



**BOARD OF COMMISSIONERS  
AGENDA**

**September 15, 2014**

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# **REVISED**

## **Currituck County Board of Commissioners Agenda**

**Historic Currituck County Courthouse**

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**Date: Monday, September 15, 2014    Time: 7:00 PM**

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### **Work Sessions**

5:30 PM Soil Engineering and Drainage Certifications

6:00 PM Corolla Multi-Use Path

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

- A) Invocation-Reverend Emma Jones, Living Word Outreach Ministry
- B) Pledge of Allegiance-Reverend Emma Jones, Living Word Outreach Ministry
- 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) **Recognition of Service-Mary "Kitty" Etheridge**
- B) **Introduction of New Director of Elections, Rachel Raper**
- C) **Presentation: Green Sea Blueway & Greenway Management Plan**

### **Public Hearings**

- A) **Public Hearing and Action: PB 14-15 Saddlebrook Estates** PB 14-15 Saddlebrook Estates: Request for preliminary plat/use permit for a 28 lot conservation subdivision located in Moyock on the south side of South Mills Road, directly across the street from Crown Point Estates, Tax Map 6, Parcel 1N, Moyock Township.

- B) **Public Hearing and Action: PB 14-14 CASP, Inc.** PB 14-14 CASP, Inc.: Request for a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (CD-SFM) on property located in Moyock on Inventors Drive which is located on the east side of Caratoke Highway, Tax Map 9, Parcels 26A And 26B, Moyock Township.
  
- C) **Public Hearing and Action: PB 14-06 Currituck County, Request to Amend the Unified Development Ordinance** PB 14-06 Currituck County: Request to amend the Unified Development Ordinance Chapter 2: Administration, Chapter 3: Zoning Districts, to modify the major subdivision standards to include minor subdivisions, and clarify the minimum lot size for minor subdivisions in the AG and SFI districts.

### **Old Business**

- A) **Second Reading of Peddler's Ordinance Amendment**
  
- B) **Resolution to Modify the 2008 Debt for the Mainland Water System Reverse Osmosis Plant**

### **New Business**

- A) **Board Appointments:**
  - 1. Library Board, Whalehead Trust, Tourism Advisory Board
- B) **Consent Agenda:**
  - 1. Approval of Minutes for August 18, 2014 and Joint BOC/FEAB for VFIS Presentation, July 24, 2014.
  - 2. Budget Amendments
  - 3. CDBG Monthly Status Report
  - 4. Quote for Purchase of Tools-Knotts Island VFD
- C) **Commissioner's Report**
- D) **County Manager's Report**

### **Adjourn**



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

PB 14-15 Saddlebrook Estates: Request for preliminary plat/use permit for a 28 lot conservation subdivision located in Moyock on the south side of South Mills Road, directly across the street from Crown Point Estates, Tax Map 6, Parcel 1N, Moyock Township.

## Brief Description of Agenda Item

Saddlebrook Estates of LLC is requesting preliminary plat/use permit approval for a proposed 28 lot conservation subdivision. The proposed lots will be served by a community water system and on-site septic tanks. The proposed development density is .49 units per acre based on the gross acreage of the tract.

### Planning Board Recommendation:

Mr. Craddock moved to approve PB 14-15 due to its consistency with the 2006 Land Use Plan and consistent with the goals, objectives, and policies of the Moyock Small Area Plan, and in the public interest and promotes orderly growth and development with the following condition:

- The recorded easement that runs along the southside of the property and northside of the ditch, the developer shall allow the other subdivisions to have a right to this easement be allowed to enter from Derby Drive.

Mr. Cartwright seconded the motion and motion carried unanimously.

## Board Action Requested

Action

## Person Submitting Agenda Item

Ben Woody

## Presenter of Agenda Item

Ben Woody

CASE ANALYSIS FOR THE  
Board of Commissioners  
DATE: September 15, 2014  
PB 14-15 Saddlebrook Estates

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**ITEM:** PB 14-15 Saddlebrook Estates request for preliminary plat – use permit approval for a 28 residential lot conservation subdivision.

**LOCATION:** Moyock – South Mills Road, Moyock Township.

**TAX ID:** 0006-000-01N-0000

**ZONING DISTRICT:** Agricultural (AG)

**PRESENT USE:** Active Farmland/Wetlands

**APPLICANT/  
OWNER:** Saddlebrook Estates LLC  
Justin Old  
422A Caratoke Highway, Suite 2  
Moyock, NC 27958

**ENGINEER:** Bissell Professional Group  
P.O. Box 1068  
Kitty Hawk, NC 27949

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Low density residential	AG
<b>SOUTH</b>	Farmland	AG
<b>EAST:</b>	Low density residential/Farmland	AG
<b>WEST:</b>	Farmland	AG

**LAND USE PLAN**

**CLASSIFICATION:** The 2006 Land Use Plan classifies the site as Rural within the Moyock subarea. The Moyock Small Area Plan also classifies the site as Rural.

**SIZE OF SITE:** 56.73 acres

**NUMBER OF UNITS:** 28 lots

**PROJECT DENSITY:** 0.49 units per acre

**RECREATION AND  
PARK AREA**

**DEDICATION:** The required recreation and park area dedication for the proposed development is .714 acres. The Technical Review Committee determined that the land dedication meets the criteria in Section

6.5.4 of the UDO; therefore, a payment in lieu of the dedication in the amount of \$3,616 shall be collected based on the land's assessed value.

**UTILITIES:** The proposed development will be served by a community water system and individual on-site wastewater.

**I. NARRATIVE OF REQUEST:**

1. The applicant is requesting preliminary plat approval and a use permit for a 28 residential lot conservation subdivision off of South Mills Road in Moyock.
2. A conservation subdivision provides additional development flexibility to build on smaller lots when additional open space set-asides are provided. The development is designed and located in a way that protects agricultural activities or natural and historic features on the site. The developer plans to conserve 61.35% of the property. The majority of the conserved land is wetlands.
3. All 28 lots will be serviced by a community well located at the northern portion of the open space along South Mills Road. A community water service area will consist of these 28 lots plus a proposed 20 lot subdivision to be known as Backwoods Reserve across the street from this proposal.
4. No lot will have a direct connection to South Mills Road. All lots will connect to an interior street.
5. Road interconnectivity is being provided to the property to the east.
6. Similar subdivisions, Crown Point Estates, Quail Pointe, and Duck Ridge, are located near this proposal.

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

**Use Permit Criteria and Staff Findings:**

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

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

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

**Suggested Findings:**

- a. The 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.

**Suggested Findings:**

- a. The minimum lot size for the proposed development is 28,500 square feet, and is consistent with residential densities in the surrounding area.
- b. The development should not injure the value of adjoining or abutting lands and be in harmony with the area.

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

**Suggested Findings:**

- a. The UDO indicates that a Type II conservation subdivision is allowed in the AG zoning district with a use permit.

The 2006 Land Use Plan classifies this site as Rural within the Moyock subarea. The policy emphasis of the Land Use Plan is for the Moyock subarea to properly manage the increased urban level of growth that this area is sure to experience. Residential development densities should be medium to high depending upon available services. In areas where on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. Clustered housing developments will need to be encouraged. The proposed use is in keeping with the policies of the Land Use Plan, some of which are:

POLICY ES2: NON-COASTAL WETLANDS, including FRESHWATER SWAMPS, AND INLAND, NON-TIDAL WETLANDS, shall be conserved for the important role they play in absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table, and providing critical habitat for many plant and animal species.

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.

POLICY WQ4: RUNOFF AND DRAINAGE from development, forestry and agricultural activities shall be of a quality and quantity as near to natural conditions as possible. Post-development runoff shall not exceed pre-development volumes.

The 2014 Moyock Small Area Plan also classifies this site as Rural. The policy emphasis of the Moyock Small Area Plan is to provide for low density, scattered residential, institutional, agricultural, or other traditional rural uses such as small scale farm operations. Residential densities in this designation are low at less than one unit per acre. Access to public water, fire protection, and emergency services is limited but available. The proposed use is in keeping with the policies of the Moyock Small Area Plan, some of which are:

POLICY IS 4: Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas.

POLICY CC 1: Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.

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

**Suggested Findings:**

- a. The proposed 28 lot residential subdivision will not exceed the county's ability to provide adequate public facilities.

**III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

Pursuant to the Unified Development Ordinance and the findings of fact, the Technical Review Committee recommends approval as noted:

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method. (Fire Marshal)
2. At construction drawing submittal, the developer may be asked to install a larger water main along South Mills Road to support future growth of the county water system. The 6" main is being installed to support the community water system to be shared by Saddlebrook Estates and Backwoods Reserve Subdivision. (Planning)
3. There is an existing 40' drainage easement along the southern property line that contains a significant drainage ditch for Crown Point Estates. There must be a 25' working area between the ditch and the start of the required farmland buffer. Tree planting alignment may need to be altered to accommodate the work area. (Soil Conservation)

**IV. PLANNING BOARD RECOMMENDATION:**

Mr. Craddock moved to approve PB 14-15 due to its consistency with the 2006 Land Use Plan and consistent with the goals, objectives, and policies of the Moyock Small Area Plan, and in the public interest and promotes orderly growth and development with the following condition:

- The recorded easement that runs along the southside of the property and northside of the ditch, the developer shall allow the other subdivisions to have a right to this easement be allowed to enter from Derby Drive.

Mr. Cartwright seconded the motion and motion carried unanimously.

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

**PLANNING BOARD DISCUSSION (8/12/14)**

Mr. Bissell provided an updated map which showed the conservation and development land in the subdivision. In the open space area there will be two stormwater ponds. There is an existing easement that provides drainage from Crown Point Estates into the open space. The 40' drainage easement in Crown Point will actually be within the 50' farmland buffer. The blue area in the northwest corner of the map shows the water supply wells. The community water system will go there and the state has approved it. Onsite septic systems have been approved by the health department for all the lots.

Mr. Cooper asked what the well depth is.

Mr. Bissell said around 115 feet.

Mr. Cooper asked if the drainage system will have a combination of stormwater ponds and drainage to the wetlands; or is there a main outlet leaving the property.

Mr. Bissell said there is a main outlet running along the southern property line; and the northern half of the subdivision will drain to the stormwater ponds.

Mr. Clark asked if there is any flooding that takes place on the property now.

Mr. Bissell said a couple of lots.

Mr. Craddock said that drainage would go towards the street and towards both ends of the subdivision, the east and west end, in order to get into the retention ponds.

Mr. Bissell said that is correct.

Mr. Garrett said he does not have a problem with the subdivision, but has questions about a privately owned water plant which will be controlled by the Homeowners Association. Once the plant is controlled by the Homeowners Association, does the county have the ability to force them to maintain the plant which is costly to run yearly? Mr. Garrett asked what the recovery rate on the wells is. Mr. Garrett suggested maybe a bond be required to maintain the water plant twenty years out. Mr. Garrett understood that the outlet road going across the drainage ditch was going to the Walston farm and not east. Mr. Garrett can't believe the water quality is so good that it does not require filtration.

Mr. Woody said when a developer proposes a community water system before the final plat is recorded they have to establish a water district. A water district is a political boundary which encompasses the users. The water district gives the Board of Commissioners the authority to tax these users to make necessary repairs if needed.

Mr. Cooper asked if the state is involved in any way.

Mr. Woody said this system will need to be permitted through the state.

Mr. Bissell said the state will regulate it and monthly reports to the state will be required. The state requires a water system management plan; which will have a financial plan with the operating costs, due structure, and reserves that will be required.

Mr. Garrett asked what the price range of the homes will be.

Mr. Bissell said he does not have this information.

Mr. Kennedy said he lives directly across from the subdivision in Crown Point. Mr. Kennedy is concerned that the subdivision will decrease property values, stormwater drainage, set aside land for the future widening of South Mills Road, size of lots, and not in harmony with the surrounding area.

Mr. Hanson said he is the HOA President for Crown Point representing the homeowners. Mr. Hanson said Hyman and Robey just did a survey for them and the easement which runs through the middle of the property is not on the southside of the ditch, but on the northside. This drainage ditch does go into the Guinea Mill water shed, it does not go into the marsh area, which the association does pay taxes. Mr. Hanson said access to the easement, you will see where the houses are built along this ditch and they will need access. There is a culvert where the ditch meets South Mills Road, just east of the main access to the Crown Point subdivision, this culvert needs to stay because this is how they maintain the drain. The maintenance of this drain needs to be a shared responsible. Mr. Hanson talked about the density and it would impact the value of their property. Every home in Crown Point has a filtration system because of the high levels of iron in the water. Mr. Hanson said their biggest concerns are the drainage and easement.

Mr. Elliott supports what Mr. Hanson said.

Ms. Black said she is there to represent the Rosa Walston Estate. Ms. Black said there needs to be a back-up system on South Mills Road in terms of water rate. Ms. Black said she is not confident there is enough water to supply these developments ten or fifteen years out. She does not want to raise taxes.

Mr. Bissell said they did two test wells and the water samples were suitable without filtration. The drainage design has been reviewed by the county engineering staff and Mike Doxey and approved. The drainage plan is complying with the new county stormwater rules. Mr. Bissell said they have provided a 40' strip of land between the road and lots for future road widening. The house range will be between \$200,000 to \$300,000.

Mr. Craddock said the recorded easement that runs along the southside of the property and northside of the ditch, would the developer allow the other subdivisions that have a right to this easement be allowed to enter from Derby Drive.

Mr. Bissell said yes.

Mr. Cartwright said with the new county stormwater rules in affect you are getting a better product, than when Crown Point was done.

Mr. Hanson asked since Crown Point and the new subdivision will be sharing the ditch, what will be in place for maintaining it between the two subdivisions.

Mr. Woody said that since the new subdivision is draining into the ditch, they do have an obligation to provide maintenance.

Mr. Bissell said this can be worked out.

Mr. Cartwright asked what the typical depth of a well in Currituck is.

Ms. Glave said 30' to 45'.

Mr. Craddock said when an appraisal takes place on a piece of real estate and you have a home that is on three acres, 2,500 or 3,500 sq. ft., brick home; the appraiser will not be looking at a home that may exist across the street that is 1,800 to 2,000 sq. ft. on a half-acre lot. This would not be a good comparable. Therefore, these properties will not affect your property values negatively because you have a different type of property.

Mr. Cooper said in regards to the existing 40' drainage easement there are trees buffer in there. Is this part of the requirement?

Ms. Glave said it is an ordinance requirement.

Mr. Woody said given the information that has been received regarding the easement and Crown Points rights this needs to be reviewed by staff.

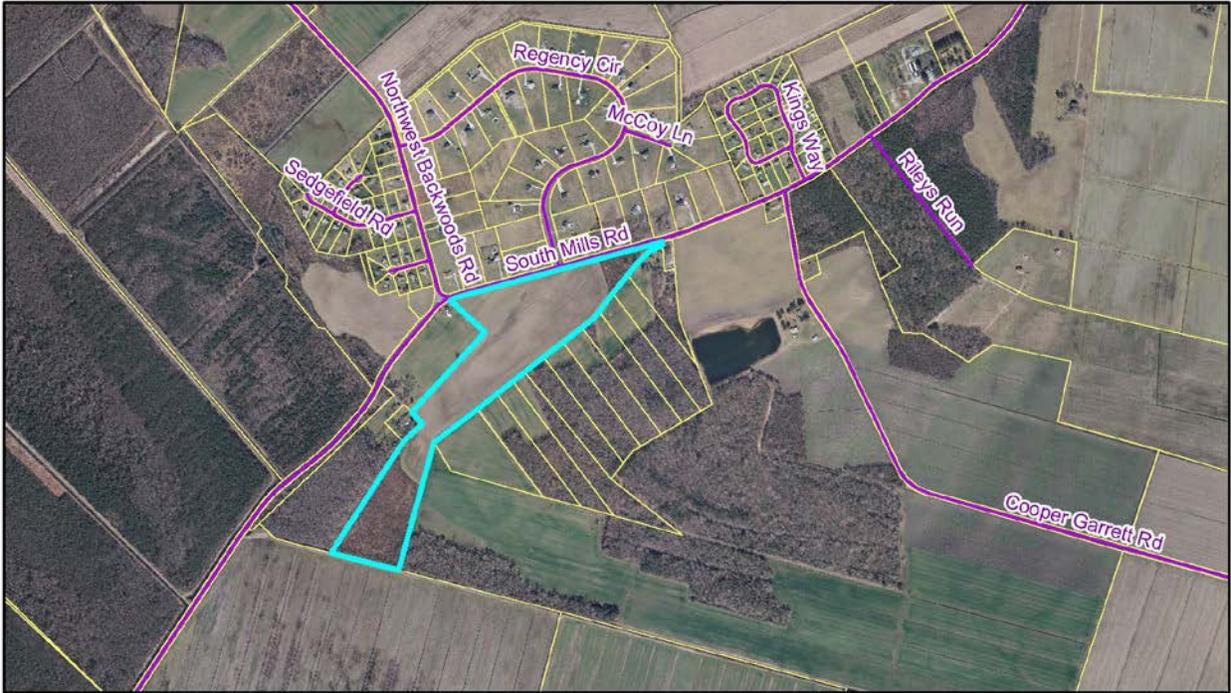
Mr. Clark closed the public hearing.

### **ACTION**

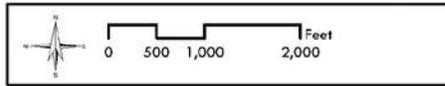
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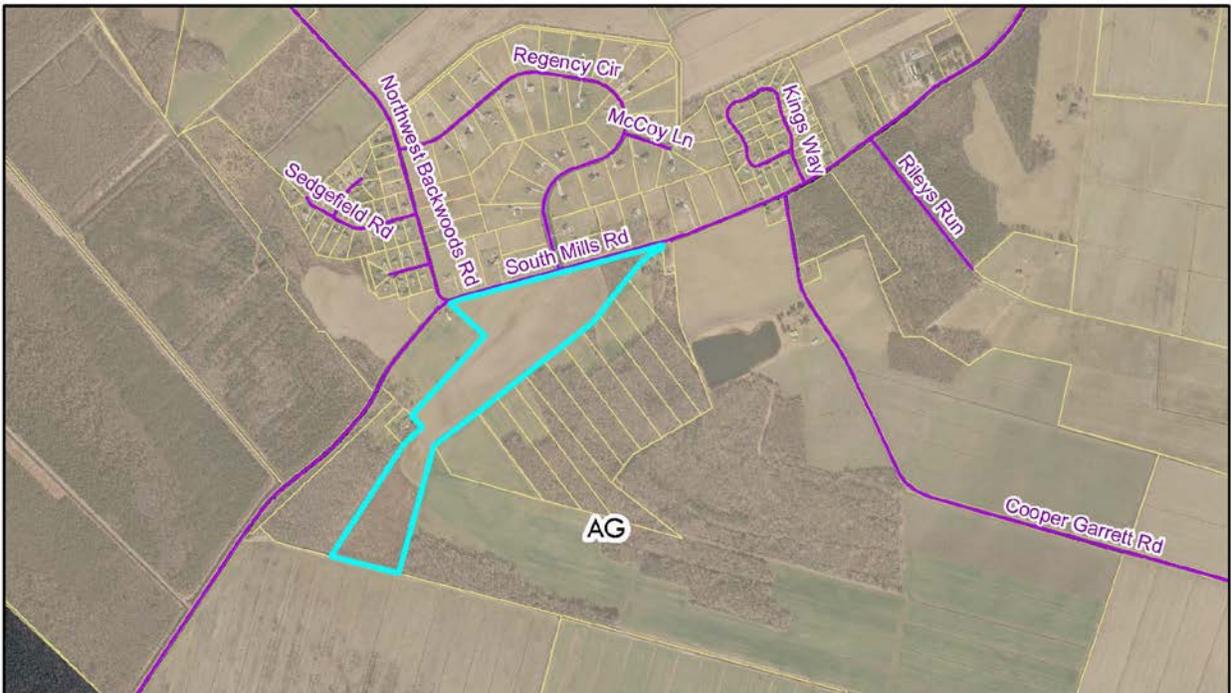
Mr. Cartwright seconded the motion and motion carried unanimously.



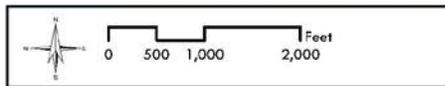
PB 14-15 Saddlebrook Estates  
 Preliminary Plat - Use Permit  
 2012 Aerial Photography



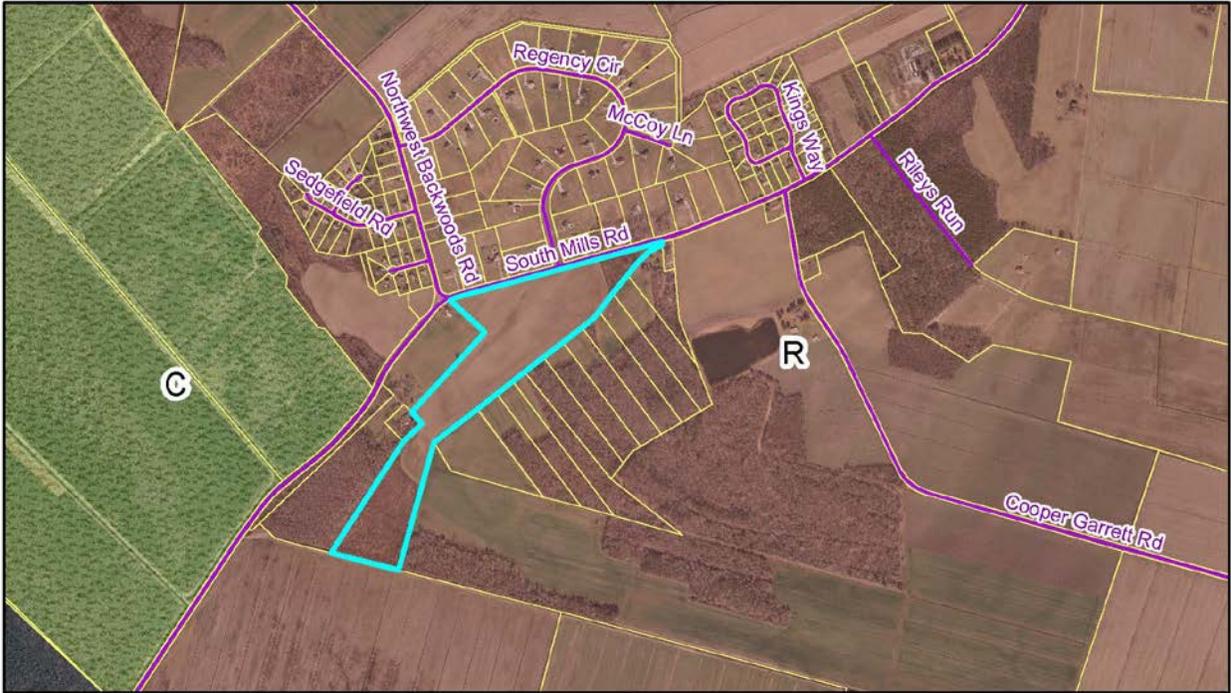
Currituck County  
 Planning and  
 Community Development



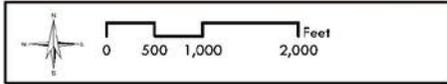
PB 14-15 Saddlebrook Estates  
 Preliminary Plat - Use Permit  
 Zoning



Currituck County  
 Planning and  
 Community Development



PB 14-15 Saddlebrook Estates  
 Preliminary Plat - Use Permit  
 Land Use Classification




 Currituck County  
 Planning and  
 Community Development

## MEMORANDUM

**To:** Mark Bissell  
Saddlebrook Estates, LLC  
Margaret Garrett

**From:** Tammy Glave, Planner II

**Date:** July 10, 2014

**Re:** Saddlebrook Estates, Preliminary Plat/Use Permit, TRC Comments

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The following comments have been received for the July 16, 2014 Technical Review Committee meeting. Modifications of the request must be submitted by July 21, 2014 in order to remain on the August 12, 2014 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

### **Planning, (Tammy Glave, 252-232-6025)**

Approved with comments:

1. Provide Army Corp verification letter/signed map. (Administrative Manual) (Mark notified on July 3<sup>rd</sup> of Incomplete application – if not received by July 15<sup>th</sup>, will be pulled from July 16<sup>th</sup> TRC Agenda)
2. Call out the preliminary plat as a conservation subdivision.
3. Show utility easements on each lot. Can be shown on typical lot detail. (Administrative Manual)
4. Zoning conditions do not apply to this development (see first note #5).
5. There are two “Note 5s” on the preliminary plat.
6. Label the typical lot detail as the minimum dimensional standards and call out minimum lot size.
7. Please make sure client is aware that all new utilities must be underground (UDO Section 6.2.3)
8. The county does not wish to accept the dedicated portion of land for parkland; therefore, the fee-in-lieu must be paid. Fee-in-lieu is \$3,616. (Total tax value \$287,300/56.73 acres = \$5,064 per acre x .714 (28 lots x .0255) = \$3,616)
9. No more than 24” of fill for septic system. (UDO Section 7.3.3)
10. Title development area map as such and clearly delineate the difference between primary conservation areas and secondary conservation areas. (UDO Sections 6.4.3 and 6.4.5)
11. Title conservation and development plan as such. (6.4.3)
12. For future reference, the Moyock Small Area Plan mentions that NCDOT recommends South Mills Road be widened to a four lane major thoroughfare, with paved shoulders in the Currituck County Transportation Improvements Plan.

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

Approved without comment.

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

Approved without comment.

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

Reviewed with comment:

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method.

**Currituck County GIS (Harry Lee, 252-232-4039)**

Denied/Resubmit:

1. Cannot use the street name Appaloosa Dr (Appaloosa already reserved by another subdivision)
2. Briarcliffe Ln OK  
Canterbury Ct OK  
Derby Dr OK
3. Applicant can call GIS to determine a usable street name. Please resubmit plat with approved street name. Addresses will be assigned by GIS after resubmittal.

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

Approved with comment:

1. Suggest fee-in-lieu of parkland dedication.

**Currituck County Utilities (Pat Irwin, 252-232-6061)**

Approved without comment.

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

Approved with comment:

1. Please consult with Kevin Carver RS at 252-232-6603 concerning septic system approval for each lot that makes up this proposed subdivision.

**NC Department of Transportation (Brent Bass, 252-331-4737)**

Reviewed with comment:

1. From a DOT standpoint there is nothing "unsafe" about either two subdivisions. Both are 90 degree entrances to the road and are 200 FT or more from any intersection. Regarding turn lanes and traffic analysis, both subdivisions have a low number of lots, so it would not be required. I understand the public viewpoint of South Mills Rd. but even if you add the two subdivisions together the lot number is still not enough to warrant a traffic impact analysis.

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

Reviewed without comment.

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

Reviewed with comment:

1. One site, 31CK53, is located in the southeast corner of the development. This site has been determined ineligible for inclusion on the National Register of Historic Places. No further work is recommended. An archaeological survey is not recommended.

**US Postal Service, Moyock Postmaster**

1. Please contact the local postmaster (Moyock) to determine the mode of delivery and type of delivery equipment.

**The following items are necessary for resubmittal:**

- 3 - full size copies of revised plans.
- 12- 11"x17" copy of all revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised or new documents and plans.



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

PB 14-14 CASP, Inc. request for a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (CD-SFM) on property located in Moyock on Inventors Drive which is located on the east side of Caratoke Highway, PIN 0009000026A0000 and 0009000026B0000, Moyock Township.

## Brief Description of Agenda Item

The applicant is requesting conditional rezoning of 37 acres located in Moyock on Inventors Drive. The proposed development is a conservation subdivision consisting of 74 residential lots. The applicant proposes to connect to the Moyock Central Sewer System and offers the following zoning conditions:

1. Use: conservation subdivision
2. Maximum of 74 homes
3. Minimum lot size of 10,000 square feet
4. Existing trees will be protected and preserved to the greatest degree practicable
5. Buffers to surrounding properties will exceed Currituck County requirements

A community meeting was held on May 15, 2014 at Moyock Library and was not attended by any adjacent property owners.

## Planning Board Recommendation:

Mr. Cooper moved to approve PB 14-14 due to its consistency with the goals, objectives, and policies of the 2006 Land Use Plan and Moyock Small Area Plan, and is compatible with existing and proposed uses surrounding the land, and is the appropriate zoning district and uses for the land. Ms. Overstreet seconded the motion and motion carried unanimously.

## Board Action Requested

Action

## Person Submitting Agenda Item

Ben Woody

## Presenter of Agenda Item

Ben Woody

**CASE ANALYSIS FOR THE  
BOARD OF COMMISSIONERS  
DATE: September 15, 2014  
PB 14-14 CASP, Inc.**

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**ITEM:** PB 14-14 CASP, Inc.: a conditional rezoning of 37 acres from Light Industrial (LI) to Conditional District- Single Family Mainland (C-SFM).

**LOCATION:** Moyock – Inventors Drive, off Caratoke Highway

**TAX ID:** 0009000026A0000  
0009000026B0000

**OWNER:** CASP, Inc.  
PO Box 39  
Moyock, NC 27958

**APPLICANT:** Hidden Acres Currituck, LLC  
PO Box 743  
Moyock, NC 27958

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

	<b>Land Use</b>	<b>Zoning</b>
<b>NORTH:</b>	Agricultural/Undeveloped Residential	AG
<b>SOUTH</b>	Assisted Living/Undeveloped Residential	GB
<b>EAST:</b>	Residential Open Space (County Owned)	SFM
<b>WEST:</b>	Fuel Supply Facility/Vacant	GB

**LAND USE PLAN  
CLASSIFICATION:**

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

The policy emphasis of the Moyock sub-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 on-site wastewater is proposed and other County services are limited, development density should be limited to 1-2 units per acre. However 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 through the use of overlay zones.

**MOYOCK SAP:**

The Moyock Small Area Plan classifies the property as Full Service.

Full Service designations are focal points in the community where high amounts of activity occur. Mixed use development with both residential and commercial components will be present in these areas. In addition, clustered or planned commercial and residential areas with diversity in housing types are preferred. Typical densities in full service designations range from 1.5 – 3 units per acre depending on surrounding land uses. All development should encourage human scale development and interconnected transportation systems that support both vehicles and pedestrians.

Policies supporting the request include:

**Policy FLU 1** Promote compatibility between new development and existing development to avoid adverse impacts to the existing community. This is achieved through design and includes larger setbacks, landscaped or forested strips, transition zones, fencing, screening, density and/or bulk step downs, or other architectural and site planning measures that encourage harmony.

- CURRENT ZONING:** Light Industrial (LI)
- PROPOSED ZONING:** Conditional District - Single Family Mainland (C-SFM)
- CURRENT USE:** Undeveloped
- SIZE OF SITE:** 37+/- acres
- ZONING HISTORY:** Agricultural (A) – 1989 Zoning Map  
Light Manufacturing (LM) - 1999 Zoning Map
- UTILITIES:** County water is available to serve this development. The developer is requesting connection to the Moyock Central Sewer System.
- TRANSPORTATION:** The proposed development has access to Caratoke Highway through an existing unimproved right-of-way. There is an existing rail crossing located at the property's development entrance. The proposed road and rail crossing serving the development will be improved to NCDOT standards.
- FLOOD ZONE:** The proposed development is located in the Shaded X flood zone (500-year).
- WETLANDS:** The county wetland inventory maps indicate the property has wetland characteristic; however, a wetland delineation is not required until submittal of the subdivision.
- SOILS:** The proposed development is located on Roanoke soils, which are considered poorly drained. The development is proposing to manage wastewater through off-site treatment and disposal.
- PLAN REQUEST:** Conservation subdivision with 74 residential lots (2 du/acre) and 14.84 acres of open space (40%).

**PROPOSED ZONING CONDITIONS:**

1. Use: conservation subdivision
2. Maximum of 74 homes
3. Minimum lot size of 10,000 square feet
4. Existing trees will be protected and preserved to the greatest degree practicable
5. Buffers to surrounding properties will exceed Currituck County requirements

**COMMUNITY MEETING:**

A community meeting was held on May 15, 2014 at the Moyock Library. Mark Bissell presented a brief summary of the development proposal, along with a conceptual plan of the development. No adjacent property owners attended the meeting.

**TECHNICAL REVIEW COMMITTEE RECOMMENDATION:**

The conditional zoning process provides an opportunity for an applicant to propose use limitations or development conditions that ensure development proposals are consistent with the policies set forth in adopted plans. The TRC **recommends approval** of the proposed request. The conditional rezoning request is consistent with the goals, objectives, and policies of the Land Use Plan and Moyock Small Area Plan, and is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land.

Additional Staff Comments:

Larger lot subdivisions exist to the north and south of the land subject to the application; however, the adjacent lots proposed to the south are not platted and the adjacent lots located to the north are platted but no dwelling units have been constructed. The subject property's retention of the existing perimeter wooded buffer will help promote compatibility with adjoining properties.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board **recommended approval** of the development agreement as presented with technical review committee recommendation.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE  
<http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm>

**PLANNING BOARD DISCUSSION (8/12/14)**

Mr. Cooper asked if the Railroad Company has to give permission for them to cross.

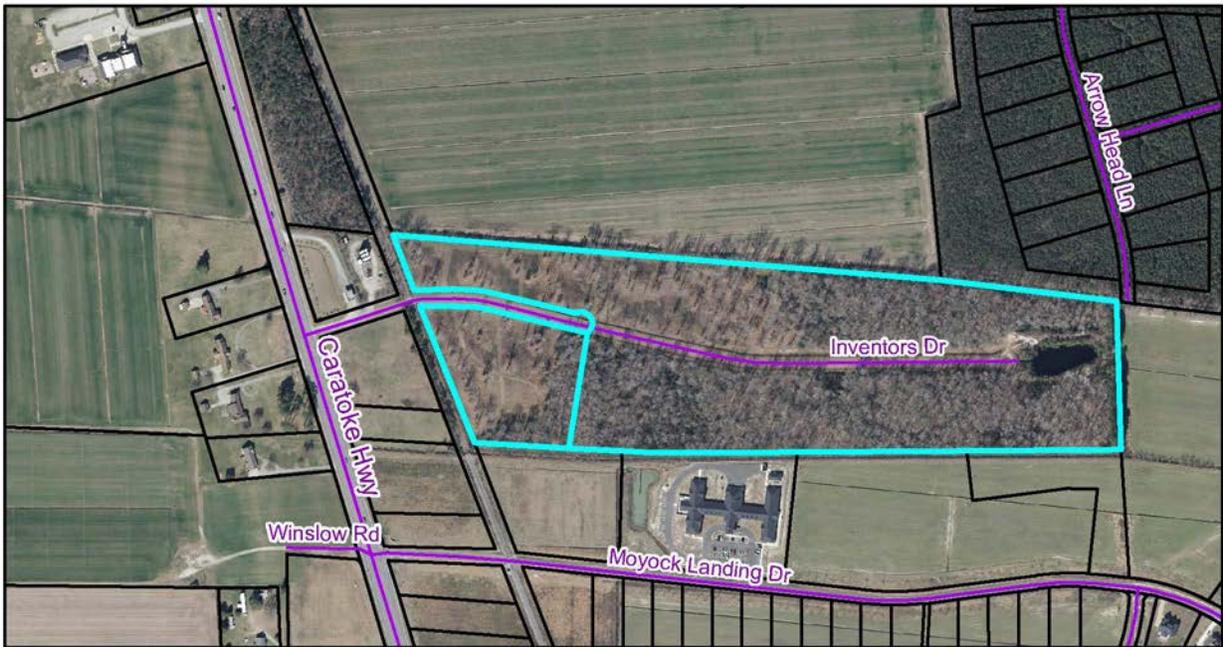
Mr. Woody said liability insurance will have to be paid for this crossing and they will have to have an agreement with the Railroad Company.

Mr. Bissell said there is an existing approved crossing, but not to the Department of Transportation (DOT) standards. They are working with the Railroad Company and the Homeowners Association will maintain it until DOT takes it over. This project will have sidewalks on both sides of the street. Mr. Bissell provided pictures of the future site and provided an overview of the project.

Mr. Clark closed the public hearing.

**ACTION**

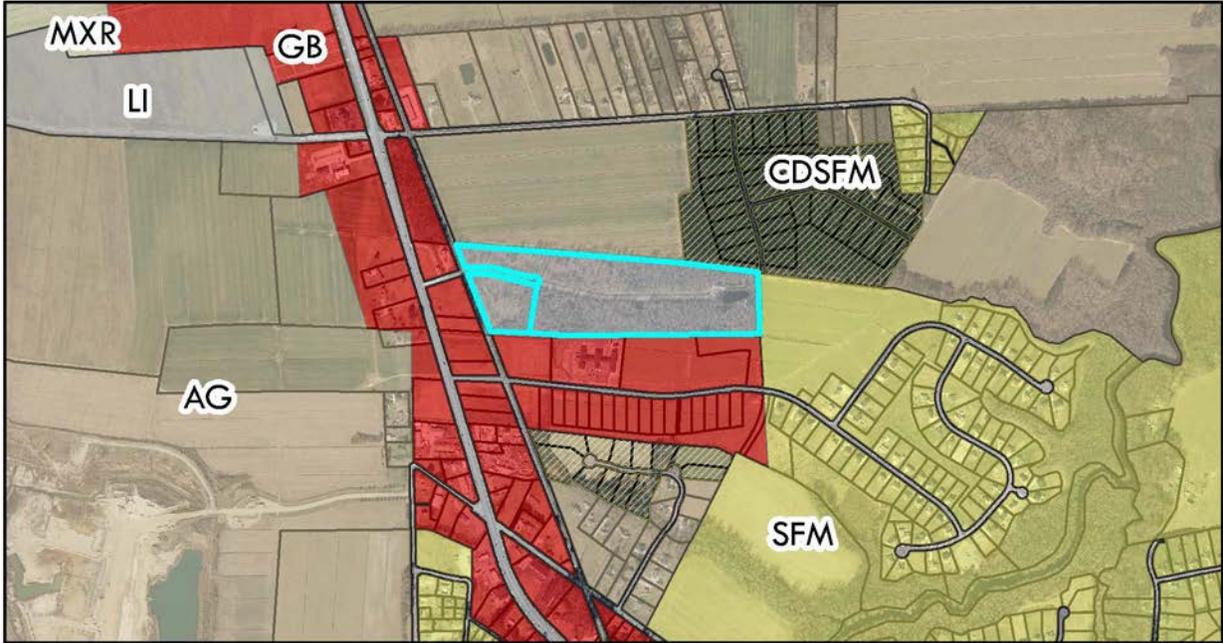
Mr. Cooper moved to approve PB 14-14 due to its consistency with the goals, objectives, and policies of the 2006 Land Use Plan and Moyock Small Area Plan, and is compatible with existing and proposed uses surrounding the land, and is the appropriate zoning district and uses for the land. Ms. Overstreet seconded the motion and motion carried unanimously.



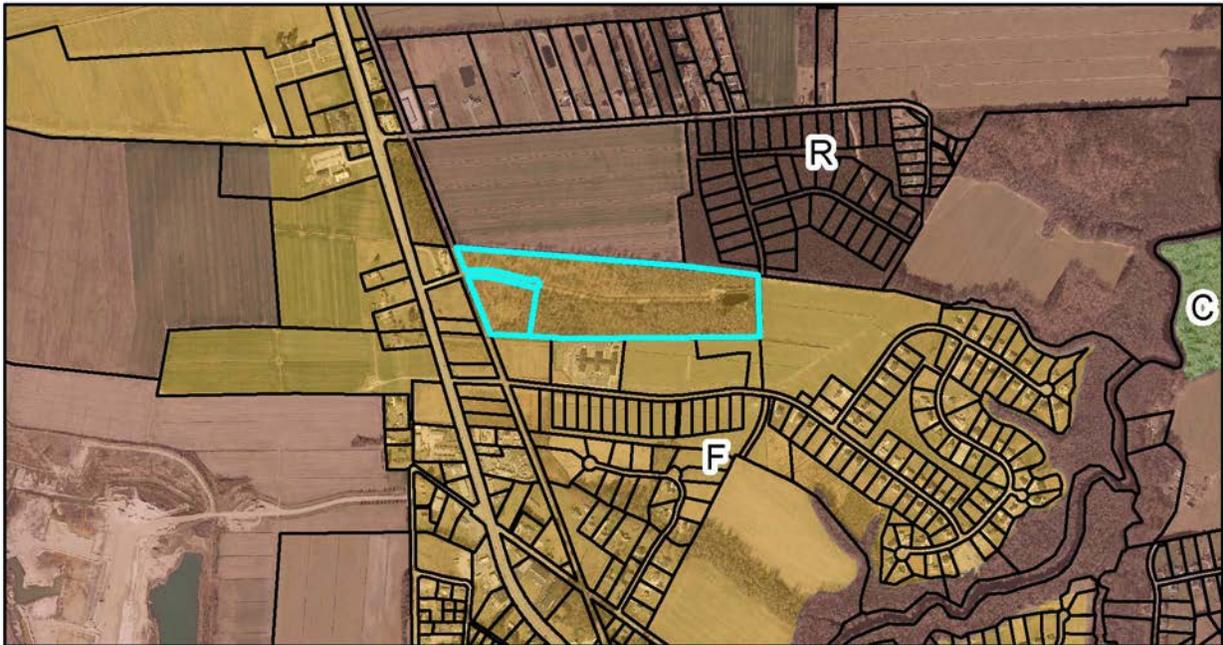
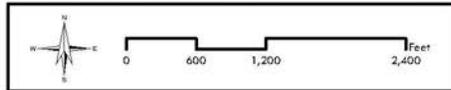
PB 14-14 CASP, Inc.  
Conditional Zoning



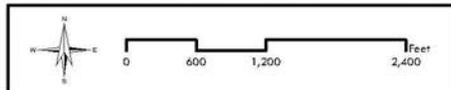
Currituck County  
Planning & Community  
Development



PB 14-14 CASP, Inc.  
Conditional Zoning



PB 14-14 CASP, Inc.  
Conditional Zoning





## Currituck County

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

To: Justin Old  
Mark Bissell

From: Planning Staff

Date: July 11, 2014

Subject: PB 14-14 CASP, Inc. - Conditional Rezoning

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The following comments have been received for the July 16, 2014 TRC meeting. Modifications of the request must be submitted by July 22, 2014 in order to remain on the August 12, 2014 Planning Board agenda. TRC comments are valid for six months from the date of the TRC meeting.

### **Planning, Ben Woody**

Reviewed

1. Title block: conditional zoning not conservation subdivision
2. Label Baxter Estates as an adjacent use type (single family subdivision).
3. Indicate if the existing trees located in open space will remain undisturbed. The UDO requires that heritage trees be protected or replaced.
4. Indicate the general location of pedestrian circulation features.
5. Include any existing utility lines located on and within 50' of the subject property.
6. The county wetland inventory maps and correspondence from Coastal Permit Assistance indicate the property has wetland characteristics. A wetland delineation will be required prior to submission of a preliminary plat.
7. Indicate the farmland compatibility buffer along the northern & eastern property line.
8. development summary
  - a. Include ownership information, site address, and parcel id numbers
  - b. Include existing and proposed zoning classifications
  - c. Include any proposed dimensional standards
  - d. In addition to the average lot area, will there be a lot area minimum?
9. Will the subdivision streets meet NCDOT design standards and are they intended for dedication, or will they remain private?
10. What is the status of the railroad crossing? What is the long-term plan for access and maintenance of the crossing?
11. Staff suggests the applicant modify the proposed uses zoning condition to specify a conservation subdivision is proposed.

12. What is the conservation emphasis of the proposed development and will low impact development features be incorporated into the site design?

**Currituck County Engineer, Eric Weatherly**

**Currituck Soil and Water, Mike Doxey**

Approved

**Currituck County Utilities, Pat Irwin**

No Comment

**Currituck County Fire Marshal, James Mims**

Approval with Corrections

1. The Needed Fire Flow (NFF) of new construction cannot exceed the available fire flow at the location. Calculations are taken from the ISO method.

**Albemarle Regional Health Services, Joe Hobbs**

Reviewed

1. \*NOTE:CONSULT WITH ERIC WEATHERLY PE (COUNTY ENGINEER) CONCERNING MOYOCK SEWER DISTRICT HOOK UP APPROVAL FOR EACH LOT THAT MAKES UP THIS PROPOSED SUB-DIVISION.

**Currituck County Building Inspections, Spence Castello**

1. Soil engineering may be required at footing inspection.

**Currituck County GIS, Harry Lee**

Reviewed

**Currituck County Parks and Recreation, Jason Weeks**

No comment

**NC State Archaeology, Lawrence Abbot**

No comment

1. No previously recorded archaeological sites noted within the project area. An archaeological survey is not recommended.

**NC Division of Coastal Management, Charlan Owens**

No comment

**US Postal Service, Moyock Postmaster**

1. Please contact the local postmaster (Moyock) to determine the mode of delivery and type of delivery equipment.



# Conditional Rezoning Application

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

### Contact Information

APPLICANT:	Justin Old	PROPERTY OWNER:	
Name:	<u>Quality Homes of Currituck</u>	Name:	<u>CASP, Inc.</u>
Address:	<u>P.O. Box 743</u>	Address:	<u>P.O. Box 39</u>
	<u>Moyock, NC 27958</u>		<u>Moyock, NC 27958</u>
Telephone:	<u>(757) 816-2006</u>	Telephone:	<u>(252) 435-6376</u>
E-Mail Address:	<u>jold@qualityhomesofcurrituck.com</u>	E-Mail Address:	_____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: \_\_\_\_\_

### Property Information

Physical Street Address: Caratoke Hwy

Location: Moyock, NC 27958

Parcel Identification Number(s): 001500000700000, 001500000690000, 001500000670000

Total Parcel(s) Acreage: 37+/-

Existing Land Use of Property: Farmland

### Request

Current Zoning of Property: L I Proposed Zoning District: C-SFM

### Community Meeting

Date Meeting Held: May 15, 2014 Meeting Location: Moyock Library

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 of the 37 acre tract will be a community of single-family homes nestled within the existing woodlands. One objective of the development will be to preserve the greatest number of trees practicable through the use of the existing roadway and the connection to the county sewer system, so that clearing for individual septic systems is not necessary. Please refer to attached narrative for additional description of use.

Proposed Zoning Condition(s): The use will be a conservation subdivision, with the maximum number of homes to be constructed to be 74 .

The minimum lot size will be 10,000 square feet.

Trees will be protected and preserved to the greatest degree practicable. Buffers to surrounding properties will exceed Currituck Co. requirements, and will be provided approximately as shown on the conceptual development plan.

An application has been duly filed requesting that the property involved with this application be rezoned from: LI Light Industrial to: C-SFM Single Family mainland-Conditional District

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, use(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)

5/15/14  
Date

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

**Dennis W. Hawthorn**  
**Coastal Permit Assistance**  
**407 Angler Way, Kitty Hawk, NC 27949**  
**252-599-1040**

TO : Mark Bissell

DATE: May 26, 2014

On May 23, 2014 the author visited and conducted a preliminary site evaluation at the request of Mark Bissell. The purpose of a preliminary site evaluation is to give some in site as to whether the site, in this case, is likely to be considered (or some portion of) within the wetland jurisdiction of the USACE. The site is located approximately one mile south of the Virginia-North Carolina border on the east side of US 168, directly adjacent to an existing fuel storage facility and railroad line. According to Currituck County GIS records, the property is listed under the ownership of CASP, Inc. The purpose of this visit was to conduct a preliminary wetland delineation of the site. It should be noted that the scope of this investigation was to conduct a "preliminary (wetland) delineation". This means that the scope of this investigation was limited to a small number of soil pit examinations. In this case, three. However, these pit examinations were completed in the same detail methodology as a complete and typical wetland delineation that would be acceptable by the U. S. Army Corps of Engineers (USACE) would have been conducted, just a smaller quantity of soil pits. It was the goal of this investigation to determine if sufficient evidence could be gathered in a "preliminary" fashion that would indicate whether the site would be considered outside of the wetland jurisdiction of the USACE.

The site is undeveloped but is accessible with a gravel drive running through the center of the site from west to east. The first sample pit was located on the north side of the access drive toward the front of the property. The second pit was located near the center of the property on the north side of the access drive. The third pit was located near the easternmost (rear) portion of the property, also on the north side of the access drive. All three pits were located approximately 50 feet off the access drive.

The USACE considers a site to be under its wetland rules jurisdiction if it has soils classified as wetland soils, has site indicators that show evidence that the site has hydrologic indicators (has wet soils a majority of the growing season), and has predominately (more than 50 %) wetland vegetation. Facultative vegetation appears in a wetland by definition at least 50% of the time. Sites with facultative vegetation are considered to meet the wetland vegetation criteria for the USACE jurisdictional rules.

In general, the CASP site vegetation would be classified by the USACE as predominately facultative, which by definition, would meet the criteria of being considered as wetland vegetation, i.e., facultative vegetation has at least a 50% chance of being located in a wetland. The soils on the site are probably classified as Roanoke-Tomotley, which in Currituck County are considered as hydric soils, meaning they are usually located in a wetland. These soils are generally level, poorly drained and consist of a sandy loam with a clayey subsoil. In the case of this site, the first 4 to 6 inches of soil in each pit consists of organic material, with the next one to two feet being a tight clayey subsoil with medium to heavy evidence that water has moved up and down the soil profile within the top 24 inches of the soil profile, including odor and iron deposit evidence. In the first pit, the soil was moist at 30 inches and saturated at 36 inches. In the second pit, soil was dry at 36 inches. In the third pit, soil was moist at 48 inches and saturated at 50 inches.

In summary, wetland vegetation and soils classified as hydric are present on the site. However, it is the opinion of the author based upon data collected at the site that evidence of hydrological indicators is in-conclusive. If this is confirmed by the USACE, the site would be considered outside of wetland jurisdiction of the USACE rules. Since this evaluation only looked at a small test area of an almost 40 acre site, there is probability that wetland pockets could be on the site. It is possible

that all or a portion of the site could be considered outside of USACE wetland jurisdiction. With the data collected thus far, it is my guess that the site has a good probability of being outside of jurisdiction. However, a site visit and official wetland determination approved by the USACE will be required to confirm any findings.

If it is determined by the property owners or management that they wish to move forward with a complete delineation, it is my suggestion that some effort be undertaken to dress the site to be more easily examined by the USACE and others that may investigate the site.

Dennis W. Hawthorn



May 5, 2014

**RE: Community Meeting for Conditional Rezoning Application**

Dear Property Owner:

We would like to invite you and nearby property owners to a community meeting regarding a potential conditional rezoning application. C A S P, Inc. is proposing to rezone approximately 36.5 acres to SFM-Conditional District for a possible residential subdivision. The property is described as tax parcels 0009-000-026A-0000 and 0009-000-026B-0000, located on Inventors Drive in Moyock, NC.

The purpose of the community meeting is to inform you and nearby property owners about this application that will be reviewed under Currituck County's Unified Development Ordinance, and to provide you an opportunity to give comments and express any concerns about the application.

The community meeting will be held on Thursday, May 15<sup>th</sup>, 2014 at 6:00pm, at the Moyock Library.

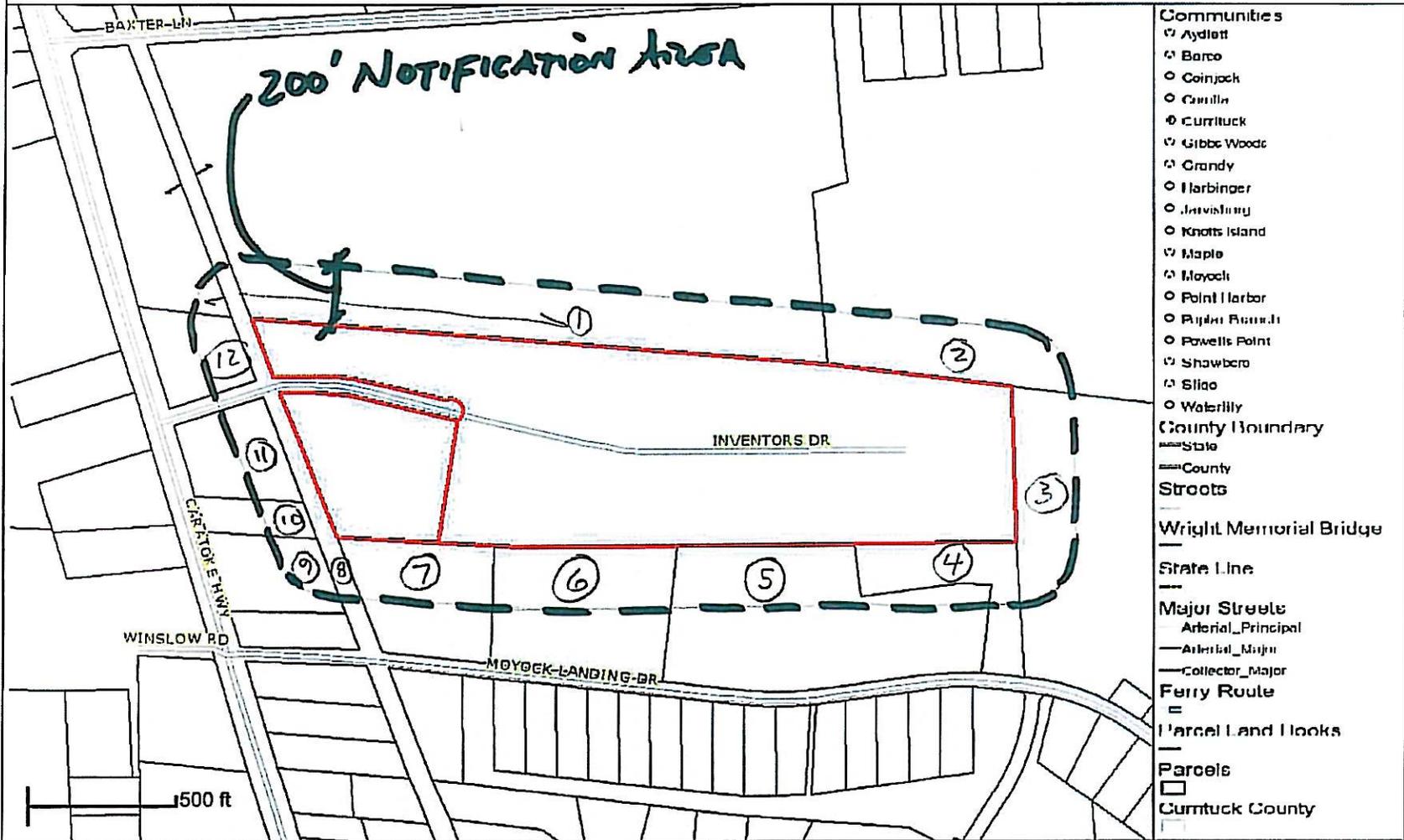
Sincerely,  
Bissell Professional Group  
(Agent for the Applicant)

A handwritten signature in blue ink, appearing to read "Mark S. Bissell", is written over a horizontal line.

By: Mark S. Bissell

cc: Currituck County Planning and Community Development

# Currituck County GIS Online Mapping



Currituck County GIS  
 (252)232-2034  
[www.co.currituck.nc.us/Geographic-Information-Services.cfm](http://www.co.currituck.nc.us/Geographic-Information-Services.cfm)

This map should be used for general reference purposes only. Currituck County assumes no legal liability for the information shown on this map.

1. Parcel 0009000025A0000  
William J Busby, Anne J Saunders Rev. Trust, Luna J Estate, et. als., c/o Charles T. Busby, 701 Blue Point Dr.,  
Wilmington, NC 28411
  2. Parcel 0009000025G0000  
Farms & Timberland, Inc.  
2225 Spinnaker Circle  
Virginia Beach, VA 23451
  3. Parcel 014J0000OPEN000A  
Currituck County  
P.O. Box 9  
Currituck, NC 27929
  4. Parcel 014J-000-0OS3-0000  
CTX, Inc.  
P.O. Box 310  
Moyock, NC 27958
  5. Parcel 0009000029R0000  
CTX, Inc.  
P.O. Box 310  
Moyock, NC 27958
  6. Parcel 0009000029S0000  
MS Currituck, LP  
14390 Clay Terrace Blvd – Suite 205  
Carmel, Indiana 46032
  7. Parcel 0009000029T0000  
CTX, Inc.  
P.O. Box 310  
Moyock, NC 27958
  8. Railroad R/W  
  
**Chesapeake & Albemarle Railroad**  
214 Railroad St. N.  
Ahoskie, NC 27910
  9. Parcel 0009000029F0000  
M. Powell Peters, Trustee  
429 S. Hughes Blvd  
Elizabeth City, NC 27909
- 10, 11 & 12. Parcels 00090000280000, 0009000027A0000, and 0009000027B0000  
  
Domestic NC, LLC  
400 Freeman Ave.  
Chesapeake, VA 23324

**Also send to:**

**Naval Support Activity Northwest Annex**

4504 Relay Rd. - Bldg. 374  
Chesapeake, VA 23322-4102



## CASP Community Meeting- Outline of Presentation

### A. Housekeeping –

- Please sign-in
- A record of the Community meeting will be provided to Currituck County. (concerns raised/ attempts to address concerns)

### B. What is the Request?

- Conditional Use Rezoning
- Differs from standard re-zoning – zoned to a specific development plan with specific conditions of application that guide the decision and permitting process.

### C. The Process:

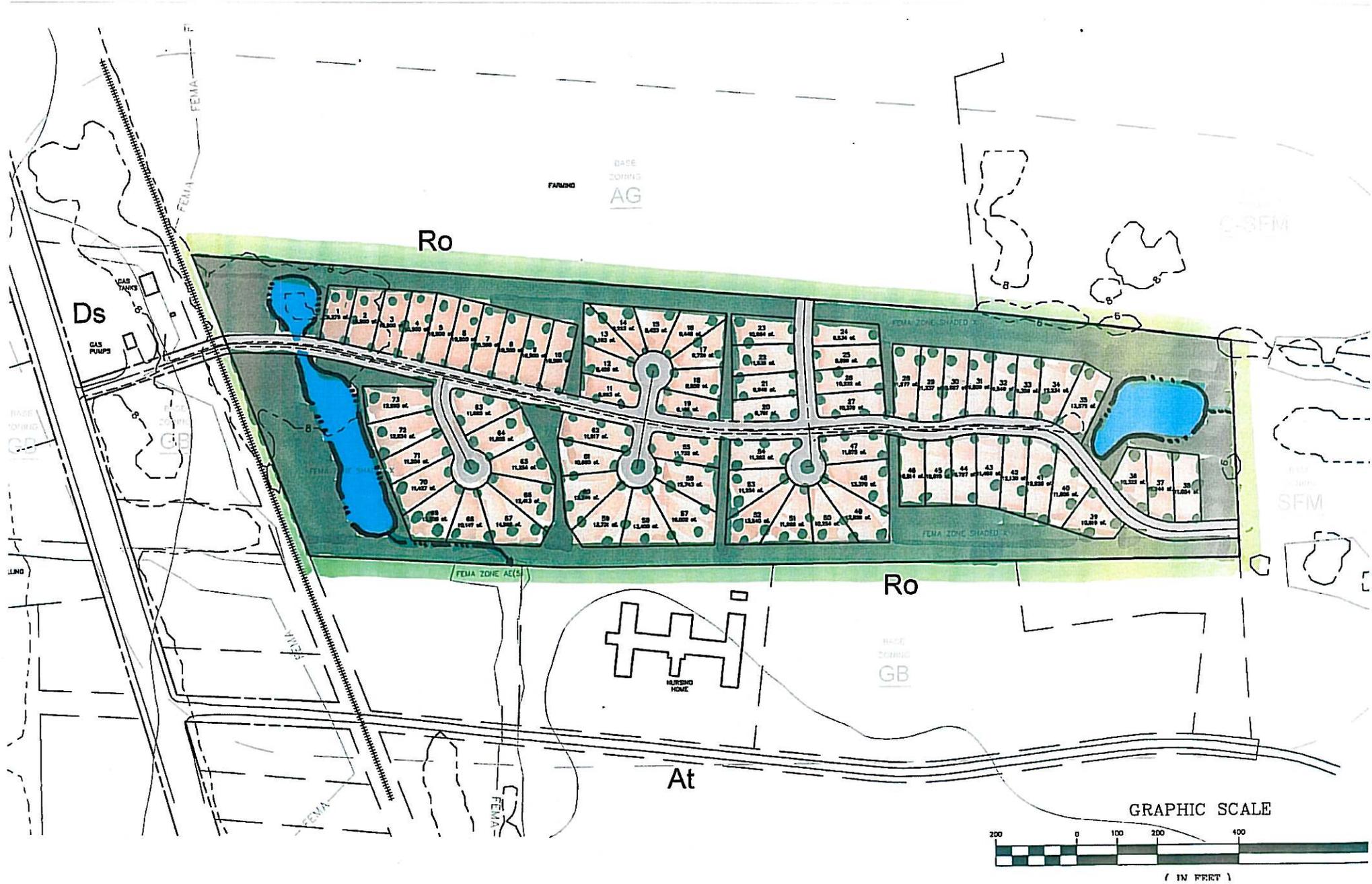
- Pre-application conference
- Community meeting (now)
- TRC review
- PB review
- BOC hearing/action

That's just the Re-zoning. Then:

- Preliminary Plat application
- Const. drawing application
- Final plat application

### D. The Plan:

- 37 +/- acre wooded tract
- Adjacent land use:
  - i. west is railroad
  - ii. south is Currituck House Asst. living facility and Shingle Landing open space
  - iii. east is county owned property
  - iv. north is Baxter Estates subdivision and farmland.
- One quarter acre wooded lots for single family homes
- Connect to county sewer and save trees
- Wooded community nestled into woodlands



**CASP Property**

**Community Meeting for Conditional Rezoning**

**Thursday, May 15, 2014**

**Scheduled Time/Place: 6:00pm, Moyock Library, Moyock, NC**

**Meeting Began: 6:15pm (waited for late arrivals)/ Meeting Ended: 6:40pm+/-**

**Attendees:** (See attached sign-in sheet)

Fletcher Humphries, Landowner

Justin Old, Developer/Builder

Mark Bissell, Engineer

Comments from the Community	How Addressed
No comments were made and no questions were asked	

**Summary:**

Mark Bissell presented a brief summary of the development proposal, along with a conceptual plan of the development. 100% of those attending the meeting were in favor of the development plan.



Shown with optional dormer



Elevation B shown with optional dormer

# THE ANFIELD

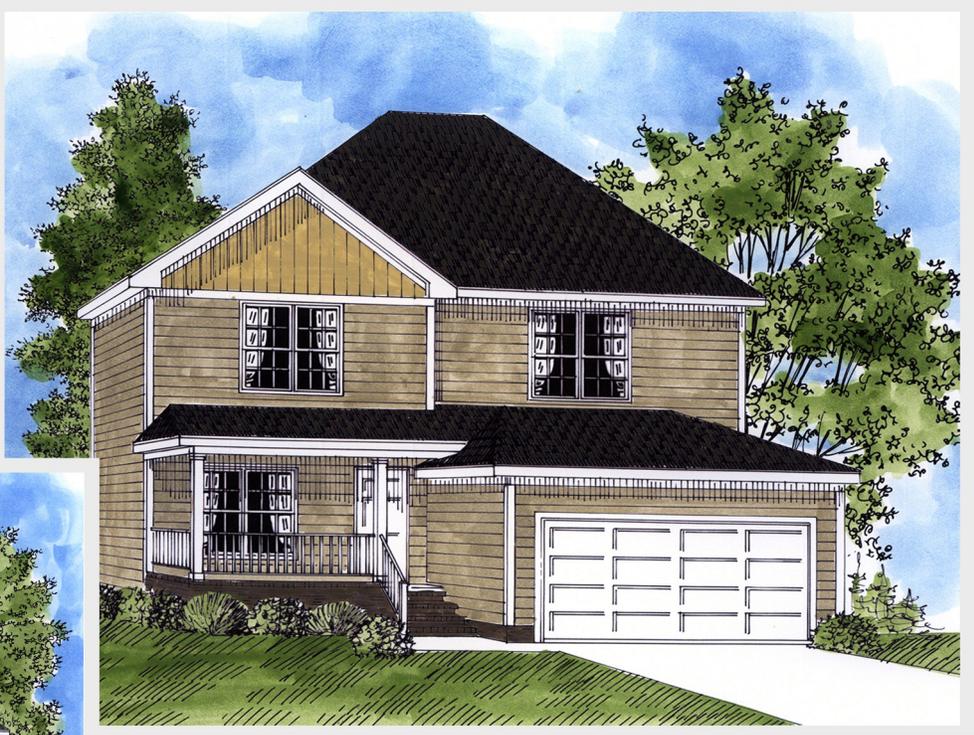
First Floor - 1,493 sq. ft.  
 Second Floor - 927 sq. ft.  
 Total Heated - 2,420 sq. ft.  
 Garage - 528 sq. ft.  
 Opt Dormer - 68 sq. ft.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.





Shown with decorative gable option.



Elevation B

# THE AVINGTON

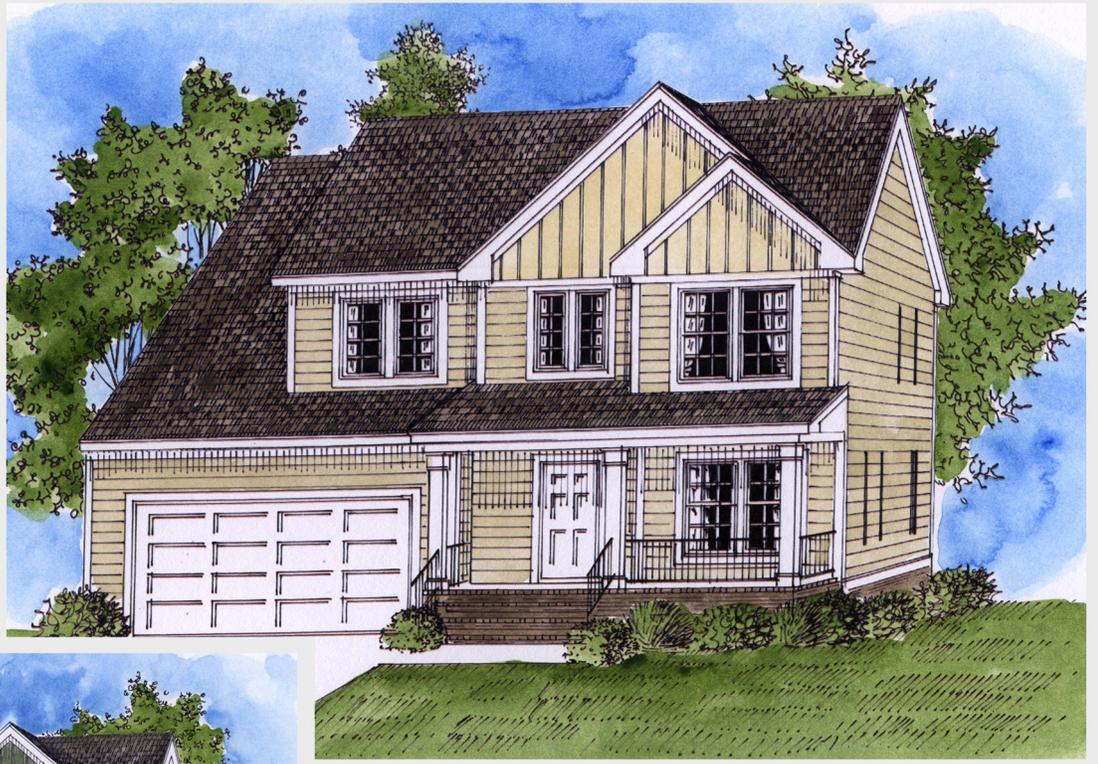
First Floor - 982 sq. ft.  
 Second Floor - 1,262 sq. ft.  
 Total Heated - 2,244 sq. ft.  
 Garage - 440 sq. ft.



QUALITYHOMESOFCURRITUCK.COM

Builder reserves the right to change prices, plans, components and specifications, to withdraw any plan without notice. All illustrations are artists' concepts and accuracy is not guaranteed. Extra-cost options may be shown in models or in illustrations. Individual homes may differ from the models or from each other depending on field conditions.





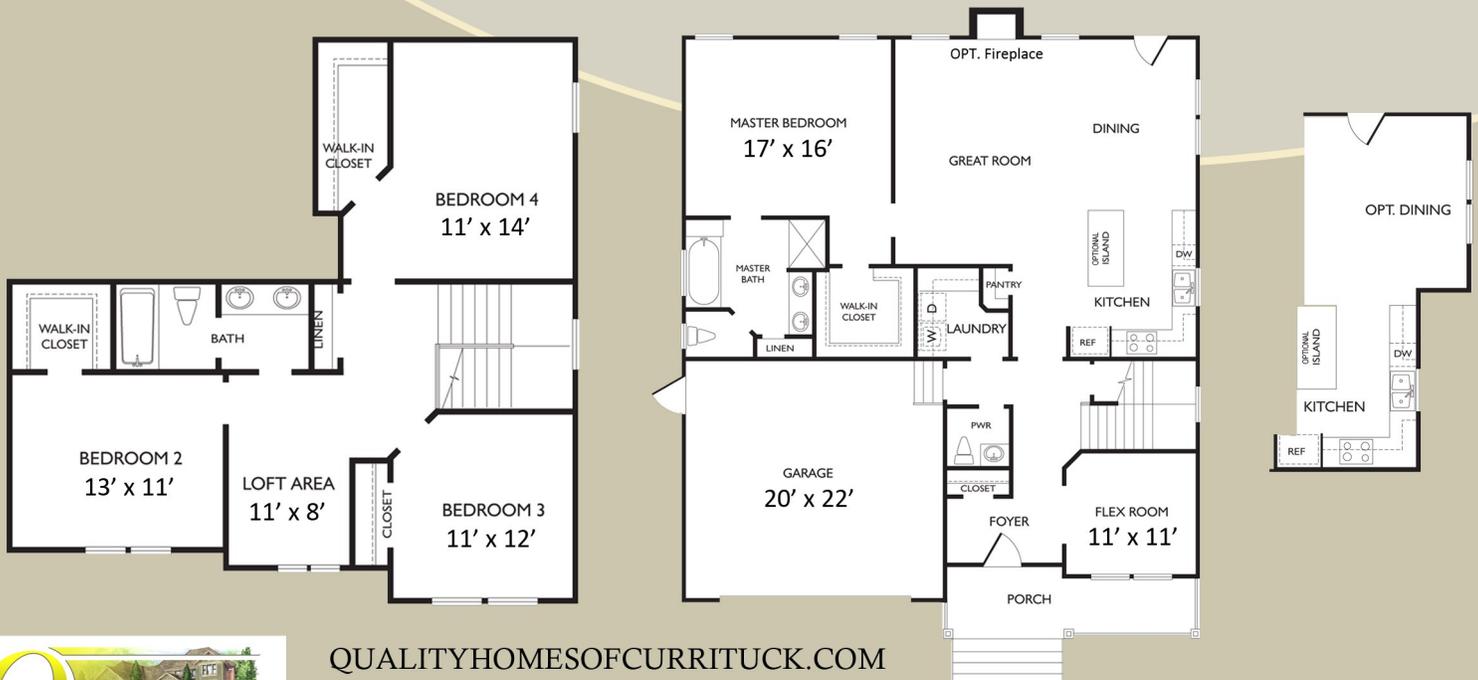
Shown with decorative gable option.



Shown with side load garage, craftsman columns and decorative gables.

# THE BRIGANTINE

First Floor - 1,546 sq. ft.  
 Second Floor - 809 sq. ft.  
 Total Heated - 2,355 sq. ft.  
 Garage - 440 sq. ft.  
 Opt. Dining Room - 55 sq. ft.



QUALITYHOMESOFCURRITUCK.COM

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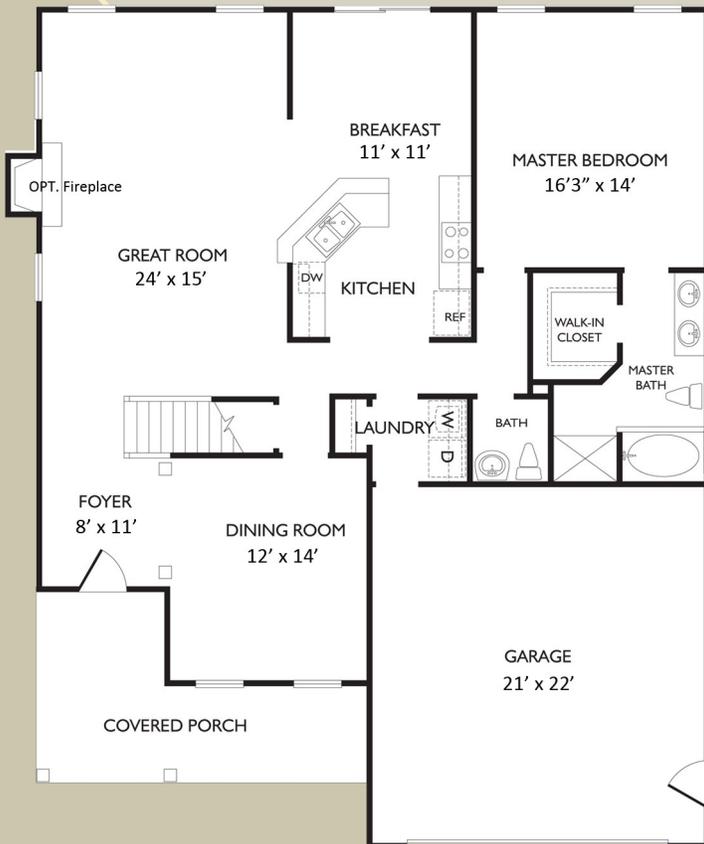
Standard Elevation



Elevation B

# THE MELINA

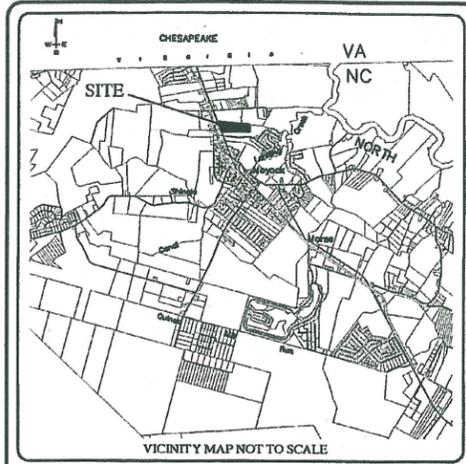
First floor - 1,494 Sq. Ft.  
 Second Floor - 784 Sq. Ft.  
 Total Heated - 2,278 Sq. Ft.  
 Garage - 462 Sq. Ft.



QUALITYHOMESOFCURRITUCK.COM

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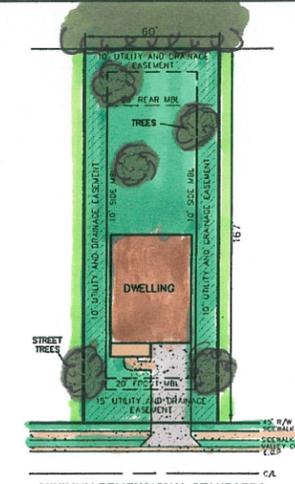
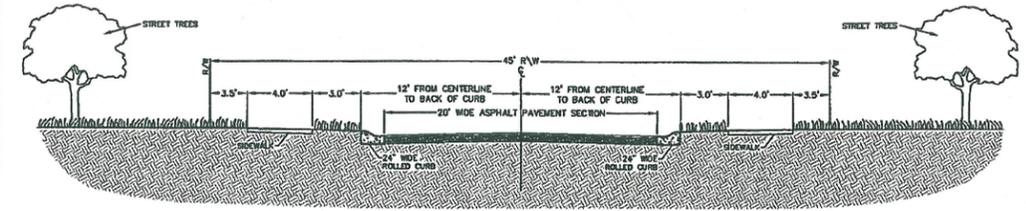


**LEGEND**

- PROPERTY LINE
- ADJACENT PROP LINE
- RIGHT OF WAY
- WATERWAYS
- SURVEYED 404 LINE
- - - 50' WETLAND OFFSET BUFFER
- - - 500' PROPERTY OFFSET BUFFER
- - - SOILS BOUNDARY
- EXISTING STRUCTURES
- BASE ZONING LINE

**SOIL TYPES**

- At AUGUSTA FINE SANDY LOAM
- Ds DRAGSTON LOAMY FINE SAND
- Ro ROANOKE FINE SANDY LOAM



**DEVELOPMENT SUMMARY**

TOTAL AREA OF TRACT: 1,615,849 SF 37.09 AC.  
 AREA FOR ROADS AND LOTS: 950,299 SF 22.25 AC.  
 AREA FOR ROADS: 185,374 SF 4.25 AC.  
 TOTAL AREA FOR LOTS: 784,095 SF 18.00 AC.

TOTAL OPEN SPACE PROVIDED: (40.0%) 646,412 SF 14.84 AC.

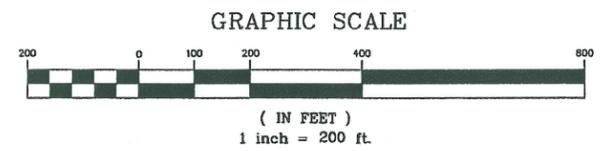
TOTAL NUMBER OF LOTS 74 @ 10,596 SQ.FT. AVERAGE AREA

NEW ROAD = 3,710 LIN.FT.

- GENERAL NOTES:**
- PROJECT NAME: CASP, INC - CONDITIONAL ZONING
  - OWNER: CASP, INC.  
P.O. BOX 39  
MOYOCK, NC 27958
  - PROPERTY DATA:  
PARCEL ID#: 0009-000-026A-0000  
PRIMARY ADDRESS: INVENTORS DRIVE, MOYOCK  
RECORDED REFERENCES: D.B. 446, PG. 871  
EXISTING ZONING: LI LIGHT INDUSTRIAL  
PROPOSED PROPERTY ZONING: C-SFM



**NOTES:**  
 EXISTING TREES LOCATED WITHIN OPEN SPACE ARE TO REMAIN EXCEPT FOR THOSE REQUIRED TO BE REMOVED IN ORDER TO CONSTRUCT THE RV/TRAILER STORAGE AREA, UTILITIES AND STORMWATER MANAGEMENT IMPROVEMENTS. ALL HERITAGE TREES ARE TO BE PROTECTED OR REPLACED IF REMOVED.



Bissell Professional Group  
 First License # C-956  
 3512 North Croatan Highway  
 P.O. Box 1068  
 Cary, North Carolina 27513  
 (919) 232-2811  
 FAX (919) 232-2811-1760

**BISSELL**  
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 and Environmental Specialists

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**CASP**  
 MOYOCK TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA  
 CONDITIONAL ZONING

**REVISIONS**

NO.	DATE	DESCRIPTION	BY	CHK
1	07/27/24	THE COMMENTS		

DATE: 06-2514 SCALE: 1"=200'

DESIGNER: MSB CHECKER: MSB

DRAWN: MDB APPROVER: BPG

SHEET: 1 OF 1

CAD FILE: 455100SP3

PROJECT NO: 4551

For Review Purposes Only



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

PB 14-06 Currituck County – Request to amend the Unified Development Ordinance Chapter 2: Administration and Chapter 3: Zoning Districts, to modify the major subdivision standards to include minor subdivisions and clarify minimum lot sizes for minor subdivisions in the Agricultural and Single Family Isolated zoning districts.

## Brief Description of Agenda Item

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department, at the direction of the Board of Commissioners, is intended to:

- Require minor subdivision lots created on the parent parcel(s) within five years of a major subdivision to be included in the major subdivision calculations (open space, recreation and park area dedication, stormwater, etc.).
- Clarify the minimum lot size (40,000 square feet) for minor subdivision lots located in the Agricultural (AG) and Single Family Isolated (SFI) zoning districts.

## Board Action Requested

Action

## Person Submitting Agenda Item

Donna Voliva

## Presenter of Agenda Item

Donna Voliva



## Currituck County

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

To: Board of Commissioners  
From: Planning Staff  
Date: August 19, 2014  
Subject: PB 14-06 Currituck County (Modified)

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The enclosed text amendment submitted by the Currituck County Planning and Community Development Department, at the direction of the Board of Commissioners, was modified from the amendment reviewed by the Board of Commissioners on August 4, 2014. This amendment was modified to only include language that is intended to:

- Require minor subdivision lots created on the parent parcel(s) within five years of a major subdivision to be included in the major subdivision calculations (open space, recreation and park area dedication, stormwater, etc.).
- Clarify the minimum lot size for minor subdivisions in the AG and SFI zoning districts.

The following items were removed from this request:

- Establish residential compatibility standards that will provide a transition area between residential development and proposed single family residential development.
- Reduce density allowances on lands containing wetlands.
- Increase minimum district areas for planned developments.

The planning staff recommends approval of the proposed amendments as they are consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans. In addition, the proposed amendments are consistent with the purpose and intent of the zoning districts in the UDO. It should be noted, the below Planning Board recommendation was based on the request submitted to the BOC on August 4, 2014.

*The Planning Board recommended approval at their July 8, 2014 meeting subject to the following:*

1. *Item 2*  
*Section 5.12.3. B. (1)*  
*The planning board requested clarification on the minimum lot size requirement within the transition area. The board's motion would clarify that in no instance shall the requirements of the proposed text amendment (Section 5.12.2.B.(1) require a lot larger than 40,000 square feet.*
2. *Effective date shall be January 1, 2015.*

### **BOARD OF COMMISSIONERS (8/4/14)**

Commissioner Griggs motioned to table Public Hearing Item A, PB-06 UDO Amendment for further review and discussion of Compatibility Standards. Commissioner Petrey seconded the motion. Commissioner Aydlett requested the meeting be held the following day at 3 pm. Commissioner Petrey withdrew his second due to his inability to attend a 3 PM meeting. Commissioner Griggs motioned to set the discussion at 3 pm the following day. Commissioner Aydlett seconded the motion and the motion carried.

### **PLANNING BOARD DISCUSSION (7/8/14)**

Mr. Clark asked for clarification on reducing density allowances on lands containing wetlands.

Ms. Voliva explained if you had 100 acres you would be able to draw your density off the 100 acres, but with this new proposal if you have 50 acres of wetlands on these 100 acres you would be able to draw your density off 75 acres. Open space can be wetlands in conservation subdivisions.

Mr. Cooper asked if in the old UDO density is based on uplands.

Ms. Voliva said it is very similar to what we have now where it didn't allow you to pull density off CAMA wetlands.

Ms. Overstreet asked when talking about density per unit, how does this factor in the off road area when they are calling a 23 bedroom house a single family home?

Ms. Voliva said it doesn't factor into the density because it is considered a one dwelling unit.

Mr. Cooper asked in the transition area, if it not like zoning how does that work?

Ms. Voliva said zoning would not have any effect on it, if you have an existing residential subdivision that you are adjacent to, and you are proposing a new development, regardless of the zoning district.

Mr. Craddock said the main purpose of the transition area is strictly for the benefit of the existing property owners so when development occurs it is less invasive.

Ms. Voliva said yes it would address the compatibility issues.

Mr. Old asked staff to explain if minor subdivision lots are created on the parent parcel(s) within five years of a major subdivision to be included in the major subdivision calculations (open space, recreation and park area dedication, stormwater, etc.). Mr. Old asked on the wetlands if the lot size, different zonings, and soil type control what you can do on the property.

Ms. Voliva said if you were looking at lot size only, yes it would, but you have density allowances in the ordinance now. Under the old ordinance it was more lot size driven and this ordinance is more density driven.

Mr. Old said he doesn't see a need to take away the open space when it could be beneficial.

Ms. Voliva said it would not have an effect on a traditional development when you are just working off lot sizes; it is the conservation development when you setting your lot sizes based on density calculations.

Mr. Old asked the board to consider an adoption date of six months out.

Mr. Woody said the new ordinance drives the cost of lots down because it allows more density than the old ordinance.

Mr. Cartwright said everything about the UDO is city ordinance driven.

Mr. Woody said the new UDO is more dense by pushing more towards a dense development pattern. The UDO has density that is included in the 2006 Land Use Plan.

Mr. Cartwright said it looks like we are putting more rules on top of rules, which is driving up the cost. People are not going to want to come here because the cost is too expensive.

Ms. Voliva said staff supports a six month effective date.

Mr. Clark closed the public hearing.

**ACTION**

Mr. Clark moved to approve PB 14-06 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, have an effective date of January 1, 2015, and in section 5.12.3 Transition Area, B. Development within the Transition Area, 1. Be equal to or greater than the median but not greater than 40,000 square feet. Ms. Overstreet seconded the motion. Ayes: Mr. Clark, Ms. Newbern, Mr. Craddock, Mr. Cooper, and Ms. Overstreet. Nays: Mr. Cartwright. Motion carried.

**PB 14-06 Currituck County  
UDO AMENDMENT REQUEST**

Amendment to the Unified Development Ordinance Chapter 2: Administration and Chapter 3: Zoning Districts, to modify the major subdivision standards to include minor subdivisions, and clarify the minimum lot size for minor subdivisions in the AG and SFI zoning districts.

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

**Item 1:** That Section 2.4.8: Subdivision is amended by adding the following underlined language and deleting the strikethrough language:

**C. Subdivision Distinguish**

**(2) Minor Subdivision**

A minor subdivision consists of the division of land into five or fewer lots that does not constitute a no review subdivision. ~~when:~~

- ~~(a) It does not constitute a no-review subdivision;~~
- ~~(b) It fronts an existing NCDOT-maintained public street or a private access street;~~
- ~~(c) There is no public right-of-way dedication;~~
- ~~(d) No private street or private access serving more than two lots is created (except as allowed in a family subdivision); or~~
- ~~(e) Lots are conveyed solely to family members as a family subdivision;~~

**D. Minor Subdivision**

**(2) Minor Subdivision Review Standards**

**(a) General Standards**

A minor subdivision shall be approved on a finding that:

- (i)** It complies with all applicable standards in Chapter 6: Subdivision and Infrastructure Standards, the standards for a final plat in Section 2.4.8.E.5.B; and all other applicable standards in this Ordinance;
- ~~(ii) It will result in lots that are at least 40,000 square feet in size (except in the SFR district, where lots shall be at least~~

~~120,000 square feet in size~~ It complies with the dimensional standards of Chapter 3;

- (iii) It will result in five or fewer lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B Additional Standards for Family Subdivisions);
- (iv) It fronts an existing NCDOT-maintained public street or a private access street;
- (v) There is no public right-of-way dedication;
- (vi) It does not create a private access street serving more than two lots unless it is a family subdivision; and
- (vii) Any private access street created complies with Section 6.2.1.B.1 Private Access Streets.

## E. Major Subdivision

### (1) Overview

#### (a) In General

- (i) Development of a major subdivision requires approval of a preliminary plat (type I or type II), a use permit (if applicable), construction drawings, and then a final plat.
- (ii) The Planning Director may allow for concurrent submittal of a preliminary and final plat in cases where no public improvements are required, or concurrent submittal of a preliminary plat and construction drawings where public improvements are required.
- (iii) Minor subdivision lots shall be included when calculating the acreage and total number of lots for a major subdivision when:
  - (A) The minor subdivision lots are created from the same parent parcel or parcels of land proposed for a major subdivision; and
  - (B) The preliminary plat is submitted within five years from the date in which the minor subdivision was approved.

**Item 2:** That Section 3.3.3.F., 3.4.2.F., and 3.4.5 F., Dimensional Standards for the zoning districts as indicated, is amended by adding the following underlined language and deleting the strikethrough language:

1. Section 3.3.3.F.- AG: Clarify the 40,000 minimum square foot lot size for minor subdivision lots.
2. Section 3.4.5.F.- SFI: Clarify 40,000 minimum square foot lot size for minor subdivision lots.

<b>F. DIMENSIONAL STANDARDS</b>							
TD = Traditional Development			CS = Conservation Subdivision Development				
	TD	CS		TD	CS		
Max. Gross Density (du/ac)	N/A	-	Min. Front Setback (ft) [4]	20	N/A	3	
With 50% Open Space (du/ac)	-	0.4	Min. Corner Side Setback (ft)	20	N/A	4	
With 60% Open Space (du/ac)	-	0.5	Min. Major Arterial Street Setback (ft)	50	50	5	
With 70%+ Open Space (du/ac)	-	0.6 6	Min. Side Setback (ft)	10	N/A	6	
Max. FAR (%)	0.40	N/A	Min. Rear Setback (ft)	25	N/A	7	
Min. Lot Area (acres) [1]	3	N/A	Min. Agriculture Setback (ft) [5]	N/A	50	8	
Max. Lot Area (acres)	N/A	N/A	Min. Accessory Use Setback (ft)	10	3	9	
Min. Lot Width, Interior Lot (ft) [2]	125	N/A	1	Min. Driveway/Parking Setback (ft)	10	N/A	0
Min. Lot Width, Corner Lot (ft)	135	N/A	2	Min. Fill Setback from all Lot Lines (ft)	10	10	
Max. Lot Depth	[3]	N/A		Min. Wetland/Riparian Buffer (ft) [5]	50	50	
Max. Lot Coverage (%)	30	60		Max. Building Height (ft) [6]	35	35	-
[1] <b>Family <u>Minor</u></b> subdivision lots shall be at least 40,000 square feet in area				Min. Spacing Between Principal Buildings (ft)	10	3	=
[2] All lots shall maintain a minimum street frontage of 35 feet				[6] Not applied to farm structures meeting minimum setbacks plus an additional setback of one foot for each foot in height over 35 feet			
[3] Lot depth shall not exceed four times the lot width							
[4] Front setbacks shall be measured from ultimate ROW line							
[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater							

**Item 3:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

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

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS \_\_\_\_\_  
.....

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS \_\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

Second Reading: An Ordinance of the Currituck County Board of Commissioners Amending Chapter 8, Article V, Section 8-111(d)(2) of the Currituck County Code of Ordinances to Clarify Time to Issue Peddler Permits

## Brief Description of Agenda Item

Attached for consideration and adoption is an amendment to the recently adopted Peddler Ordinance. As proposed, and requested by the Sheriff's Department, the amendment will provide that a delay in response from the North Carolina SBI Division of Criminal Information Section for fingerprint checks will constitute an extraordinary circumstance that does not require Sheriff Department issuance of the Peddler Permit in five days.

## Board Action Requested

Action

## Person Submitting Agenda Item

Ike McRee, County Attorney

## Presenter of Agenda Item

Ike McRee, County Attorney

1       **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**  
2       **AMENDING CHAPTER 8, ARTICLE V, SECTION 8-111(d)(2) OF THE CURRITUCK**  
3       **COUNTY CODE OF ORDINANCES TO CLARIFY TIME REQUIRED TO ISSUE**  
4       **PEDDLER PERMITS**  
5

6           WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,  
7       prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety, or  
8       welfare of its citizens and the peace and dignity of the county; and  
9

10          WHEREAS, pursuant to N.C. Gen. Stat. §153A-125 a county may by ordinance regulate,  
11       restrict or prohibit the business activities of itinerant merchants, salesmen, promoters, peddlers,  
12       flea market operators and flea market vendors; and  
13

14          WHEREAS, the Board of Commissioners for the County of Currituck has determined  
15       that it is necessary to enact this ordinance to clarify the time in which the Currituck County  
16       Sheriff shall issue peddler permits in the case of extraordinary circumstances.  
17

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

21       **PART I.**       Chapter 8, Article V, Section 8-111(d)(2) of the Code of Ordinances, Currituck  
22       County, North Carolina, is hereby amended as follows:  
23

24           (d)   *Procedures for considering applications.*  
25

26           (1)   Upon receipt of a complete application, the Currituck County Sheriff or  
27       designee (hereafter "sheriff") shall make or cause to be made such investigation as  
28       reasonably necessary to verify the information in the application and to assure  
29       compliance with the provisions of this section and shall issue a permit unless the  
30       applicant:  
31

32                   a.   Has not submitted a completed application;  
33

34                   b.   Is not permitted by law to engage in such activity due to age;  
35

36                   c.   Has been convicted of, or has pleaded no contest to, a felony charge  
37       within the ten (10) years preceding the submittal of the application;  
38

39                   d.   Has been, within the previous five (5) years, convicted of, or pleaded  
40       no contest to, a misdemeanor charge involving theft, fraud, forging,  
41       uttering, or other crimes of like nature or any crime involving moral  
42       turpitude;  
43

1 e. Does not have valid driving privileges in the state in those case where  
2 the applicant will be operating a vehicle in the course and scope of the  
3 peddling/soliciting;

4  
5 f. Has not obtained any necessary licenses; or

6  
7 g. Has a Better Business Bureau rating lower than "C".  
8

9 (2) The Currituck County Sheriff's Department will use the North Carolina  
10 State Bureau of Investigation Division of Criminal Information network for  
11 background check of the applicant and shall approve or deny an application and  
12 issue a permit as soon as possible and, except in the case of extraordinary  
13 circumstances, as when a number of applications are submitted within a short  
14 period of time or delay in return of requested information from the North Carolina  
15 State Bureau of Investigation Criminal Information and Identification Section,  
16 should act within five (5) business days of receipt of the completed application.  
17 Such issued permit shall be nontransferable.  
18

19 (3) Prior to the denial of a permit based on Criminal History Record  
20 Information received from the Currituck County Sheriff's Department, the county  
21 shall verify the existence of a record by either obtaining a certified public record  
22 or by submitting a fingerprint card of the individual to the North Carolina State  
23 Bureau of Investigation Criminal Information and Identification Section for  
24 verification that the Criminal History Record Information record belongs to the  
25 individual.  
26

27 PART II. This ordinance shall be effective upon adoption.  
28

29 ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2014  
30 .

31  
32  
33 \_\_\_\_\_  
34 Chair, Board of Commissioners

35 ATTEST:  
36

37 \_\_\_\_\_  
38 Clerk to the Board

39 (S E A L)  
40  
41  
42  
43

1 APPROVED AS TO FORM:

2

3 \_\_\_\_\_

4 County Attorney

5

6 Adopted on: \_\_\_\_\_

7 Motion by Commissioner \_\_\_\_\_

8 Second by Commissioner \_\_\_\_\_

9 Vote \_\_\_ AYES \_\_\_ NOES



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

Resolution to approve modification of a portion of the 2008 debt for the Mainland Water Reverse Osmosis Plant.

## Brief Description of Agenda Item

Refund \$9,500,000 of the debt from current rate of 4.09% to a rate of 2.98%. In order to maintain bank qualification, which allows governmental units to get a lower interest rate, Currituck County can only refund a portion of the outstanding debt through December 31, 2014. The remaining debt will be re-evaluated and if rates remain favorable, that debt may be refunded after January 1, 2015.

## Board Action Requested

Action

## Person Submitting Agenda Item

Sandra Hill

## Presenter of Agenda Item

Daniel Scanlon

## **Resolution Approving Partial Refinancing of 2008 Revenue Bond**

### **WHEREAS:**

Currituck County previously issued a \$19,000,000 (original principal amount) Water System Revenue Bond, Series 2008 (the "2008 Bond"). Branch Banking and Trust Company ("BB&T") owns the 2008 Bond. BB&T has agreed to lower the interest rate on a portion of the 2008 Bond and thereby carry out a partial refinancing of the 2008 Bond.

There has been presented to this Board a draft of a Modification Agreement to be dated as of September 15, 2014, to carry out the proposed modification and refinancing.

**BE IT THEREFORE RESOLVED by the Board of Commissioners of Currituck County, North Carolina, as follows:**

**1. *Approval of Modification*** -- The Board approves and determines to refinance up to \$9,500,000 of the outstanding principal of the 2008 Bond (to be called the "Refunded Portion" in this resolution) with BB&T, substantially in accordance with a proposal from BB&T dated July 15, 2014.

**2. *Approval of Modification Agreement*** -- The County Manager is authorized and directed to execute and deliver the Modification Agreement in its final form. The Modification Agreement in its final form must be in substantially the form submitted to this meeting, which is hereby approved. In any event, (a) the Refunded Portion must bear interest at an annual rate of not more than 2.98%, and (b) the final installment of principal on the Refunded Portion must be payable not later than March 1, 2028 (which is the existing final payment date).

**3. *Issuance under Bond Order*** -- The County intends that the entire 2008 Bond, including both the Refunded Portion and the remaining portion, continues to be a "Bond" issued and outstanding under the terms of the County's bond order for water revenue bonds as adopted by this Board on March 17, 2008 (the "Bond Order").

**4. *Authorization To Complete Transaction*** -- The Board authorizes the County Manager, the Finance Officer and all other County officers to act on the County's behalf, to execute and deliver all appropriate documents (the "Documents") and to take all other appropriate action to provide for the refinancing contemplated by this resolution. The execution and delivery of any Document, including the Modification Agreement, by an authorized officer will be conclusive evidence of that officer's approval of the final form of the Document. The Documents in final form, however, must be consistent with the financing plan described in this resolution.

Without limiting the generality of the foregoing, the Board specifically authorizes the Finance Officer to approve changes to any documents, agreements or certifications previously signed by County officers or employees, provided that the changes do not

contradict this resolution or substantially alter the intent of the item from that expressed in the form originally signed. The Finance Officer's authorization of the release of any document for delivery will constitute conclusive evidence of her approval of any changes.

**5. *Refunded Portion is a "Bank-Qualified" Obligation*** -- The County designates the Refunded Portion of the 2008 Bond as a "qualified tax-exempt obligation" for the purpose of Code Section 265(b)(3), which provides beneficial income tax treatment for interest on that obligation when received by certain financial institutions.

**6. *Miscellaneous Provisions*** -- All County officers and employees are authorized to take all such further action as they may consider necessary or desirable in furtherance of the purposes of this resolution. All such prior actions of the County officers and employees are ratified. Upon the unavailability or refusal to act of the County Manager or the Finance Officer, any other of those officers may assume any responsibility or carry out any function assigned in this resolution. All other Board proceedings, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

\* \* \* \* \*

I certify as follows: that the foregoing resolution was properly adopted at a meeting of the Board of Commissioners of Currituck County, North Carolina; that this meeting was properly called and held on September 15, 2014; that a quorum was present and acting throughout the meeting; and that this resolution has not been modified or amended, and remains in full effect as of today.

Dated this 15th day of September, 2014.

[SEAL]

\_\_\_\_\_  
Clerk, Board of Commissioners of  
Currituck County, North Carolina

## MODIFICATION AGREEMENT

### To Carry Out Partial Refinancing of 2008 Revenue Bond

**THIS MODIFICATION AGREEMENT** is dated as of September \_\_, 2014, and is by and between Currituck County, North Carolina (the “County”), Branch Banking and Trust Company (the “BB&T”) and the North Carolina Local Government Commission (the “LGC”), a division of the Department of the North Carolina State Treasurer.

This Agreement modifies and amends a \$19,000,000 (original principal amount) Water System Revenue Bond, Series 2008 (the “2008 Bond”), issued by the County and held by BB&T. The purpose of the modification is to effect a partial refinancing of the 2008 Bond.

The LGC joins in this Agreement to evidence its approval of the modification and refinancing effected by this Agreement.

*Now, for and in consideration of the premises, the parties agree as follows:*

**1. Partial Refinancing of 2008 Bond** – The County and BB&T agree that the 2008 Bond is refinanced and refunded in part.

(a) **Refunded Portion** – (i) \$9,500,000 of the outstanding principal amount of the 2008 Bond is refinanced and refunded. This portion (the “Refunded Portion”) is payable as to principal on dates and in amounts as set forth in Exhibit A. The Refunded Portion bears interest at the annual rate of 2.98% from the date of this Agreement until paid, payable on dates and as further described on Exhibit A.

(ii) In addition, the County has paid BB&T the sum of \$\_\_\_\_\_, representing the accrued interest due on the Refunded Portion from the most recent interest payment date (that being September 1, 2014) until the date of this Agreement.

(b) **Remaining Portion** – The remaining \$\_\_\_\_\_ outstanding principal amount of the 2008 Bond is not refunded. This portion (the “Remaining Portion”) continues to bear interest at the annual rate of 4.09%, payable on dates and as further described on Exhibit A.

**2. Waiver** – The County and BB&T waive any other provisions of the Bond Order, the Series Resolution or any other agreement between them requiring additional formalities, requirements or procedures for the partial refinancing carried out by this Agreement, including any provisions requiring notice of prepayment or limiting prepayment to prepayment in whole only. This waiver extends only to the modification and refinancing carried out by this Agreement, and both the County and BB&T reserve

all further rights to require performance of the terms of the Bond Order and the Series Resolution.

**3. Representations and warranties – (a) By the County.** The County makes the following statements of fact, with the understanding and intent that BB&T will rely on these statements in making its decision to enter into this Agreement:

(i) The County has properly and validly authorized, executed and delivered this Agreement.

(ii) There are no bonds, notes or other County obligations that constitute “Bonds” within the meaning of the Bond Order, other than the 2008 Bond. The Bond Order and the Series Resolution have not been modified in any way, except as and to the extent modified by the Modifying Resolution.

(iii) Neither (a) the adoption of the Modifying Resolution, nor (b) the execution and delivery of this Agreement or the consummation of the transactions contemplated thereby, nor (c) the fulfillment of or compliance with the terms and conditions of this Agreement, constitutes a material breach or violation of any provision of any contract, lease, instrument or other agreement or any judgment, order or decree of any court or other governmental authority to which the County is a party or by which the County is bound. No event or condition has happened or existed, or is happening or existing, which, at this time, constitutes a material default or which, with notice or lapse of time or both, would constitute an event of default under any such contract, lease, instrument or other agreement or any such judgment, order or decree, that would in any event be likely to have a material adverse effect (a) on the County’s financial condition or (b) otherwise on the County’s ability to carry out its obligations under this Agreement.

(iv) There is no litigation or any proceeding before any court or other governmental authority pending or, to the best of our knowledge after reasonable investigation, threatened against the County (or any official thereof in an official capacity) with respect to (a) the County's organization or existence, (b) the County's authority to execute and deliver this Agreement, to adopt the Modifying Resolution or to comply with the terms thereof, or (c) the title to office of any County Board member or any other County officer. To the best of our knowledge, there is no litigation pending or threatened against the County or any other person or entity in any manner affecting or pertaining to the execution or delivery of this Agreement or the transactions contemplated by this Agreement and the Modifying Resolution, or that would be likely (if decided adversely to the County) to have a material adverse effect (a) on the County’s financial condition or (b) otherwise on the County’s ability to carry out its obligations under this Agreement.

(v) There has been no material adverse change in the County’s financial condition since the date of the last annual financial statement of the County provided to BB&T.

(vi) BB&T has not acted as a financial adviser to the County, and the County has not relied on BB&T for any financial advice.

(b) **By BB&T.** BB&T makes the following statements of fact, with the understanding and intent that the County will rely on these statements in making its decision to enter into this Agreement:

(i) BB&T has duly authorized this Agreement and has caused it to be properly executed on its behalf.

(ii) To evidence compliance with the requirements of Section 64-26 of the North Carolina General Statutes, BB&T confirms as follows:

(A) After hiring an employee to work in the United State, BB&T verifies the employee's work authorization through the "E-verify" system operated by the United States Department of Homeland Security. BB&T retains the record of the verification of work authorization while the employee is employed and for one year thereafter.

(B) BB&T has not made use of, and does not expect to make use of, any subcontractors in connection with carrying out BB&T's responsibilities under this Agreement.

**4. Inscribing the 2008 Bond** -- BB&T shall provide for a copy of this Modification Agreement to be attached to the original 2008 Bond. BB&T shall provide for a legend in substantially the following form to be inscribed on the face of the original 2008 Bond:

This 2008 Bond has been modified by a Modification Agreement dated as of \_\_\_\_\_, 2014.

**5. Miscellaneous provisions** -- Except as provided by this Agreement, the parties ratify, approve and confirm the terms of the 2008 Bond, the Bond Order and the Series Resolution. This Agreement may be executed in counterparts, including separate counterparts, but all together constitute a single agreement. No term or provision of this Agreement may be amended, modified or waived without the prior written consent of all the parties. The parties intend that North Carolina law will govern this Agreement. Certain definitions of terms used in this agreement are set out in Exhibit B. This Agreement takes effect immediately.

*[The remainder of this page has been left blank intentionally.]*

**IN WITNESS WHEREOF**, the County and BB&T have caused this instrument to be signed, sealed and delivered by duly authorized officers as of \_\_\_\_\_, 2014.

**(SEAL) ATTEST:**

**CURRITUCK COUNTY,  
NORTH CAROLINA**

\_\_\_\_\_  
Leeann Walton  
Clerk, Board of Commissioners

By: \_\_\_\_\_  
Daniel F. Scanlon, II  
County Manager

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act.

By: \_\_\_\_\_  
Finance Officer  
Currituck County, North Carolina

**BRANCH BANKING AND TRUST COMPANY**

By: \_\_\_\_\_  
Alison W. Peeler  
Senior Vice President

**NORTH CAROLINA LOCAL GOVERNMENT COMMISSION**

By T. Vance Holloman, Secretary

By: \_\_\_\_\_  
[Vance T. Holloman or Designated Assistant]

[Modification Agreement dated as of \_\_\_\_\_, 2014.]

## **Exhibit A – new payment schedule for the 2008 Bond**

Principal of the Bond is payable on dates and in the amounts shown below.

Interest on the Refunded Portion is payable on each March 1 and September 1, beginning March 1, 2015, at the annual rate of 2.98%. Interest on the Remaining Portion continues to be payable on each March 1 and September 1 at the annual rate of 4.09%.

The table below shows the estimated interest payments for each payment date, and the resulting total payment due from the County to BB&T on each payment date.

	<b>Refunded Portion</b>		<b>Remaining Portion</b>		
<b>Payment Date</b>	<b>Principal</b>	<b>Interest</b>	<b>Principal</b>	<b>Interest</b>	<b>Total</b>

All amounts are stated in dollars.

## **Exhibit B – definitions**

Unless the context clearly requires otherwise, the following terms as used in this Agreement have the following definitions:

“Bond Order” means the County’s Bond Order for the issuance of water system revenue bonds, as adopted by the County Board on March 17, 2008.

“County Board” means the County’s governing Board of Commissioners, as it may exist from time to time.

“Modifying Resolution” means the resolution entitled “Resolution Approving Partial Refinancing of 2008 Revenue Bond” adopted by the County Board on \_\_\_\_\_, 2014.

“Series Resolution” means the County’s Series Resolution authorizing the issuance of the 2008 Bond, as adopted by the County Board on March 17, 2008.



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

Advisory Board Appointments-Library, Whalehead Trust, Tourism Advisory

## Brief Description of Agenda Item

Nomination and approval of appointees for vacant positions on the Library Board, Whalehead Preservation Trust, and Tourism Advisory Board.

## Board Action Requested

Action

## Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

## Presenter of Agenda Item

Board Appointments

LIBRARY BOARD OF TRUSTEES  
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Shelly Haskell	District 1		Vance Aydlett	6/17/2013	1st 6/30/2017
Deborah Mountain	District 2		David Griggs	1/24/2014	1st 6/30/2015
Colleen Umphlett	District 3		Butch Petrey	6/17/2013	1st 6/30/2017
<b>Joanne DiBello</b>	<b>District 4</b>		<b>Paul Beaumont</b>	<b>6/17/2013</b>	<b>2nd 6/30/2016</b>
Lisa Rose	District 5		Marion Gilbert	6/17/2013	2nd 6/30/2015
George Gregory	At-Large		Paul Martin	6/17/2013	2nd 6/30/2017
Tom Oakes	At-Large		Paul O'Neal	8/2014	1st 6/30/2016

**\*\*To Be Replaced**

WHALEHEAD PRESERVATION TRUST BOARD OF DIRECTORS  
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Cliff Scott	District 1	*	Aydlett	6/3/2013	2nd Term 5/1/2016
				Eff. 5/1/2010	
<b>Andy Newbern*</b>	<b>District 2</b>	*	<b>Griggs</b>	<b>3/1/2010</b>	<b>1st Term 5/1/2015</b>
				<b>Eff. 5/1/2010</b>	
Carl Ross	District 3	*	Petrey	10/3/2011	1st Term 5/1/2016
				Eff. 5/1/2010	
Jeanne Meiggs	District 4	*	McCord	3/1/2010	1st Term 5/1/2016
				Eff. 5/1/2010	
Steven Kesler	District 5	*	Gilbert	3/1/2010	1st Term 5/1/2016
				Eff. 5/1/2010	
Don Cheek	At-Large	*	Martin	6/3/2013	1st Term 5/1/2016
				Eff. 5/1/2013	
Sharon Twiddy	At-Large	*	O'Neal	3/1/2010	1st Term 5/1/2015
				Eff. 5/1/2010	
Travis Morris		**	**	6/3/2013	2nd Term 5/1/2016
				Eff. 5/1/2013	
Penny Leary-Smith		**	**	6/3/2013	1st Term 5/1/2016
				Eff. 5/1/2010	
		**		<b>6/3/2013</b>	<b>Unexpired Term</b>
				<b>Eff. 5/1/2010</b>	
Kimberlee Hoey		**		3/1/2010	1st Term 5/1/2015
				Eff. 5/1/2010	

**\*Needs Replaced**

**Commissioner Griggs**

\* 7 Members Must Be County Residents

\*\* 4 Members May Be Non-Residents

TOURISM ADVISORY BOARD  
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Jay Bender	District 1		Vance Aydlett	Appointed 12/2/2013	1st Term November 2015
Wanda Beasley	District 2		David Griggs	Appointed 2/18/2013	1st Term November 2015
Ted Jagucki	District 3		Butch Petrey	Appointed 11/21/11	1st Term November 2014
<b>Paul Robinson*</b>	<b>District 4</b>		<b>Paul Beaumont</b>	<b>Reappointed 11/21/11</b>	<b>2nd Term November 2014</b>
Janice Farr	District 5		Marion Gilbert	Appointed 7/2/12	1st Term June 2015
Mike Martine	At-Large		Paul Martin	Appointed 12/3/12	1st term November 2015
Leslie Daughtry	At-Large		Paul O'Neal	Appointed 1/3/2012	1st Term January 2015

**Commissioner Beaumont-To fill unexpired term**



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

Approval of Minutes

## Brief Description of Agenda Item

Approval of minutes for Regular meeting of the Board of Commissioners, August 18, 2014, and Approval of minutes for the Special Joint meeting of the Board of Commissioners and Fire and EMS Advisory Board.

Board Action Requested

Person Submitting Agenda Item

Presenter of Agenda Item



**CURRITUCK COUNTY  
NORTH CAROLINA**

August 18, 2014  
Minutes  
Meeting of the Board of Commissioners

The Board of Commissioners met in the Historic Courthouse Conference Room at 6:00 PM to discuss the reformation of the Economic Development Board. Peter Bishop, Economic Development Director, reviewed the request for reformation, stating the new board would serve as a combination Economic Development and Airport operations advisory board. Mr. Bishop proposed member requirements and meeting guidelines and discussed what the goals and duties of the Board should be. The Board of Commissioners discussed the balance of experience they would like to see on the new advisory board and asked Mr. Bishop to present a list of interested parties for review and possible appointment. Discussion of Economic Development and Airport traffic concluded the work session.

The Board of Commissioners met at 7:00 PM for its regularly scheduled meeting in the Board Meeting Room of the Historic Courthouse with the following members present: Board Chairman Paul O'Neal, Vice-Chairman Paul Martin and Commissioners Gilbert, Aydlett, Beaumont and Griggs. Commissioner Petrey was not in attendance. Staff in attendance included County Manager Dan Scanlon and County Attorney Ike McRee.

Chairman O'Neal called the meeting to order at 7 PM and announced the earlier Work Session.

**A) Invocation**

Chairman Paul O'Neal gave the invocation.

**B) Pledge of Allegiance**

Commissioner Marion Gilbert led the Pledge of Allegiance.

**C) Approval of Agenda**

Commissioner Aydlett motioned to approve the agenda. Commissioner Gilbert seconded and the motion carried unanimously.

**Approved Agenda**

**Work Session**

6 PM Discussion on Reformation of Economic Development Board

**7:00 pm Call to Order**

- A) Invocation-~~Reverend Jeremai Byrd, Old Path Baptist Church~~ **Not present**
- B) Pledge of Allegiance-~~Jeremai Byrd, Old Path Baptist Church~~ **Not present**
- 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) **Bay Disposal to Discuss Trash Pickup Service in Corolla**
- B) **Terry Miles-Discussion Regarding Trapping of Foxes**

**Public Hearings**

- A) **Ratification of Cell Tower Lease**

**New Business**

- A) **Peddler's Ordinance-Amendment**
- B) **Board Appointments:**
  - 1. Appointment of Commissioner to Fire and EMS Advisory Board
  - 2. Commissioner Approval for Nomination to Joint Nursing-Domicilliary Community Advisory Committee
  - 3. Advisory Board Appointments: Library, Whalehead Trust, Land Transfer Tax Appeals, Tourism
- C) **Consent Agenda:**
  - 1. Approval of Minutes from August 4, 2014.
  - 2. Budget Amendment
  - 3. Resolution Approving Piggyback Contract-Select Custom Apparatus, Inc. to Purchase 2 Ambulance Chassis and Accessories
  - 4. ITS Surplus Resolution
- D) **Commissioner's Report**
- E) **County Manager's Report**

**Special Meeting**

**Ocean Sands Water & Sewer District Board**

**Closed Session**

Closed Session pursuant to G.S. 143-318.11(a)(5) to instruct the county staff on considering the position to be taken on or behalf of the county in negotiating the price and other material terms of a proposed contract for the acquisition of real property by exchange or purchase for real property located in Point Harbor, North Carolina, Tax Parcel Identification Number 013200000480000 owned by Toby Allen Hedgepeth Trustee for any public purpose.

Adjourn

**D) Public Comment**

Chairman O'Neal opened the public comment period.

Larry Mushill of Moyock, Brayview Landing, spoke and asked the Board for fire protection in his area. He said fire hydrants were talked about years ago but nothing has been done and people are getting anxious and asked to get it done. Chairman O'Neal stated plans had been proposed to residents and the residents said no due to the excessive cost. A shuttling operation has been proposed and some relief may come if, upon state review, the ISO rating improves. Mr. O'Neal asked the County Engineer, Eric Weatherly, to hold a meeting with Brayview residents to get feedback and present options.

Jim Crowley, Launch Landing, spoke about the Currituck SPCA and thanked the Board of Commissioners for giving Currituck SPCA the opportunity to manage the animal shelter. He stated the last several weeks have been emotional, exciting and fun. He praised other SPCA staff and thanked the citizens of Currituck who really stepped up when the shelter was in need. Citizens donated items, worked, and played with the animals and they were grateful. Mr. Crowley announced an informal Open House at the shelter, located at 204 Airport Road, to be held Thursday, August 21, beginning at 5:30 PM. All are invited.

Marion Gilbert, Moyock, publicly stated that there is a grievance process in place for County employees and encourages employees to talk with the Human Resources Director. Ms. Gilbert stressed that Human Resources professionals have the expertise to resolve many issues and employees should take advantage of the resources that are available to them.

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

### **Administrative Reports**

#### **A) Bay Disposal to Discuss Trash Pickup Service in Corolla**

County Manager, Dan Scanlon, reviewed some of the issues residents have been having with Bay Disposal. Mr. Emmitt Moore, President of Bay Disposal, and Mr. Richard Hill, Manager of North Carolina Operations, admitted the learning process associated with their taking on the new contract. The issues with Corolla Light and Currituck Club with respect to pick-up times have been addressed in an effort to better accommodate the rollout services provided by the communities. This was done by rerouting the trucks. A hydraulic leak was also addressed, as the spill was cleaned, and they have since equipped trucks with the necessary materials so that drivers are able to handle fluid leaks on the spot. Mr. Moore feels they are responding and correcting issues as they arise and are doing what they can to prevent incidents. Chairman O'Neal asked if any asphalt damage occurred and was addressed. Mr. Moore said Bay Disposal will be responsible for repairs, and they have tried to adjust to satisfy the various concerns. A maintenance crew has been hired to perform service and preventive maintenance, and Bay Disposal asks the County to contact them should any other issues arise, as they will be happy to address them. Commissioner Aydlett thanked the gentleman for coming and stated that prevention is key. Chairman O'Neal thanked Mr. Moore and Mr. Hill and said he appreciated them coming in to address the Board.

#### **B) Terry Miles-Discussion Regarding Trapping of Foxes**

Mr. Terry Miles, Waterlily Road, Coinjock, presented the Board with a packet that included a petition requesting Currituck County provide an Ordinance to allow trapping of foxes. Mr. Miles, a certified trapping master since 2001, has received more than 50 requests for his services this year for nuisance trapping. Mr. Miles made recommendations for season dates and bag limits and reviewed the use of a foot trap. Mr. Miles explained this type of trap does not hurt the animal. He told stories of neighbors and residents losing chickens and pets to coyotes and foxes. Mr. Miles reviewed the general information in the packet and explained the State does not monitor or control foxes. It is the responsibility of local government, and local regulations must be in place in order to trap both coyotes and foxes. Mr. Miles said there are less than 20 licensed trappers in Currituck and stated he enjoys trapping and doesn't charge for his service. Commissioner Aydlett confirmed with Mr. Miles that if the County asks for the law then the General Assembly will make the law. Mr. Miles confirmed his understanding was correct. Chairman O'Neal and Commissioner Beaumont both attested to the Coyote problem in Currituck. Chairman O'Neal asked the County Attorney, Ike McRee, to research other local government legislation and move forward to ask the General Assembly to formally enact a law for Currituck County. Mr. Miles offered his help if needed, and Chairman O'Neal thanked him for his presentation.

**Public Hearings**

**A) Ratification of Cell Tower Lease**

County Attorney Ike McRee reviewed the current lease terms and revenue to date, with this agreement extending the lease term till 2031, with a value of \$389,804. He explained the lease falls under Economic Development and sale of property due to the term length of the lease. The lease allows phone company access for maintenance and modification of equipment. Chairman O’Neal asked if the County was getting a fair market value for the lease. It was explained that a consultant is looking at valuation for future lease renewals and license agreements. When asked, Dan Scanlon, County Manager, recommended approval.

Chairman O’Neal opened the Public Hearing. With no one signed up to comment, Chairman O’Neal closed the hearing. Commissioner Gilbert moved to accept the agreement and Commissioner Martin seconded. Motion carried unanimously.

**New Business**

**A) Peddler's Ordinance-Amendment**

Ike McRee reviewed the purpose of the Peddler’s ordinance and the reason behind the creation of the ordinance. The ordinance requires background checks for anyone wanting a permit to solicit business door to door. Mr. McRee explained the Sheriff is finding it difficult to meet the five days from application requirement for issuing of permits. This is due to the volume of applicants and the additional time needed should the check include a fingerprint card having to be sent to the state. Mr. McRee explained the ordinance would have to be brought back before the Board for approval due to Commissioner Petrey’s absence. He also stated the ordinance precludes groups such as high school fundraisers, girl scouts, or legitimate community groups. Commissioner Gilbert moved to approve the amendment to the Peddler’s Ordinance. The motion was seconded by Commissioner Martin and was carried unanimously.

**B) Board Appointments:**

- 1. Appointment of Commissioner to Fire and EMS Advisory Board

Chairman O’Neal announced an appointment of a Commissioner was needed for service on the Fire and EMS Advisory Board, the Regional Mental Health Board, and the Parks and Recreation Advisory Board. Commissioner Aydlett moved to nominate Commissioner Paul Beaumont for all three boards. Commissioner Martin seconded and the motion carried unanimously.

- 2. Commissioner Approval for Nomination to Joint Nursing-Domicilliary Community Advisory Committee

Lynda Daniels was nominated and approved to serve on the Joint Nursing-Domicilliary Advisory Committee to fill an unexpired term.

- 3. Advisory Board Appointments: Library, Whalehead Trust, Land Transfer Tax Appeals, Tourism

The following Advisory Board nominations were approved by the Board of Commissioners: Gerry Forbes and Richard Williams were appointed to the Land Transfer Tax Appeals Board for four-year terms expiring June, 2018.

Tom Oakes was appointed to the Library Board for a full term expiring June, 2016.

**C) Consent Agenda:**

1. Approval of Minutes from August 4, 2014.
2. Budget Amendment
3. Resolution Approving Piggyback Contract-Select Custom Apparatus, Inc. to Purchase 2 Ambulance Chassis and Accessories
4. ITS Surplus Resolution

Commissioner Gilbert moved to amend the minutes from August 4 to omit Commissioner Petrey and Commissioner Beaumont from attending the continuation of the August 4 recessed meeting on August 5. With the minutes correction Commissioner Gilbert moved to approve the Consent Agenda. Commissioner Martin seconded and the motion carried unanimously.

The Currituck County Board of Commissioners, at a meeting on the 4th day of August 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

		Debit	Credit
<u>Account Number</u>	<u>Account Description</u>	<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10510-590000	Capital Outlay	\$ 189,500	
10390-499900	Appropriated Fund Balance		\$ 189,500
		<u>\$ 189,500</u>	<u>\$ 189,500</u>
<b>Explanation:</b>	<b>Sheriff (10510)</b> - To carry-forward funds from FY 2014 for the shooting range for the Sheriff's Department.		
<b>Net Budget Effect:</b>	Operating Fund (10) - Increased by \$189,500.		

**D) Commissioner's Report**

Commissioner Aydlett reported he had attended the Rural Planning Organization (RPO) meeting. He talked about the process for funding and the ranking of road projects Currituck considers priority. He explained that none of the projects we have ranked will be coming to Currituck. County Manager, Dan Scanlon, added that not any bike path projects for the entire Division 1 area scored high enough to compete for funds. He reviewed the RPO and how the ranking and scoring works. He explained how the process is now skewed against rural counties. Mr. Scanlon said the engineering department plans to study our traffic problems, but they believe is the reduction of lanes and speed that is causing the backups. Commissioner Aydlett accentuated the need for a District 1 representative on the scoring committee.

Commissioner Gilbert reported the high school football season starts this week with Currituck v. Manteo at 7 pm Friday night. Commissioner Beaumont reported JV is at Manteo at 6 PM.

Commissioner Martin reminded everyone that school will be starting and to be on your toes while driving. Busses will be running and lots of new drivers on the road. He asks that we all be aware.

Chairman O'Neal asked the County Manager about the resurfacing of the Wright Memorial Bridge and when it would commence. Mr. Scanlon said he would find out and notify the Board. Chairman O'Neal went on to talk about signage, and the need for a range of informational signs from notification of farm implements on the road to wayfinding signs on the Outer Banks and mainland for those businesses off the main roads. He also spoke of milepost signs for the mainland highway. Mr. Scanlon said the Department of Transportation does not support putting up milepost signs on the highway. He recounted calling in to report a wheelchair lying on the side of the road and the first question asked was "where are you". Mr. O'Neal explained they would be helpful, particularly if you call in to report an incident and you are not from the area.

Commissioner Griggs stressed the fact, with regard to the Wright Memorial Bridge project, that September is peak hurricane season and they will need to keep evacuations in mind when scheduling.

**E) County Manager's Report -**

No Report.

**Special Meeting**

**Ocean Sands Water & Sewer District Board**

Chairman O'Neal asked for a motion to recess the meeting of the Board of Commissioners and reconvene as the Ocean Sands Water and Sewer District Board. Commissioner Gilbert moved to reconvene as the Ocean Sands Water and Sewer District Board. Commissioner Aydlett seconded and the motion carried unanimously.

**Closed Session**

After adjourning the Special Meeting of the Ocean Sands Water and Sewer Advisory Board and reconvening as the Board of Commissioners, Commissioner Gilbert made a motion to move into Closed Session pursuant to G.S. 143-318.11(a)(5) to instruct the County staff on the position to be taken on or behalf of the County in negotiating the price and other material terms of a proposed contract for the acquisition of real property by exchange or purchase located in Point Harbor, North Carolina, Tax Parcel Identification Number 013200000480000 owned by Toby Allen Hedgepeth Trustee for any public purpose and pursuant to G.S. 143-318.11(a)(3) to give direction to the County Attorney regarding the matter encaptioned Etheridge v. Currituck County and to preserve the attorney-client privilege.

**Adjourn**

After reconvening as the Board of Commissioners after Closed Session and there being no further business, Commissioner Gilbert moved to adjourn the regular meeting of the Board of Commissioners. Commissioner Beaumont seconded and the motion carried unanimously.

COUNTY OF CURRITUCK  
NORTH CAROLINA  
JULY 24, 2014

**JOINT SPECIAL MEETING OF THE BOARD OF COMMISSIONERS AND FIRE AND EMS ADVISORY BOARD**

The Currituck County Board of Commissioners and the Fire and EMS Advisory Board (FEAB) met for a special joint meeting on Thursday, July 24, 2014, at 6 PM, at the Currituck County Cooperative Extension Center, 120 Community Way, Barco, NC, in the Elizabeth Sanderlin Auditorium.

The meeting was called to order at 6:30 PM. Board of Commissioners attendees included Chairman Paul O'Neal, and Commissioners Aydlett, Gilbert, and Griggs. Also present was District 4 nominee Paul Beaumont, County Manager Dan Scanlon and County Attorney Ike McRee.

Fire and EMS Advisory Board (FEAB) attendees included Charles Berry, Jim Cason, Donni Mathias, Evelyn Henley, Mitch Copeland, John Brennan, and Ernie Bray. Many members of the Fire and EMS staff were in the audience.

Chief Robert Glover introduced William Jenaway, VFIS Executive Vice President, Education and Training Services, who presented the results of a Fire study that had been recently performed for Currituck County. The object was to look at the future of Fire and EMS in the County and develop a long-term focus in an effort to meet the needs of the public. Mr. Jenaway explained the challenge Currituck faces having to consider both the needs of the year-round resident and the increased demands from visitors.

Mr. Jenaway explained the parameters of the study, which included finances, operations, staffing and planning. Mr. Jenaway reviewed the current status of the departments relative to these topics. He made recommendations based on the study results with regard to the management structure and need for standardization of departments and stations. In addition, suggestions were made pertaining to acquisition of funding to cover future expenditures, such as construction, apparatus, and equipment. He addressed staffing and status management to ensure standards of cover are met.

Mr. Jenaway suggested a five-year plan for implementation of recommendations and asked the Board of Commissioners and Chiefs to take the first steps to begin to transition. He suggested the County Manager, Finance Director, Fire and EMS Advisory be involved, as well as the public, in an effort to determine what citizens are willing to pay and what can be accomplished with those dollars.

Upon completion of the presentation there was some discussion amongst the Board of Commissioners and FEAB with regard to funding of the departments, paid versus volunteer, and the struggle with determining what residents are willing to pay. Rick Galganski raised the question of setting tax districts for independent departments. Commissioner Aydlett suggested that this would work well in some areas of the County but not in others.

Chairman O'Neal recalled a District tax in the past was eventually changed to a flat tax due to the inconsistency it created with funding of the various departments. He would not be opposed to re-considering tax districts. Chairman O'Neal suggested the FEAB take time to review the findings and suggestions within the report while giving the Board of Commissioners time to absorb the information as well.

Some discussion ensued about paid staffing and the relative structure within the department pertaining to command. Mr. Jenaway suggested a separate corporation be set up for whoever gets paid by the County. When asked about billing, Mr. Jenaway stated billing is typically handled by a third party.

Mr. Jenaway said an Executive Summary would be made available the following week when it was requested by Chairman O'Neal. Mr. Jenaway, when asked, said the greatest hurdle the Commissioners need to overcome would be to follow through on their decision to make the changes.

### **Adjourn**

With no further questions or discussion, Chairman O'Neal thanked Mr. Jenaway and asked for a motion to adjourn. Commissioner Aydlett moved to adjourn and Commissioner Gilbert seconded. Motion carried unanimously.

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of September 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10390-499900	Appropriated Fund Balance		\$ 14,689
10380-484001	Insurance Recovery		\$ 8,563
10531 532000	Supplies	\$ 2,710	
10531 590000	Capital Outlay	\$ 15,042	
10531 516000	Repairs and Maint	\$ 2,500	
10531 514600	Public Education	\$ 2,000	
10531 514000	Travel	\$ 1,000	
		<u>\$ 23,252</u>	<u>\$ 23,252</u>

**Explanation:** *Emergency Management (1053)* - Emergency Management Program Grant (EMPG) unspent funds requested to be transferred from 2014 budget to 2015 budget. The capital outlay is for the insurance deductible and depreciation for lightning damage to the generator at the Waterlilly Fire Station.

**Net Budget Effect:** Operating Fund (10) - Increased by \$23,252.

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

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of September 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u> Decrease Revenue or Increase Expense	<u>Credit</u> Increase Revenue or Decrease Expense
10800-591000	School Current Expense	\$ 117,548	
10390-499900	Fund Balance Appropriated		\$ 117,548
		\$ 117,548	\$ 117,548

**Explanation:** *Public Schools (10800)* - Increase appropriation to School Current Expense to adjust to the actual planning allotment. Original budget was based on an estimated planning allotment.

**Net Budget Effect:** Operating Fund (10) - Increased by \$117,548.

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

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of September 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10660-545000	Contracted Services		\$ 3,409
10660-514500	Training & Education	\$ 2,650	
10660-514000	Travel	\$ 759	
		<u>\$ 3,409</u>	<u>\$ 3,409</u>

**Explanation:** *Planning & Community Development (10660)* - Transfer budgeted funds for Ben Woody to attend the Municipal and County Administration Course.

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

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Journal # \_\_\_\_\_

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

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of September 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10760-585001	DSS Donations/Currituck Kids	\$ 1,670	
10390-499900	Fund Balance Appropriated		\$ 1,670
		<u>\$ 1,670</u>	<u>\$ 1,670</u>

**Explanation:** *Public Assistance (10760)* - Carry-forward donation funds remaining from prior fiscal year that are restricted for Currituck Kids DSS Donations.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,670.

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Journal # \_\_\_\_\_

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

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 15th day of September 2014, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2015.

<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 Outlay - Sewer	\$ 7,089	
60808-545001	Contract Services - Sewer		\$ 7,089
		<u>\$ 7,089</u>	<u>\$ 7,089</u>

**Explanation:** *Ocean Sands Water & Sewer District (60808)* - Transfer budgeted funds for 2 generators and transfer switches at sections J and Crown Point of Ocean Sands Wastewater Treatment Plant.

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

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

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10750-590000	Capital Outlay	\$ 80,000	
10460-592000	Courthouse Projects		\$ 80,000
		<u>\$ 80,000</u>	<u>\$ 80,000</u>

**Explanation:** *Social Services Administration (10750); Public Works (10460)* - Transfer budgeted funds for renovations of the senior center space in the DSS building in order to utilize matching grant funds.

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

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10440-526000	Advertising	\$ 250	
10440-507000	Retirement		\$ 250
		<u>\$ 250</u>	<u>\$ 250</u>

**Explanation:** Finance (10440) - Transfer funds to advertise for vacant position in Finance. The position was an Accounting Clerk II. The position will be advertised as an Accounting Clerk I.

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

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50550-592016	Fuel System Upgrades	\$ 39,729	
50330-448000	State Aid to Airports		\$ 35,756
50380-481000	Investment Earnings		\$ 3,973
		\$ 39,729	\$ 39,729

**Explanation:** Airport Fuel System Upgrades (50550) - Increase appropriations for upgrades to the fuel system at the Currituck County Airport. This project will be funded by 90% grant funds from the Division of Aviation and 10% County funds.

**Net Budget Effect:** County Governmental Construction (50) - Increased by \$39,729.

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		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12548-590015	Capital Outlay	\$ 25,092	
12548-545000	Contract Services		\$ 25,092
		<u>\$ 25,092</u>	<u>\$ 25,092</u>

**Explanation:** Knotts Island VFD (12548) - Transfer funds for Hurst fire extrication equipment approved by the Fire and EMS Advisory Board on 8/28/2014.

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

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

**QUOTE**

DATE	QUOTE #
7/9/2014	1877

NAME/ADDRESS
Knotts Island Vol. Fire Dept. Box 115 Knotts Island, N.C. 27950 Attn: Kevin

FOB	TERMS	DELIVERY
Dest.	Due Upon Rec...	Most in stock

QTY.	ITEM	DESCRIPTION	RATE	TOTAL
1	272080000	Hurst S 700E E-Draulic Cutter Package - Includes 1 Charger & 2 Batteries	11,200.00	11,200.00
1	272090000	Hurst S 311E E-Draulic Cutter Package - Includes 1 Charger & 2 Batteries	9,800.00	9,800.00
1	271050000	Hurst SP 300E E-Draulic Spreader Package - Includes 1 Charger & 2 Batteries	11,800.00	11,800.00
1	274080000	Hurst R 411E E-Draulic Ram Package - Includes 1 Charger & 2 Batteries	8,400.00	8,400.00
1	272080412	Hurst E-Draulic Adapter Plug	620.00	620.00
		Subtotal		41,820.00
	Discount	Demo Discount - 40%	-16,728.00	-16,728.00
		* Would like to sell the above tools as a set with the demo discount. * 180 day warranty		
		* Do not have a Demonstrator SC 350E E-Draulic Combination Tool at this time!		
			<b>TOTAL</b>	\$25,092.00



# Currituck County Agenda Item Summary Sheet

## Agenda Item Title

July 2014 CDBG Monthly Progress Report

## Brief Description of Agenda Item

Progress report for July's activities regarding the Community Development Block Grant (CDBG).

## Board Action Requested

Action

## Person Submitting Agenda Item

Tammy Glave

## Presenter of Agenda Item

Ben Woody



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

## Memorandum

TO: Board of Commissioners

FROM: Ben Woody, AICP  
Planning Director

DATE: August 18, 2014

SUBJECT: July 2014 CDBG #11-C-2308 Scattered Site Housing Project Update

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

- Finalized foundation design and soil engineering for Ware property
- Finalized septic system redesign at Ware property.
- Processed payments for Countryscapes Landscaping, Inc. for septic system installation at 509 Northwest Backwoods Road and 729 Bayview Road.
- Processed a partial payment to MEG Investments for a manufactured home which was delivered and set up on the property of Case #2, G. Dunston, 509 W Backwoods Road.
- Performed multiple inspections on the McLane and Dunston properties.
- Countryscapes, LLC completed septic system installation at the McLane and Dunston properties.
- Followed up on status of well and reconstruction contract activities.
- Requested temporary relocation payment for reconstruction Case #4.
- Requested temporary storage facility payments for Case #1 and Case #4.
- Continued on-going general administration and financial management responsibilities.

Thank you.

**From:** Mitchell Copeland [<mailto:mitchcopeland@hotmail.com>]

**Sent:** Friday, August 29, 2014 4:06 PM

**To:** Dan Scanlon; Crystal Daneker

**Cc:** Kevin Morgan; Charles Berry; Donnie Mathias; Evelyn Henley; jeffery shell; Jim Cason; John Brennan; Paul Beaumont

**Subject:** FW: Hurst Quote

Dan,

Attached is a quote for Knott's Island Fire Department. They requested on 8/28/2014 and were approved by the F&EMSAB to purchase vehicle extrication equipment. This purchase is to come from existing funds in this year's budget, therefore no additional monies are requested.

This is an additional complete set of tools to be placed on the "first due" engine. The tools they currently have are outdated and will be kept for training because there is no trade in value due to the age. The quote states a savings of 40% because this is a "demo" model. It has been serviced, sold as "new", and will be received with a warranty.

Please have this placed on the next available Currituck County Board of Commissioners agenda for consideration and approval.

Thank you.

**Mitch Copeland, Chairman-F&EMSAB**  
**(757)650-0402**

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