

CURRITUCK COUNTY  
NORTH CAROLINA  
April 6, 2009

The Board of Commissioners met at 5:00 p.m. to discuss the Land Use Plan.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Etheridge, Commissioners O'Neal, Aydlett, Nelms, Rorer, Gregory and Taylor.

### **Invocation and Pledge of Allegiance**

The Reverend Glenn McCranie was present to give the invocation.

- Item 1            Approval of Agenda
- Item 2            Public Comment  
*Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.*
- Item 3            **Presentation of Life Saving Certificate** to Deputy Bill Rutherford
- Item 4            **Discussion on Support Our Students (SOS) funding**
- Item 5            **Phil Donahue, Albemarle Hospital,** to discuss the Community Care Clinic
- Item 6            **Juanita Krause, discuss no OLF**
- Item 7            **Public Hearing and Action** PB 09-04 Pittman/Williamson: Request to amend the Currituck County Land Use Plan to designate approximately 57.58 acres of the Future Land Use map from Limited Service Area to Full Service Area and to amend Water Quality Policy (WQ5) to promote low impact development techniques. The property is located on Fisher Landing Road, Jarvisburg, Tax Map 96, Parcel 29C, Poplar Branch Township. **To be continued to April 20<sup>th</sup> meeting**
- Item 8            **Public Hearing and Action** PB 08-61 High Cotton: Request for a Special Use Permit for 252 multi-family dwellings. The property is located at 1187 Caratoke Highway, Tax Map 22, Parcel 88, Moyock Township. **To be continued to April 20<sup>th</sup> meeting**
- Item 9            **Appointments to Whalehead Board of Trustees**
- Item 10           **Appointments to Library Board**
- Item 11           **Bid Award Recommendation for 16" Water Transmission Main**
- Item 12           **Consideration of bids for** Moyock Library-Furniture and Shelving
- Item 13           **Consent Agenda:**
  - 1. Resolution Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies
  - 2. Amendment to Resolution Establishing ARSWA
  - 3. Approval of \$2500 for NC Archaeological Society
  - 4. Resolution opposing SB758, Transfer of Secondary Roads to Counties and SB771, Reallocation Lottery Funds and Cigarette Tax increase
  - 5. Budget Amendments

6. Surplus ambulance to Corolla Volunteer Fire & Rescue Squad, Inc.
7. A R Chesson Change order for Knotts Island Station
8. Resolution to DOT requesting road name changes
9. Temple Grading - CO 2 & 3; Mainland Water Construction
10. Mad Dawg, Inc - CO #1; Mainland Water Construction
11. Caldwell Tank - CO #1; Mainland Water Construction
12. Phoenix Fabricators - CO#1; Mainland Water Construction
13. Columbian TacTank - CO#1; Knotts Island Fire Station
14. Approval of March 16, 2009, Minutes

Item 14 Commissioner's Report

Item 15 County Manager's Report

Item 16 **Closed Session:**

1. According to GS 143-318.11.(1) to prevent the disclosure of information that is privileged (3) to consult with attorney in order to preserve the attorney-client privilege
2. (6) to discuss personnel

### **Approval of Agenda**

Commissioner Aydlett moved to amend the agenda by adding presentation by Corolla Wild Horse Fund. Commissioner O'Neal seconded the motion. Motion carried.

### **Public Comment**

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

Chairman Etheridge opened the public comment period.

Sara Alford, expressed concerns with Moyock Sewer Plan and the cost. She requested a public hearing.

Commissioner Taylor moved to hold a town meeting to discuss. Commissioner O'Neal seconded the motion.

Edith & Earl Brickhouse, Senior Tar Heel Representatives, presented the Board with an update of the requests for the General Assembly.

Dennis Anderson, Grave Digger Monster Trucks, commented on the next County Fair and thanked the Board for their continued support and looked forward to meeting with them.

There being no further comments, Chairman Etheridge closed the public comment period.

### **Presentation of Life Saving Certificate to Deputy Bill Rutherford**

Chairman Etheridge presented the certificate to Deputy Rutherford and commended him for his service.

Sheriff Johnson, presented Deputy Rutherford an accommodation pin for his uniform.

**Presentation by Corolla Wild Horse Fund**

Karen McCalpin, Director, Wild Horse Fund, presented an update on the Corolla Wild Horse Fund and thanked the Board for their continued support.

Commissioner Aydlett commended the Wild Horse Fund for their dedication to the Wild Horses.

**Discussion on Support Our Students (SOS) funding**

Ellen Owens, 4-H Director, reviewed the SOS Program.

Commissioner Gregory moved to adopt the following resolution. Commissioner Aydlett seconded the motion. Motion carried.

**RESOLUTION  
SUPPORT OUR STUDENTS  
FUNDING**

WHEREAS, Currituck County has been informed that the Support Our Students programs across the state are being eliminated in the Governor's budget proposal; and

WHEREAS, this program serves over 100 students per year in Currituck County; and

WHEREAS, the SOS Program decreases the incidences of behavioral referrals during school and also increases school attendance: and

WHEREAS, it provides opportunities to develop critical life skills through participation in public speaking competitions, project record book keeping, community service projects and other traditional 4-H Programs; and

WHEREAS, the youth served in the Program continues to increase annually.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners strongly support this program for our youth and request that funding be continued in the State Budget.

BE IT FURTHER RESOLVED, that this resolution be forwarded to Governor Perdue, Senator Basnight and Representative Owens.

**Phil Donahue, Albemarle Hospital, to discuss the Community Care Clinic**

Mr. Donahue, Vice President, Albemarle Hospital, stated that they provide free health service to the uninsured in Elizabeth City and Chowan County. They treat 422 residents from Currituck County.

Mr. Donahue, requested that the Board support an increase in funding from \$5,000 to \$15,000.

Commissioner O'Neal stated he supports the request.

**Juanita Krause, discuss no OLF**

Juanita Krause, presented the history and research from the Hampton Roads Land Use Plan.

Commissioner Taylor commended her and Troy Breathwaite on all their efforts for this project.

**Public Hearing and Action PB 09-04 Pittman/Williamson: Request to amend the Currituck County Land Use Plan to designate approximately 57.58 acres of the Future Land Use map from Limited Service Area to Full Service Area and to amend Water Quality Policy (WQ5) to promote low impact development techniques. The property is located on Fisher Landing Road, Jarvisburg, Tax Map 96, Parcel 29C, Poplar Branch Township.**

To be continued to April 20 meeting

**Public Hearing and Action PB 08-61 High Cotton: Request for a Special Use Permit for 252 multi-family dwellings. The property is located at 1187 Caratoke Highway, Tax Map 22, Parcel 88, Moyock Township.**

To be continued to April 20 meeting

**Appointments to Whalehead Board of Trustees**

Commissioner Aydlett moved to accept the recommendations from the Board of Trustees. Commissioner O'Neal seconded the motion. Motion carried.

Reappointed, Barbara Snowden, Sharon Twiddy, Bill Brumsey, IV. Appointed, Cliff Scott, Michael Cherry and Jerry Wright.

**Appointments to Library Board**

Commissioner O'Neal moved to table. Commissioner Aydlett seconded the motion. Motion carried.

**Bid Award Recommendation for 16" Water Transmission Main**

Commissioner Nelms moved to award bid to Temple Grading, in the amount of \$741,295. Commissioner O'Neal seconded the motion. Motion carried.

**Consideration of bids for Moyock Library-Furniture and Shelving**

Commissioner Nelms moved to approve in the amount of \$237,524.05. Commissioner Taylor seconded the motion. Motion carried.

The Board requested more information on the furniture.

**Consent Agenda:**

1. Resolution Adopting a Policy for Mutual Assistance with Other Law Enforcement Agencies
2. Amendment to Resolution Establishing ARSWA
3. Approval of \$2500 for NC Archaeological Society
4. Resolution opposing SB758, Transfer of Secondary Roads to Counties and SB771, Reallocation Lottery Funds and Cigarette Tax increase
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13. Columbian TacTank - CO#1; Knotts Island Fire Station
14. Approval of March 16, 2009, Minutes

Commissioner O'Neal moved to approve. Commissioner Gregory seconded the motion. Motion carried.

**RESOLUTION ADOPTING A POLICY FOR CURRITUCK COUNTY SHERIFF MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES**

WHEREAS, pursuant to N.C. Gen. Stat. §160A-288, the governing body of a county may adopt appropriate guidelines for the head of the county's law enforcement agency to provide mutual assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is deemed to be in the best interest of the citizens of Currituck County to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Currituck County.

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

Section 1. The Currituck County Sheriff, (the "Sheriff"), is authorized to temporarily provide assistance to another agency in enforcing the laws of the State of North Carolina if requested by the head of the requesting agency in the following manner:

- a. The Sheriff is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
- b. The Sheriff is hereby authorized to permit officers of the Sheriff's Office to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Sheriff may lend such equipment and supplies to requesting agencies as he/she deems advisable.
- c. All such requests and authorizations shall be in accordance with N.C. Gen. Stat. §160A-288.
- d. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possess.
- e. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning with the normal scope of the officer's duties.
- f. The Sheriff is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

FIRST AMENDMENT TO RESOLUTION ESTABLISHING  
ALBEMARLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY

WITNESSETH:

WHEREAS, the General Assembly of North Carolina has enacted the Solid Waste

Management Act of 1989, Chapter 130A, Article 9 of the General Statutes of North Carolina (“Solid Waste Management Act”); and

WHEREAS, Part 2A of the Solid Waste Management Act governs the storage collection, transport, separation, processing, recycling, and disposal of nonhazardous solid waste; and

WHEREAS, Part 2A of the Solid Waste Management Act further mandates that each County, either individually or in cooperation with others, shall, in cooperation with its Municipalities, develop a comprehensive county solid waste management plan consistent with the State’s comprehensive solid waste plan, including provisions which address the State’s recycling goal; and

WHEREAS, the General Assembly has enacted legislation providing for the creation of regional solid waste management authorities among units of local government in North Carolina, the legislation being codified in Chapter 153A, Article 22 of the General Statutes; and

WHEREAS, Chowan, Currituck, Dare, Gates, Hyde, Perquimans, and Tyrrell Counties, being counties of the State of North Carolina (each a “Member Unit”), after due and diligent consideration, agreed to take action pursuant to Chapter 153A, Article 22 of the General Statutes to create the Albemarle Regional Solid Waste Management Authority by resolution dated September 21, 1992 (the “Initial Resolution”); and

WHEREAS the governing bodies of each Member Unit have unanimously agreed, pursuant to Article XI of the Initial Resolution, to amend the Initial Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Authority and the Boards of Commissioners of Chowan, Currituck, Dare, Gates, Hyde, Perquimans, and Tyrrell Counties, in separate sessions duly convened, by the adoption and enactment of this resolution by the Authority and each of the Boards, that the Initial Resolution be amended and that this amended resolution supersede and replace the Initial Resolution in its entirety( the “Amended Resolution” or “Charter”):

#### ARTICLE I

The name of this Authority shall be the ALBEMARLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY.

#### ARTICLE II

#### DEFINITIONS

The following terms are defined terms under this Amended Resolution and shall have the meanings as indicated:

1. Statutory Definitions - The terms enumerated in Part 1 of the Solid Waste Management Act shall have the meanings as set forth therein. In the event of any inconsistencies between the definitions of the terms as set forth in the Solid Waste Management Act and the terms as set forth in this Charter, the definition as set forth in the Solid Waste Management Act shall control.
2. Authority - The Albemarle Regional Solid Waste Management Authority, established pursuant to Chapter 153A, Article 22 of the General Statutes of North Carolina.
3. Charter - The articles and sections of this Amended Resolution.
4. Solid Waste Management Project - Categorically defines and encompasses all of the terms as set forth in this Charter and in Part 1 of the Solid Waste Management Act, unless otherwise specifically indicated.
5. Solid Waste Disposal System – Any and all facilities now or later designated by

the Authority as part of its system for the management and disposal of solid waste including, but not limited to recycling and other volume reduction facilities, sanitary landfills, or other disposal means, resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel), composting, recycling and transfer stations, roads, water lines, wastewater lines and treatment facilities to the extent provided or operated to carry out the provisions of the Solid Waste Management Act, and all buildings, fixtures, equipment and all property, real and personal now or hereafter owned, leased, operated or used by Authority, all for the purpose of providing for solid waste disposal, as of the date of enactment of this Charter.

6. Waste Hauler – Any person, firm, corporation or other entity engaged, in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within the service area, including any entity engaged in activities with respect to solid waste generated by the entity as well as any entity engaged in such activities with respect to solid waste generated by others.

7. Regional Landfills - Any landfill developed and operated by the Authority in locations within the service area or designated by the Authority for the disposal of disposable solid waste.

8. Service Area - The geographic area encompassing the territorial jurisdiction of the Member Units of the Authority.

9. Solid Waste - All material customarily referred to as garbage, refuse, recyclables and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, including special waste that may be disposed of at a municipal solid waste landfill, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C.A. § 1342) or source, special nuclear, or byproduct materials as defined by Section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C.A. § 2014).

10. Disposable Solid Waste - Any solid waste other than hazardous waste.

11. Plan of Operation - A plan adopted by the Authority setting forth the types of material acceptable to the Authority for disposal, times and places where material will be received by the Authority, methods of collecting fees charged by the Authority for disposal service, and other information describing operating procedures control, use of the disposal service, and providing instruction and guidelines to users of the system.

12. Service Charge - Any charge made by the Authority for the management of solid waste.

### ARTICLE III

#### DECLARATION OF PURPOSE

It is the purpose of this Charter to require all inhabitants and entities within the service area and all governmental agencies, to use exclusively the solid waste disposal system operated, maintained or designated by the Authority for the disposal of all solid waste generated within or brought within the service area; to establish a schedule of fees, rates, charges and assessments for the management of solid waste to pay for the costs of the financing and the operation and maintenance of the solid waste disposal system; and to provide for a method and procedure for the collection of established fees, rates, charges and assessments.

The purpose of the Authority is to provide environmentally sound, cost effective management of solid waste, including storage, collection, transportation, separation, processing, recycling, and disposal of solid waste in order to protect the public health, safety, and welfare; enhance the environment for the people of this State, and recover resources and energy which

have the potential for further use and to encourage, implement and promote the purposes set forth in Part 2A of the Solid Waste Management Act.

#### ARTICLE IV

##### FINDINGS

1. It is necessary for the promotion of the common interest of the people of the service area to provide for the effectuation and financing of a solid waste disposal system, and it is necessary for the health, safety, and welfare of the citizens and residents of the service area to provide an adequate solid waste disposal system for all residents and commercial, industrial and agricultural operators within the service area.

2. The Authority may issue solid waste and resource recovery bonds ("Bonds") to finance the acquisition, construction, planning, permitting, design, management and operation of the solid waste disposal system, which bonds among other things, would obligate the Authority to impose, by law, service charges within the service area for use of the solid waste disposal system. The Authority will also make significant contractual commitments of financial resources, including authorization of revenue bonds, to provide for the construction, planning, permitting design, management and operation and maintenance of facilities as part of the system to provide and assure the safe and efficient disposal, transfer and resource recovery of solid waste generated within the service area to meet the needs of residents of the service area.

3. The feasibility of construction, planning, permitting, design, management and maintenance of facilities as part of the disposal system to meet present and future needs of the residents of the service area and the ability of the Authority to generate revenues sufficient to liquidate the bonded indebtedness to be incurred by the Authority to finance the construction of facilities as part of the system depends upon the ability to obtain the type and quantity of operational volumes of solid waste needed to make such facilities economically viable.

4. The Solid Waste Management Act authorizes the Authority to construct, operate and maintain or contract with entities for the construction, operation and maintenance of the solid waste disposal system for the use and benefit of the inhabitants of the service area and grants to the Authority the power:

- (a) To require the inhabitants of the service area to use the solid waste disposal system established by the Authority exclusive of any other facilities being operated or maintained by any other governmental authorities or private parties;
- (b) To prescribe, fix, establish and collect rates, fees, assessments, rentals or other charges for the use of the solid waste disposal system and to pledge revenues as security for the payment of bonds issued under legal authority for the purchase, construction, planning, permitting design, management and operation of the solid waste disposal system; and
- (c) To require any waste hauler who accepts solid waste in the service area to use the Solid Waste Disposal System of the Authority.

5. The inefficient and improper methods of managing solid waste create hazards to public health, cause pollution of the air and water resources, constitute a waste of natural resources, have an adverse effect on land values and create public nuisances.

6. The potential operation of numerous independent and separate solid waste facilities within the service area with varying standards of operation and control creates a serious and critical health and safety problem to all of the citizens of the service area and the use of one solid waste disposal system operating uniformly and with minimum ecological impact in the service area is vital and imperative to the health, safety and welfare of the people of the service area and other living things.

7. The Solid Waste Management Act grants the Authority the power to provide for

and regulate solid waste collection and disposal.

8. The service area has limited land and resources for the disposal, transfer and recovery of resources from solid waste and it is the responsibility of the units of local government within the service area to protect and judiciously utilize limited land and resources.

9. The Authority is developing the disposal system as a regional waste disposal and recovery system within the framework of a regional solid waste management plan of operation in cooperation with federal, state and local agencies for the benefit of all citizens of the service area.

10. The provisions of this Charter are intended to be, and they shall constitute, the exercise by the Authority of the powers and authority granted to it under the Solid Waste Management Act and Chapter 153A, Article 22 of the General Statutes of North Carolina.

## ARTICLE V

### POWERS DUTIES AND FUNCTIONS

#### Section 1.

#### POWERS

This Authority shall possess the following powers:

(1) To apply for, accept, receive, and disburse funds and grants made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of local government whether or not a Member Unit of the authority, any private or civic agency, and any persons, firms, or corporations;

(2) To employ personnel;

(3) To contract with consultants;

(4) To contract with the United States of America or any agency or instrumentality Thereof, the State of North Carolina or any agency, instrumentality, political subdivision, or municipality thereof, or any private corporation, partnership, association, or individual, providing for the acquisition, construction, improvement, enlargement, operation or maintenance of any solid waste management facility, or providing for any solid waste management services;

(5) To adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties, not inconsistent with Article 22 of Chapter 153A of the North Carolina General Statutes;

(6) To adopt an official seal and alter the same;

(7) To establish and maintain suitable administrative buildings or offices at such places as it may determine by purchase, construction, lease, or other arrangements either by the Authority alone or through appropriate cost-sharing arrangements with any unit of local government or other person;

(8) To sue and be sued in its own name, and to plead and be impleaded;

(9) To receive, administer, and comply with the conditions and requirements respecting any gift, grant, or donation of any property or money;

(10) To acquire by purchase, lease, gift, or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, including an interest in

land less than the fee thereof;

(11) To sell, lease, exchange, transfer, or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest in such property;

(12) To pledge, assign, mortgage, or otherwise grant a security interest in any real or personal property or interest in such property, including the right and power to pledge, assign, or otherwise grant a security interest in money, rents, charges, or other revenues and any proceeds derived by the Authority from any and all sources;

(13) To issue revenue bonds of the Authority and enter into other financial arrangements including those permitted by Chapter 153A, Article 22, and Chapters 159, 159I, and 160A of the General Statutes of North Carolina to finance solid waste management activities, including, but not limited to systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, and disposal and for related support facilities, to refund any revenue bonds or notes issued by the Authority, whether or not in advance of their maturity or earliest redemption date, or to provide funds for other corporate purposes of the Authority;

(14) With the approval of any member unit of local government to use officers, Employees, agents and facilities of the member unit of local government for such purposes and upon such terms as maybe mutually agreeable;

(15) To develop and make data, plans, information, surveys, and studies of solid waste management facilities within the territorial jurisdiction of the members of the Authority, and to prepare and make recommendations in regard thereto;

(16) To study, plan, design, construct, operate, acquire, lease, and improve systems and facilities, including systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, household hazardous waste management, transportation, disposal and public education regarding solid waste management, in order to provide environmentally sound, cost-effective management of solid waste, including storage, collection, transporting, separation, processing, recycling and disposal of solid waste in order to protect the public health, safety and welfare; to enhance the environment for the people of the service area; recover resources and energy which have the potential for further use, and to promote and implement the purposes set forth in Part 2A of the Solid Waste Management Act;

(17) To locate solid waste facilities, including ancillary support facilities, as the Authority may see fit;

(18) To assume any responsibility for disposal and management of solid waste imposed by law on any member unit of local government;

(19) To operate such facilities together with any person, firm, corporation, the State of North Carolina, any entity of the State, or any unit of local government as appropriate and otherwise permitted by this Charter and the laws of the State of North Carolina;

(20) To set and collect such fees and charges as is reasonable to offset operating costs, debt service, and capital reserve requirements of the Authority;

(21) To apply to the appropriate agencies of the State, the United States of America or any state thereof, and to any other appropriate agency for such permits, licenses, certificates or approvals as may be necessary and to construct, maintain, and operate projects in accordance with such permits, licenses, certificates, or approvals in the same manner as any other person or operating unit of any other person;

(22) (i) To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors, and such other consultants and employees as maybe required in the judgment of the Authority, and to fix and pay their compensation from funds available to the Authority therefor, and (ii) to select and retain, subject to approval of the North Carolina Local

Government Commission, the financial consultants, underwriters, and bond attorneys to be associated with the issuance of any revenue bonds, and to fix and pay for services rendered by financial consultants, underwriters, or bond attorneys from funds available to the Authority, including the proceeds of any revenue bond issue with regard to which the services were performed;

(23) To acquire property located within the territorial jurisdiction of any member unit of local government by eminent domain pursuant to authority granted to counties;

(24) To require that any and all (i) solid waste generated within the Authority's service area and (ii) recyclable materials generated within the Authority's service area and transferred to the Authority be separated and delivered to specific locations and facilities.

(25) To do all things necessary, convenient, or desirable to carry out the purposes and to exercise the powers granted to the Authority under this Charter.

Section 2.

FUNCTIONS AND DUTIES

The functions and duties of the Authority shall include, but not be limited to the Following:

(1) The planning, design, construction, financing, management, ownership, operation and maintenance of solid waste disposal, volume reduction and resource recovery facilities and all related solid waste receiving, transfer, recycling, storage, transportation and waste handling and general support facilities considered by the Authority to be necessary, desirable, convenient or appropriate in carrying out the Plan of Operation and in establishing, managing and operating solid waste disposal and resource recovery systems and their component waste processing facilities and equipment;

(2) The provision of solid waste management services to municipalities, regions and persons within the service area, or other places as maybe designated by the Authority, by receiving solid wastes at the Authority facilities, pursuant to contracts between the Authority and such agencies, municipalities, persons, regions and business entities; the recovery of material and energy resources and resource values from such solid wastes and the production from such services and resources recovery operations of revenues sufficient to provide for the support of the Authority and its operations;

(3) The development, implementation and supervision of a program requiring all persons who haul, convey or transport any solid waste within the Authority's service area to obtain a license. The Authority may enter into an administrative agreement with any county, municipality or other political subdivision under which agreement the licensing program referenced herein may be conducted by the county, municipality or other political subdivision.

ARTICLE VI

BOARD OF DELEGATES

The powers of the Authority shall be exercised by the Board of Delegates, composed as Follows:

<u>MEMBER UNIT</u>	<u>NUMBER OF DELEGATES</u>
Chowan.....	1
Currituck.....	1
Dare.....	1
Gates.....	1
Hyde.....	1

Perquimans.....1  
 Tyrrell.....1

The governing body of each Member Unit shall appoint residents of the Member Unit to the board as the Member Unit’s delegate and may appoint one alternate for each delegate who may attend meetings of the Authority Board, but who shall be entitled to vote only in the absence of any one delegate designated by the appointing Member Unit. Each delegate and alternate shall serve at the pleasure of the appointing body for a term of four years. Any delegate or alternate may be removed, with or without cause, by the governing body of the appointing Member Unit. Each delegate and alternate on the board shall hold office until that delegate’s or Alternate’s successor is appointed and qualified. Any delegate and alternate shall be eligible for reappointment to succeed themselves.

The Authority Board shall annually in March elect a Chairman and Vice-Chairman by simple majority vote of those delegates present and voting at a properly constituted meeting. No alternate delegate shall be eligible to hold the office of Chairman or Vice-Chairman.

A vacancy on the Board shall be filled by appointment by the governing board of the Member Unit of local government having the original appointment with the term of office for the new appointee being the unexpired term of the original appointee.

The names and addresses of the delegates and alternate Member Units, the names of the appointing political subdivisions, and the year of expiration of the term of the Member Units are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>EXPIRATION OF TERM</u>
	<u>Chowan</u>	
<i>[Authority to add]</i>	Delegate	December 31, 2011
	Alternate	December 31, 2011
	<u>Currituck</u>	
	Delegate	December 31, 2012
	Alternate	December 31, 2012
	<u>Dare</u>	
	Delegate	December 31, 2010
	Alternate	December 31, 2010
	<u>Gates</u>	
	Delegate	December 31, 2011
	Alternate	December 31, 2011
	<u>Hyde</u>	
	Delegate	December 31, 2012
	Alternate	December 31, 2012
	<u>Perquimans</u>	
	Delegate	December 31, 2010
	Alternate	December 31, 2010

Tyrrell

Delegate  
Alternate

December 31, 2011  
December 31, 2011

Delegates and alternates shall be compensated for attendance at meetings of the Authority board and reimbursed for expenses incurred by them in the course of their duties upon presentation of proper vouchers for those expenses. Such compensation and reimbursement of expenses shall be pursuant to a schedule proposed by the Authority's executive director and approved by a majority vote of the Member Units.

ARTICLE VII

FINANCES

Funding for administrative and general operational requirements of the Authority to include planning, permitting, design, acquisition, construction and management of the Solid Waste Disposal System and other Authority purposes as provided in the Charter will initially be provided by Member Units of the Authority. Each Member Unit's proportionate share will be determined by simple majority vote, an annual budget for each up-coming fiscal year which shall be submitted to the Member Units not later than May 1. The budget shall be funded first by revenues generated by operations of the Authority based on tonnage of solid waste disposed of by Member Units and agreed rates charged to non-Member Unit users and, secondarily, in the event of an emergency as determined by a simple majority vote of the Member Units of the Authority, by revenues generated by assessments of Member Units, the assessments to be determined based on the tonnage of solid waste disposed of by an Authority Member Unit during the previous calendar year.

A Member Unit of the Authority shall be excluded from access to and utilization of the Authority's facilities if that Member Unit fails to contribute its assessed proportionate share for the operation of the Authority within thirty 30 days from the date of the establishment of such assessment.

ARTICLE VIII

LOCATION OF REGIONAL LANDFILL

Each Member Unit covenants that it will support and accept the Authority's location And/or expansion of a regional landfill within the Member Unit's jurisdiction.

ARTICLE IX

WITHDRAWAL

If the Authority has no outstanding indebtedness or existing contractual obligations, any Member Unit may withdraw from the Authority effective at the end of the current fiscal year by giving at least six months notice in writing to each of the other Member Units. Withdrawal of a Member Unit shall not dissolve the Authority if at least two Member Units remain.

Upon any Member Unit's withdrawal from the Authority, that Member Unit may still continue to use the solid waste disposal system described in this Charter, however, that Member Unit shall be required to pay whatever rates are charged to non-Member Unit counties, Municipalities, business and other persons by the owner or operator of the relevant solid waste disposal system.

ARTICLE X

AUDIT

The Authority shall cause to be made an annual audit of its books and records by an independent certified public accountant at the end of each fiscal year and a certified copy of the audit shall be filed promptly with the governing body of each Member Unit.

ARTICLE XI

AMENDMENTS

This Charter may be amended in writing by a unanimous vote of the governing bodies of the Member Units of the Authority provided that if a private landfill shall be substantially affected by such amendment then the Authority shall be required to give the operator of the affected landfill at least two years written notice prior to the effective date of the amendment.

ARTICLE XII

DISSOLUTION

If there is no outstanding indebtedness and no existing contractual obligations, the Authority may be dissolved by a vote of the super majority of the Member Units. The Member Unit in which the Authority's landfill(s) and/or transfer station(s), if any, are located at the time of dissolution shall have the right of first refusal to purchase the Authority's landfill at fair market value. The proceeds that may be derived from the sale of the Authority's landfill(s) and/or transfer station(s), if any, and all other assets of the Authority shall be distributed among the Member Units pursuant to the following formula:

$$\begin{array}{l}
 \text{Tonnage of solid waste} \\
 \text{disposed of by Member Unit} \\
 \text{during life of Authority} \\
 \hline
 \text{Total amount of tonnage} \\
 \text{disposed of by Authority} \\
 \text{during Authority's life}
 \end{array}
 \times
 \begin{array}{l}
 \text{Total dollar value of} \\
 \text{Authority's assets}
 \end{array}
 =
 \begin{array}{l}
 \text{Member Unit's} \\
 \text{share}
 \end{array}$$

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA OPPOSING SENATE BILL 758 AND THE TRAFER OF SECONDARY ROADS TO COUNTIES**

WHEREAS, in 1931, during the midst of the Great Depression and at a time North Carolina counties were under financial distress, the State of North Carolina removed county authority to construct, maintain and operate public roads; and

WHEREAS, a unified system for the construction, maintenance and operation of public roads strengthened North Carolina's standing as the "Good Roads State" resulting in a transportation system vitally important to the economic well being of North Carolina's people; and

WHEREAS, there is introduced in the North Carolina State Senate S758 which will return North Carolina's transportation network to 1931 status by requiring counties

to once again take on the responsibility for the secondary public roads located in each county thus reversing a seventy-eight year practice that has created a consistently reliable public transportation system envied by other states; and

WHEREAS, the year 2009, in the midst of the greatest financial disaster since the Great Depression and at a time North Carolina counties are again under financial distress, is not the time to consider placing the burden for public road construction, maintenance and operation on local government and replace a unified system with one hundred different standards for road construction, maintenance and repair.

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

Section 1. Currituck County opposes S758 and the transfer of secondary road responsibility to North Carolina counties and requests that Senator Marc Basnight and Representative Bill Owens also oppose and take all action within their authority and power to ensure defeat of S758.

Section 2. The Clerk to the Board is directed to forward a certified copy of this resolution to Senator Marc Basnight and Representative Bill Owens.

Section 3. This resolution is effective upon its adoption.

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA OPPOSING GOVERNOR PERDUE'S PROPOSAL TO INCREASE THE CIGARETTE TAX**

WHEREAS, Governor Perdue has proposed an additional one dollar of tax on each pack of cigarettes as a source of revenue for the 2009-2011 Biennial Budget; and

WHEREAS, county residents work or have worked in jobs related to cigarette distribution and sales and have benefited from working such jobs in a county bordering the Commonwealth of Virginia with higher cigarette taxes; and

WHEREAS, an increase in the state cigarette tax as proposed by Governor Perdue will encourage those who regularly purchase cigarettes in Currituck County and State of North Carolina to instead spend their money in the Commonwealth of Virginia; and

WHEREAS, the loss of customer base by Currituck County businesses will result in the loss of jobs and certainly sales tax revenue now remitted to the county and State of North Carolina to the detriment of citizens and businesses alike.

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

Section 1. Currituck County opposes Governor Perdue's proposed increase in cigarette tax by one dollar per pack and requests that Senator Marc Basnight and

Representative Bill Owens also oppose a state budget relying on such tax as a source of revenue.

Section 2. The Clerk to the Board is directed to forward a certified copy of this resolution to Senator Marc Basnight and Representative Bill Owens.

**Resolution  
Road Name Changes**

WHEREAS, due to the (SR 1222) Tulls Creek Road realignment there needs to be some road name changes, and

WHEREAS, the Board of Commissioners will hold a public hearing after the NC Board of Transportation considers our request.

Now, therefore, be it resolved, that the Currituck County Board of Commissioners request the NC Board of Transportation to consider the following road name changes. Maps are attached:

- SR 1228 from Shingle Landing Road, change to Camellia Drive
- A portion of SR 1216 from Puddin Ridge Road, change to Fire Station Court
- A portion of SR 1222 from Tulls Creek Road, change to Shingle Landing Road.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
10660-516000	Repairs and Maintenance	\$ 500	
10660-532000	Supplies		\$ 500
		\$ 500	\$ 500

**Explanation:** Planning (10660) - To transfer funds for repairs to Jeep in the planning department.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b> Decrease Revenue or Increase Expense	<b>Credit</b> Increase Revenue or Decrease Expense
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10330-432800	Daycare	\$	105,260		
10752-519600	Child Daycare			\$	105,260
			<u>\$</u>	<u>105,260</u>	<u>\$</u> <u>105,260</u>

**Explanation:** Social Services - Public Assistance (10752) - To decrease budget due to decrease in State allocation.

**Net Budget Effect:** Operating Fund (10) - Decreased by \$105,260.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
55818-588003	Contingency - Dist System	\$	182,776		
55818-593008	Dist Sys - RO Outfall Main			\$	84,898
55818-594000	Water Tank-Harbinger			\$	97,878
			<u>\$</u>	<u>182,776</u>	<u>\$</u> <u>182,776</u>

**Explanation:** Mainland Water Construction (55818) - To transfer funds for liquidated damages on Caldwell Tanks, Inc. contract change order 1 and Temple Grading & Construction Company Inc contract change orders 2 and for additional services on Temple Grading & Construction Company Inc contract change order 3.

**Net Budget Effect:** Mainland Water Construction Fund (55) - No change.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>		<b>Credit</b>	
			Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense
50548-570000	Reimbursable Expenses	\$	4,262		
50548-545000	Contracted services	\$	5,116		
50548-588000	Contingency			\$	9,378
			<u>\$</u>	<u>9,378</u>	<u>\$</u> <u>9,378</u>

**Explanation:** Knotts Island VFD Construction (50548) - To transfer funds from contingency for reimbursable expenses throughout the project and for AR Chesson change order #4 for hose/electrical reels in bays.

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

**Effect:**

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10790-532441	Technology under \$1,000	\$ 400	
10790-532000	Supplies		\$ 400
		<u>\$ 400</u>	<u>\$ 400</u>

**Explanation:** Library (10790) - To transfer budgeted funds to replace printer in the Corolla library.

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

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10541-511010	Data Transmission	\$ 2,065	
10541-514000	Travel		\$ 500
10541-526000	Advertising		\$ 200
10350-464000	Rents		\$ 1,365
		<u>\$ 2,065</u>	<u>\$ 2,065</u>

**Explanation:** Fire Services (10541) - Transfer funds for air cards for James Mims and per Memorandum of Understanding with Moyock, Corolla and Carova Beach Fire Departments.

**Net Budget Effect:** Operating Fund (10) - Increased by \$1,365.

<u>Account Number</u>	<u>Account Description</u>	<b>Debit</b>	<b>Credit</b>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10511-532000	Supplies	\$ 4,500	
10511-516000	Maintenance & Repair	\$ 3,000	
10511-547000	Meals	\$ 40,000	
10511-554000	Insurance & Bonds	\$ 1	
10511-513000	Utilities		\$ 3,500

10511-514000	Travel	\$	4,001
10511-590441	Technology Over \$1,000	\$	27,000
10510-511010	Data Transmission	\$	13,000
		\$	47,501
		\$	47,501

**Explanation:** Jail (10511); Sheriff (10510) - Transfer for operations for the remainder of this fiscal year.

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

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-590000	Capital Outlay Proceeds of Debt	\$ 751,375	
10390-490000	Issuance		\$ 751,375
		\$ 751,375	\$ 751,375

**Explanation:** Emergency Medical Services (10530) - To record receipt of debt proceeds to purchase five ambulances, which were approved during the FY 2009 budget process.

**Net Budget Effect:** Operating Fund (10) - Increased by \$751,375.

### RESOLUTION

**WHEREAS**, the Board of Commissioners of Currituck County, North Carolina during its regularly scheduled meeting held on April 6, 2009, authorized the following, pursuant to GS 160A and 270(b), that the property listed below be transferred to the Corolla Volunteer Fire & Rescue Squad, Inc.

<b>Asset Tag</b>	<b>Description</b>	<b>Serial Number</b>
6021	1999 Ford Ambulance E-350	1FDWE30FOXHA71725

**Commissioner's Report**

Commissioner Taylor requested a letter be sent to DOT for a turn lane on Tulls Creek Road while the Shingle Landing bridge was being repaired.

Commissioner Gregory stated that the County has been working for 5 years on the Moyock Sewer System.

Commissioner Aydlett, stated that there would be an official opening of the Knotts Island Fire Department soon.

Commissioner O'Neal requested a date to be scheduled to meet with the YMCA officials. He also would like an update on the Currituck Sound Study and funding.

**County Manager's Report**

Mr. Scanlon, stated that the water system will be complete by May 19, 2009, and within budget.

**Closed Session:**

According to GS 143-318.11.(1) to prevent the disclosure of information that is privileged (3) to consult with attorney in order to preserve the attorney-client privilege  
(6) to discuss personnel

Commissioner Aydlett moved to go into closed session.  
Commissioner Taylor seconded the motion. Motion carried

**Adjourn**

After reconvening from closed session, no action was taken. There being no further business, the meeting was adjourned.