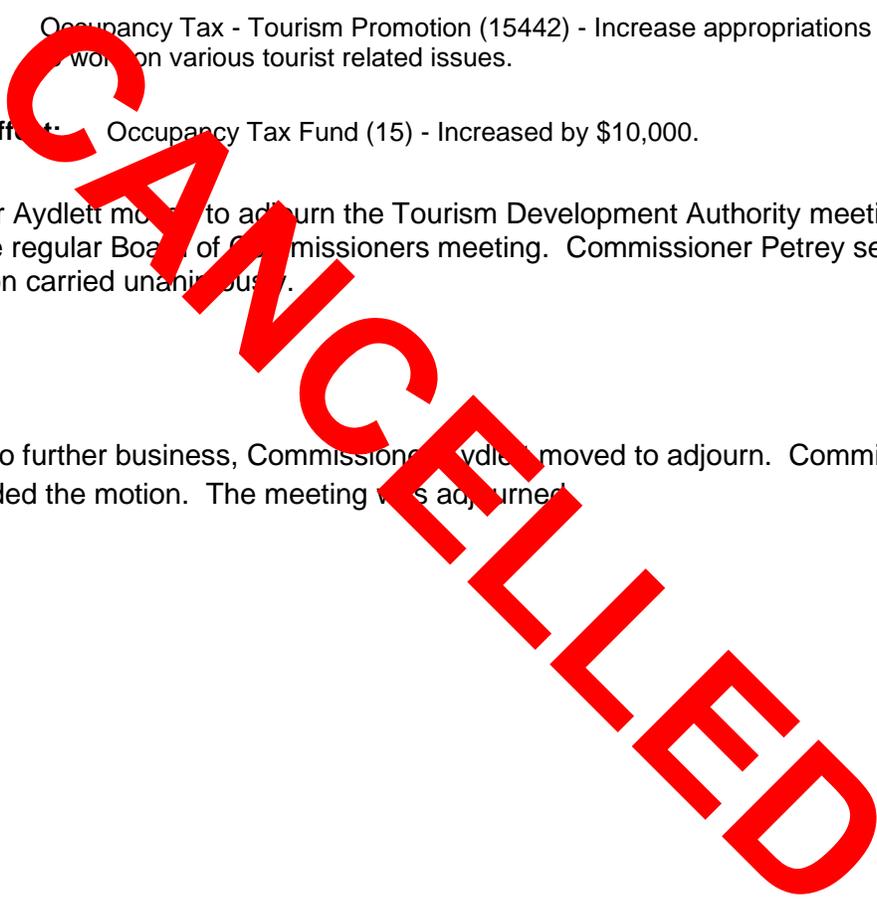
**Explanation:** Occupancy Tax - Tourism Promotion (15442) - Increase appropriations for lobbyist work on various tourist related issues.

**Net Budget Effect:** Occupancy Tax Fund (15) - Increased by \$10,000.

Commissioner Aydlett moved to adjourn the Tourism Development Authority meeting and reconvene the regular Board of Commissioners meeting. Commissioner Petrey seconded the motion. Motion carried unanimously.

**Adjourn**

There being no further business, Commissioner Aydlett moved to adjourn. Commissioner Petrey seconded the motion. The meeting was adjourned.



### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
50795	594600	Baseball Softball Complex - Maple	\$ 200,000	
50390	495015	T F - Occupancy Tax Fund		\$ 200,000
			<u>\$ 200,000</u>	<u>\$ 200,000</u>

**Explanation:** *Baseball & Softball Fields - Maple Complex (50795) - Increase appropriations for design of the baseball and softball field complex at Maple.*

**Net Budget Effect:** County Governmental Construction (50) - Increased by \$200,000.

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Clerk to the Board



### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
10640	545000	Contract Services	\$ 1,200	
10640	511010	Data Transmission		\$ 1,200
10460	545000	Contract Services	\$ 15,060	
10490	545003	Contract Services - Court Facilities	\$ 1,300	
10460	516000	Maintenance & Repair		\$ 1,300
10490	590003	Capital Outlay - Court Facilities		\$ 4,060
10490	532003	Supplies - Court Facilities		\$ 1,000
10490	516003	Repairs & Maintenance - Court Facilities		\$ 10,000
			<u>\$ 17,560</u>	<u>\$ 17,560</u>

**Explanation:** *Public Works (10460); Court Facilities (10490); Cooperative Extension (10640) - Transfer budgeted funds to fund increases in landscaping contracts and for costs incurred for snow removal.*

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

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Clerk to the Board

### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
10511	516200	Vehicle Maintenance	\$ 4,591	
10511	554000	Insurance Bonds	\$ 320	
10511	531000	Gas	\$ 2,500	
10511	547000	Meals		\$ 2,820
10380	484001	Insurance Recover		\$ 4,591
			<u>\$ 7,411</u>	<u>\$ 7,411</u>

**Explanation:** Jail (10511) - Transfer funds for operations and increase appropriations for insurance proceeds to repair Jail vehicle damaged in accident.

**Net Budget Effect:** Operating Fund (10) - Increased by \$4,591.

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Clerk to the Board

### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
10510	516200	Vehicle Maintenance	\$ 4,650	
10380	484001	Insurance coverage		\$ 4,650
			<u>\$ 4,650</u>	<u>\$ 4,650</u>

**Explanation:** Sheriff (10510) - Increase appropriations for insurance proceeds to repair Sheriff vehicles damaged in accident.

**Net Budget Effect:** Operating Fund (10) - Increased by \$4,650.

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Clerk to the Board

### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
59808	596100	Professional Services	\$ 159,500	
59808	588000	Contingency		\$ 159,500
			<u>\$ 159,500</u>	<u>\$ 159,500</u>

**Explanation:** Ocean Sands Construction Fund (59-8) - Transfer funds from contingency to environmental assessment for expansion of the Ocean Sands Wastewater Treatment Plant.

**Net Budget Effect:** Ocean Sands Water & Sewer Construction Fund (59) - No change.

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Clerk to the Board

### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2014.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808	590001	Capital	\$ 256,000	
60808	588000	Contingency		\$ 256,000
			<u>\$ 256,000</u>	<u>\$ 256,000</u>

**Explanation:** Ocean Sands Water and Sewer Fund (60808) - Transfer funds from contingency to award contract to George Raper & Son for Sport Field project.

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

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Clerk to the Board

### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2014.

<u>Account Number</u>		<u>Account Description</u>	Debit	Credit
			<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
66868	532000	Supplies	\$ 10,000	
66868	533200	Lab Tests	\$ 1,000	
66868	545000	Contract Service		\$ 10,000
66868	590000	Capital Outlay		\$ 1,000
			<u>\$ 11,000</u>	<u>\$ 11,000</u>

**Explanation:** Southern Outer Banks Water System Fund (66868) Transfer funds for operations.

**Net Budget Effect:** Southern Outer Banks Water System Fund (66868) No change.

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Clerk to the Board

### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
12548	516015	Repairs - Maintenance	\$ 17,000	
12548	516115	Building & Grounds	\$ 1,000	
12548	526015	Promotion	\$ 683	
12548	532015	Supplies	\$ 2,500	
12548	536115	Personal Protective Equipm	\$ 15,000	
12548	553015	Dues & Subscription	\$ 5,000	
12548	554015	Insurance	\$ 184	
12548	545000	Contract Services		\$ 41,367
			<u>\$ 41,367</u>	<u>\$ 41,367</u>

**Explanation:** *Knotts Island Volunteer Fire Department (12548) Operating transfers as requested by Knotts Island VFD per e-mail January 23, 2014.*

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

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Clerk to the Board

### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
12546	514506	Travel/Training/Education		\$ 1,000
12546	516106	Buildings & Grounds	\$ 14,000	
12546	532106	Fire Supplies		\$ 4,000
12546	544006	Volunteer Assistance	\$ 3,530	
12546	553006	Dues & Subscriptions		\$ 1,500
12546	554006	Insurance Costs	\$ 3,000	
12546	561006	Professional Services		\$ 14,030
			<u>\$ 20,530</u>	<u>\$ 20,530</u>

**Explanation:** *Corolla Volunteer Fire Department (12546) - Operating transfers as requested by Corolla VFD per e-mail January 21, 2014.*

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

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Clerk to the Board

### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
10531	532000	Supplies	\$ 2,000	
10531	545000	Contract Services		\$ 2,000
			<u>\$ 2,000</u>	<u>\$ 2,000</u>

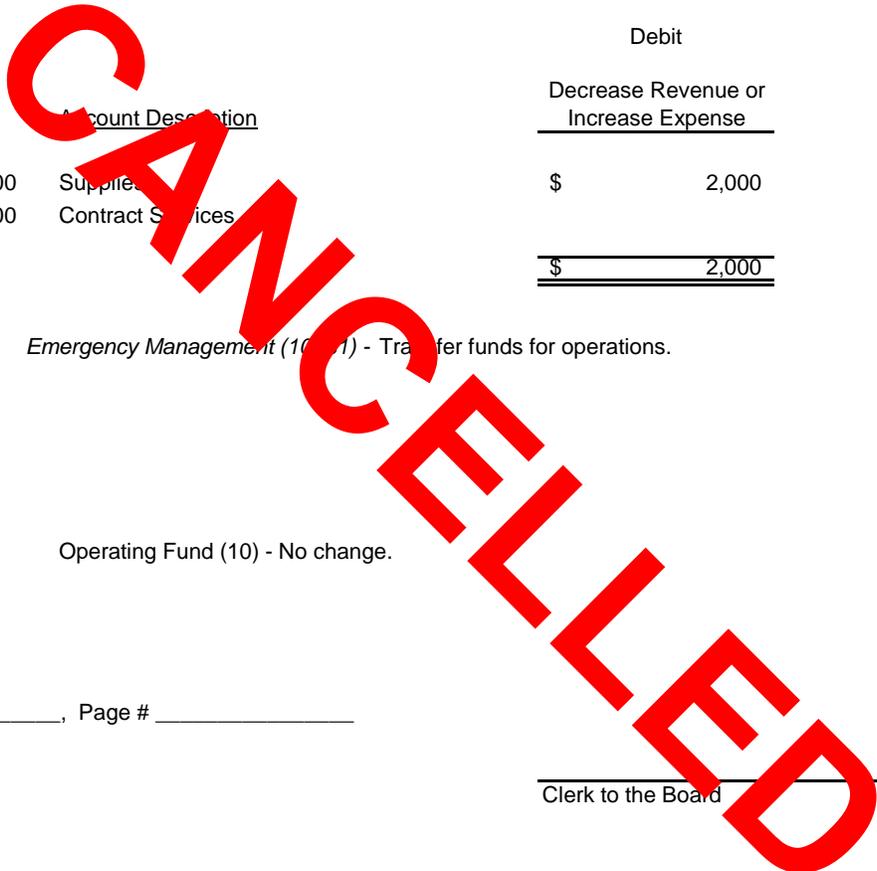
**Explanation:** *Emergency Management (100001) - Transfer funds for operations.*

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

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Clerk to the Board



### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
10460	531000	Gas	\$ 5,000	
10460	531400	Equipment Fuel		\$ 500
10460	516000	Repairs & Maintenance		\$ 4,500
			<u>\$ 5,000</u>	<u>\$ 5,000</u>

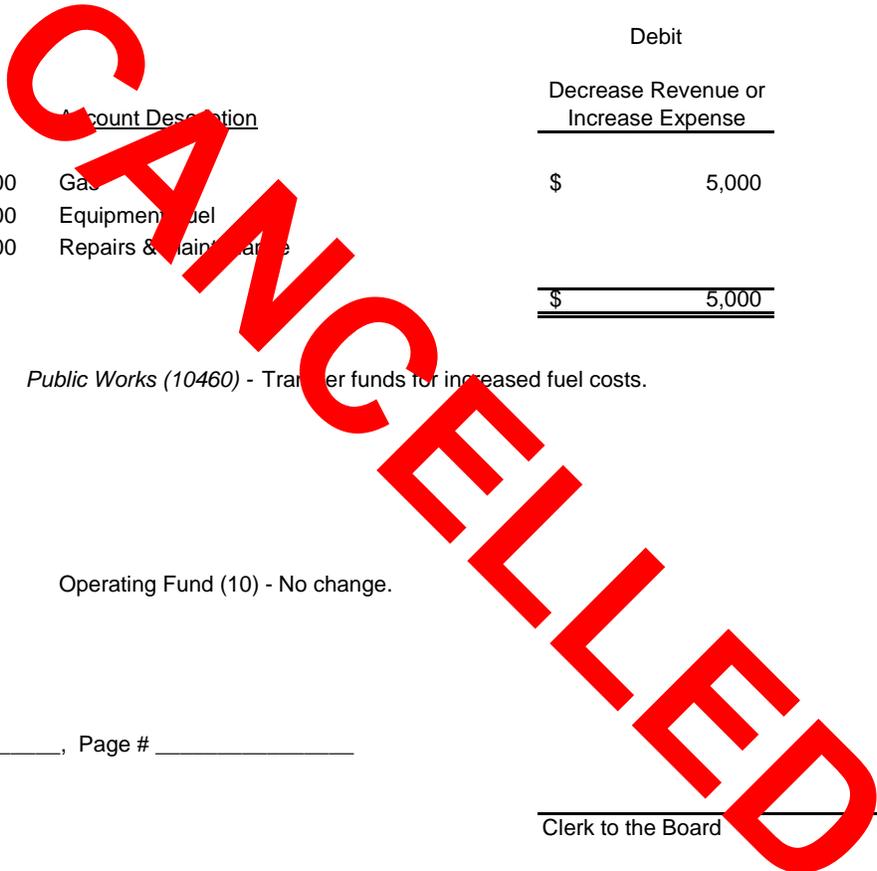
**Explanation:** *Public Works (10460) - Transfer funds for increased fuel costs.*

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

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Clerk to the Board



### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
68888	533200	Lab Res	\$ 2,500	
68888	561000	Professional Service		\$ 2,500
			<u>\$ 2,500</u>	<u>\$ 2,500</u>

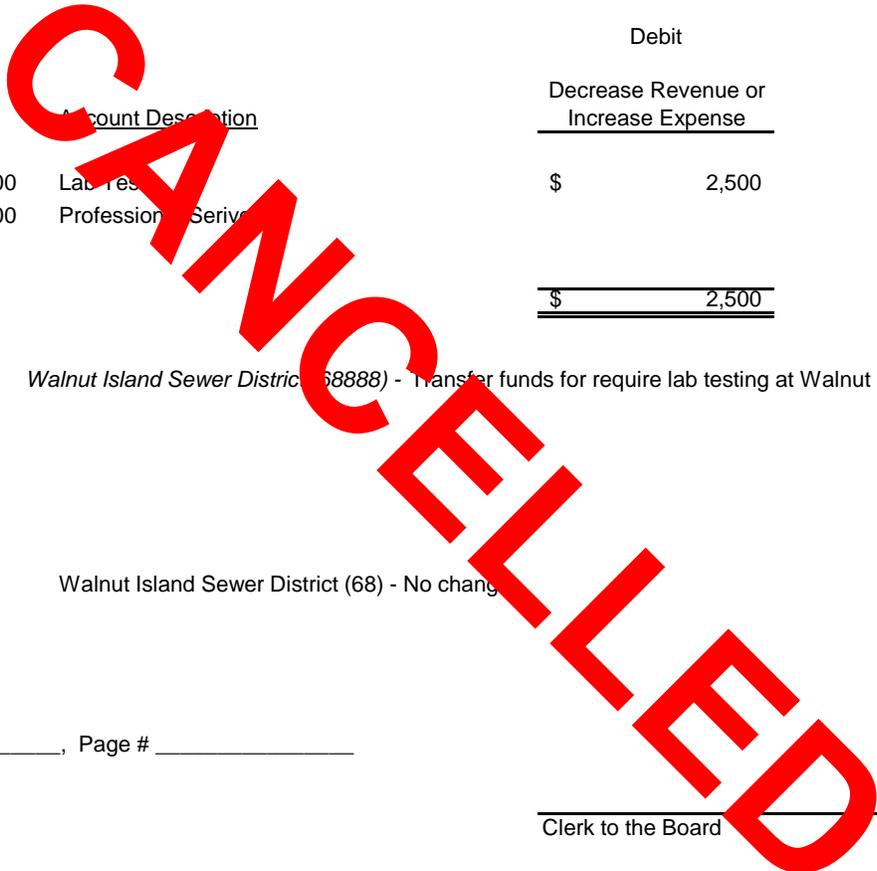
**Explanation:** Walnut Island Sewer District (68888) - Transfer funds for require lab testing at Walnut Island sewer.

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # 80279

\_\_\_\_\_  
Clerk to the Board



### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
10750	561000	Professional Services	\$ 25,000	
10752	519600	Daycare	\$ 569	
10760	519500	Adult EA	\$ 2,000	
10330	432800	Daycare		\$ 569
10390	499900	Appropriate Fund Expense		\$ 27,000
			<u>\$ 27,569</u>	<u>\$ 27,569</u>

**Explanation:** Social Services Administration (10750); Public Assistance (10752); County Assistance (10760) - Increase appropriations to provide mandated services while Kids First seeks contractor to provide services. Adjust Daycare expense and revenue lines to reflect most recent funding authorization. Increase Kids First allocation.

**Net Budget Effect:** Operating Fund (10) - Increased by \$27,000.

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # 80280

\_\_\_\_\_  
Clerk to the Board

### BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 17th day of February, 2014, 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>
61818	514500	Training and Education	\$ 300	
61818	532000	Supplies	\$ 3,500	
61818	545000	Contracted Services	\$ 5,500	
61818	513000	Utilities		\$ 9,300
			<u>\$ 9,300</u>	<u>\$ 9,300</u>

**Explanation:** *Mainland Water (61818) - Transfer fund operations for the remainder of this fiscal year in the Mainland Water enterprise fund.*

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

Minute Book # \_\_\_\_\_, Page # \_\_\_\_\_

Journal # 80295

\_\_\_\_\_  
Clerk to the Board



**CURRITUCK COUNTY BOARD OF COMMISSIONERS**

**ITEM TO BE CONSIDERED**

Meeting Date:  Agenda #

**SUBJECT:**

**REQUESTED ACTION:**

Submitted by:  Department:

Date submitted:  Attachments: Yes  No

**REVIEW PROCESS:**

	<u>Approved</u>	
County Manager	Yes <input type="checkbox"/>	No <input type="checkbox"/>
County Attorney	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Finance Director	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**REVIEW COMMENTS:**

# COUNTY OF CURRITUCK

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

Tracy Sample, Tax Administrator  
(252) 232-3005  
(252) 232-2109  
(252) 232-3568 (FAX)

## Memorandum

TO: Currituck County Board of Commissioners

CC: Sandra Hill, Finance Director

From: Tracy Sample, Tax Administrator

Date: February 7, 2014

RE: Order of Collections  
2013 Tax Levy & Prior Year Taxes to be Charged to the Tax Collector

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2013 REAL & PERSONAL PROPERTY TAX LEVY	\$	427,557.69
PRIOR YEARS TAXES**	\$	<u>55,049.85</u>
TOTAL TAXES	\$	382,607.54

\*The Current Year levy includes all penalties, solid waste fees, special district and animal taxes; does not include levies of public utilities valued by the NC Department of Revenue and registered motor vehicles, nor for tax discoveries, adjustments, and releases. These are reported to the Finance Director as required throughout the year.

\*\* Prior Year Taxes as of February 7, 2014

STATE OF NORTH CAROLINA  
COUNTY OF CURRITUCK

ORDER OF COLLECTIONS

TO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:

You are hereby authorized, empowered, and commanded to collect the taxes, current and past due, set forth in the tax records filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Currituck, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(SEAL)  
Chairman, Board of Commissioners of  
Currituck County

ATTEST:

\_\_\_\_\_  
Clerk of Board of Commissioners of  
Currituck County

(G.S. 105-321)



**CURRITUCK COUNTY BOARD OF COMMISSIONERS**

**ITEM TO BE CONSIDERED**

Meeting Date:  Agenda #

**SUBJECT:**

REPORT OF UNPAID 2013 REAL ESTATE TAXES -  
ORDER ADVERTISEMENT OF TAX LIENS

**REQUESTED ACTION:**

Issue an Order to Advertise the unpaid tax liens on real property.  
Return a signed copy for Tax Collector's records.

Submitted by:  Department:

Date submitted:  Attachments: Yes  No

**REVIEW PROCESS:**

	<u>Approved</u>	
County Manager	Yes <input type="checkbox"/>	No <input type="checkbox"/>
County Attorney	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Finance Director	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**REVIEW COMMENTS:**

STATE OF NORTH CAROLINA  
COUNTY OF CURRITUCK

**ORDER TO ADVERTISE UNPAID REAL ESATE TAX LIENS**

TO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:

Pursuant to G.S. 105-369 you are hereby authorized, empowered, and commanded to advertise the unpaid tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit within the time prescribed by G.S. 105-369(c).

Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chairman, Board of Commissioners of  
Currituck County (SEAL)

ATTEST:

\_\_\_\_\_  
Clerk of Board of Commissioners of  
Currituck County

# COUNTY OF CURRITUCK

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

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

## Report of Unpaid 2013 Real Estate Taxes Advertisement of Tax Liens

To: Board of County Commissioners  
From: Tracy Sample, Tax Administrator  
Date: February 7th 2014

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As of February 7<sup>th</sup> 2014, there is \$1,445,947.45 in unpaid taxes that are a lien on real estate for fiscal year 2013-2014.

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

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

\_\_\_\_\_  
Finance Officer

## GRANT AGREEMENT

THIS GRANT AGREEMENT (the "Agreement"), made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the COUNTY OF CURRITUCK, NORTH CAROLINA, a body corporate and politic existing pursuant to the laws of the State of North Carolina, (hereinafter called the "Grantor"), and CURRITUCK COUNTY HISTORICAL SOCIETY, a North Carolina nonprofit corporation, (hereinafter called the "Grantee");

### WITNESSETH:

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

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-457 a county may appropriate revenues to a local historical society for recording and publishing materials related to the history of the area; and

WHEREAS, Grantee has prepared for publication a publication entitled *Architectural History of Currituck County, North Carolina* to document the architecture of various structures throughout Currituck County and Grantee is in need of financial assistance for the printing of the publication.

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

Section 1. The Grant. In accordance with the terms of this Agreement, the Grantor will provide a grant to the Grantee up to the sum of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) or a sum equivalent to the actual cost to print and publish 1,500 copies of the book entitled *Architectural History of Currituck County, North Carolina*, (the "Book"), whichever amount is less.

Section 2. Disbursement of Grant Proceeds. So long as there exists no default (as herein defined), the Grantor will disburse the proceeds of the Grant upon Grantee's request and Grantee's provision of publisher's invoice or contract to Grantor.

Section 3. Use of Grant Proceeds. The proceeds of the Grant are to be used only for payment to a printer or publisher contracted by Grantee for the printing and publication of the Book.

Section 4. Grant Reimbursement. Grantee will sell copies of the Book in the amount of \$60.00. Of that amount, Grantee may retain \$5.00 and shall remit to Grantor \$55.00 until such time as the

Grantor is fully reimbursed the amount of the Grant disbursed to Grantee. Thereafter, any copies of the Book and proceeds derived from sale of the Book shall belong to Grantee.

Section 5. Mutuality of Obligation. The Grantee will accept all disbursements made by the Grantor pursuant to this Agreement up to the full amount of the Grant.

Section 6. No Third-Party Beneficiary; No Warranties. All conditions precedent to the obligation of the Grantor to make disbursements hereunder are imposed solely and exclusively for the benefit of the Grantor and its assigns. No other person shall have standing to require satisfaction of such conditions in accordance with their terms or be entitled to assume that the Grantor will refuse to make disbursements in the absence of strict compliance with any or all thereof. No person other than the Grantee shall, under any circumstances, be deemed to be a beneficiary of this Agreement, or any of the terms or conditions hereof, any or all of which may be freely waived in whole or in part by the Grantor at any time if in its sole discretion it deems it advisable to do so.

Section 7. Incorporation by Reference. The terms, conditions, warranties, representations and agreements contained in any document executed in connection with the Grant are incorporated herein by reference and made a part hereof as fully and completely as if set out herein verbatim and any default therein shall constitute a default hereunder.

Section 8. Events of Default. The following shall constitute defaults (each a "default") hereunder:

- (a) The failure of the Grantee to keep, perform or observe any covenant, agreement, term or condition herein required to be kept, performed or observed by the Grantee.
- (b) If any representation or certification given or at any time hereafter required to be given hereunder shall be false or erroneous in any material respect when made.

Section 9. Agreement to Survive. This Agreement shall survive the initial disbursement of funds and shall remain in full force and effect until such time as the Grant shall have been paid in full.

Section 10. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute but one and the same instrument.

Section 11. Successors and Assigns. The covenants, terms and conditions hereof contained shall bind (and the benefits and powers shall inure to) the respective heirs, executors, administrators, successors and assigns of the parties hereto. The Grantee, however, shall not assign its rights or obligations under this Agreement unless such assignment has been consented to by the Grantor in writing. Whenever used herein, the singular number shall include the plural, the plural the singular, and the term the "Grantor" shall include any transferee or assignee thereof, whether by operation of law or otherwise.

Section 12. Governing Law. This Agreement shall be governed by and construed in all respects under the laws of the State of North Carolina without regard to principles of conflict of laws.

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

GRANTEE:

ATTEST:

CURRITUCK COUNTY  
HISTORICAL SOCIETY

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President

(CORPORATE SEAL)

GRANTOR:

ATTEST:

COUNTY OF CURRITUCK

\_\_\_\_\_  
Clerk to the Board

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

(COUNTY SEAL)

**CANCELLED**