

CURRITUCK COUNTY
NORTH CAROLINA
June 15, 2009

The Board of Commissioners met at 6:00 p.m. with Planning Staff to review the Multi-Family Overlay.

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, Rorer, Nelms, and Gregory. Commissioner Aydlett was absent.

Invocation and Pledge of Allegiance

Commissioner O'Neal presented the invocation. Moyock Boy Scout Troop 169 led the Pledge of Allegiance.

- 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 Meritorious Award to Deputy Brian Dudley and Deputy Garland Akers**
- Item 4 **Presentation on NC FlyPorts Program**
- Item 5 **Presentation on Currituck Sound Study**
- Item 6 **Public Hearing and Possible Action of FY 2010 Budget**
- Item 7 **Public Hearing and Action PB 09-03 Wild Horse Adventure Tours: Request for a Special Use Permit for outdoor recreation (wild horse tours). The property is located at 600 Currituck Club Drive, Corolla, Tax Map 126, Parcel 3D, Poplar Branch Township.**
- Item 8 **Public Hearing and Action Currituck County Solid Waste Management Plan**
- Item 9 **Approval of Economic Development Board Rules & Procedures and letter requesting input on developments**
- Item 10 **Appointments to Senior Citizen Advisory Board**
- Item 11 **Appointment to ABC Board**
- Item 12 **Appointments to Library Board of Trustees**
- Item 13 **Consent Agenda:**
 - 1. Resolution in support of application to NC DENR-DWQ for ARRA-CWSRF FUNDING for Moyock Central Sewer Force Main
 - 2. Budget Amendments
 - 3. Resolution opposing Public Health Improvement Plan
 - 4. Lease with ITT Corp. for ADSB Radio Station site at Airport
 - 5. Resolution Declaring Parcel ID 110B00400360000 as Surplus Property
 - 6. Resolution Authorizing the Upset Bid Process for Sale of Parcel ID 110B00400360000
 - 7. Amendment to Code of Ordinances: General Penalty
 - 8. Resolution Surplus Property Water Department
 - 9. Amendment to Concession License agreement for Flight Instruction at airport

10. Approval of June 1, 2009, Minutes
11. Resolution of Appreciation for C. Michael Warren
12. Moyock Library Change Order 003-Parking Lot Undercut
13. Airport Hangar C - Change Order for Fire Hydrant and Project Close Out

Item 14 Commissioner's Report

Item 15 County Manager's Report

Item 16 **Closed Session:**

1. According to 143-318.11(5) to discuss acquisition of real property, the Historic Jarvisburg School

Adjourn

Special Meeting

Tourism Development Authority

Call to Order

Public Hearing and Action on FY 2010 Budget

Adjourn

Approval of Agenda

Commissioner O'Neal moved to amend the agenda by deleting Items 3, 5, and 9 and adding Item 3A, Recognition of Tourism Department; add to the consent agenda Resolution for the ABC Board. Commissioner Taylor 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.

Rowena Rody, Elizabeth City, thanked the Board for all their support on the renovations of the Historic Jarvisburg Colored School.

Vivian Simpson, thanked the Board for their continued support of the Historic Jarvisburg Colored School.

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

Presentation of Meritorious Award to Deputy Brian Dudley and Deputy Garland Akers

Continued

Recognition of Tourism Department

Chairman Etheridge recognized Diane Nordstrom and Veronica Brown for the awards they received in marketing.

Ms. Nordstrom thanked the Board for the additional funding.

Presentation on NCFlyPorts Program

Shelly Reams, reviewed the services offered by NCFlyports for the area rural airports. The program is supported by the NCDOT Division of Aviation.

Presentation on Currituck Sound Study

continued

Public Hearing and Possible Action of FY 2010 Budget

Dan Scanlon, County Manager, stated this was a follow-up for adoption of the budget that was presented at their last meeting.

Commissioner O'Neal stated that he received a call from a citizen questioning the 2% cost of living increase for employees. Mr. Scanlon stated that this increase would just cover the increase in health insurance.

Commissioner Nelms moved to adopt. Commissioner Taylor seconded the motion. Motion carried.

**COUNTY OF CURRITUCK
BUDGET ORDINANCE**

For the Year Ending June 30, 2010

BE IT ORDAINED by the Board of Commissioners, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2009 and ending June 30, 2010.

SECTION 1. GENERAL FUND

A. Estimated Resources:

Ad Valorem Taxes	\$	25,360,499
Other Taxes and Licenses		5,033,405
Restricted Intergovernmental Revenues		3,576,621
Unrestricted Intergovernmental Revenues		406,500
Permits and Fees		1,391,000
Sales and Services		765,450
Investment Earnings		700,000
Miscellaneous		<u>3,027,083</u>
		40,260,558

Transfers In	1,642,600
Fund Balance Appropriated	<u>4,465,763</u>

TOTAL ESTIMATED RESOURCES	<u><u>\$ 46,368,921</u></u>
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B. Appropriations:

Administration	\$ 462,653
Legal	342,546
Governing Body	156,329
Elections	154,732
Finance	344,166
Information Technology Services	573,856
Human Resources	161,950
Public Information	184,334
Tax	490,792
Public Works	1,413,426
Wastewater	158,361
Register of Deeds	566,879
Court Facilities	195,999
Agency Appropriations	36,200
Central Services	682,135
Sheriff	5,256,654
Detention Center	2,001,182
Animal Control	386,657
Jury Commission	2,350
Emergency Medical Services	5,262,019
Emergency Management	220,763
Communications	805,642
Inspections	501,824
Fire Services	115,471

Moyock Volunteer Fire Department	225,540
Crawford Volunteer Fire Department	225,540
Lower Currituck Volunteer Fire Department	225,540
Corolla Volunteer Fire and Rescue Squad	225,540
Carova Beach Volunteer Fire Department	225,540
Knotts Island Volunteer Fire Department	225,540
Medical Examiner	10,000
Airport	549,113
Inter-County Transportation	184,901
Soil Conservation	137,456
Forestry	80,264
Cooperative Extension	490,363
Support Our Students	80,000
Economic Development	225,243
Planning	879,723
Health Administration	127,000
Mental Health	62,172
Social Services Administration	2,564,069
Public Assistance	1,464,345
County Assistance	57,500
Smart Start - Eat Smart, Move More	9,470
Juvenile Crime Prevention Control	107,457
Recreation	691,780
4-H Cultural Life Center	310,000
Library	581,212
Senior Centers	326,159
Debt Administration	3,180,310
Transfers Out	<u>2,389,670</u>
	<u>36,338,367</u>

School Local Current Expense	8,855,554
School Capital Outlay	1,100,000
Community College	<u>75,000</u>
	<u>10,030,554</u>
 TOTAL APPROPRIATIONS	 <u><u>\$ 46,368,921</u></u>

SECTION 2. TOURISM DEVELOPMENT AUTHORITY

A. Estimated Resources:

Other taxes and licenses	<u>\$ 8,198,608</u>
 TOTAL ESTIMATED RESOURCES	 <u><u>\$ 8,198,608</u></u>

**SALARY AND COMPENSATION RESOLUTION
FOR THE 2009-2010 FISCAL YEAR**

BE IT RESOLVED by the County Commissioners that the following salaries and other compensation are established for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

SECTION 1 - BOARDS

Board of Adjustments

Members \$50. per meeting

Airport Advisory Board

Members \$50. per meeting

Board of Commissioners

Chairman \$1300. per month

Members \$1200. per month

Stormwater Advisory Board

Members \$50. per meeting

Economic Development Board

Members \$50. per meeting

Tourism Development Authority

Members \$50. per meeting

Board of Elections

Chairman	\$75. per month plus \$8.00 per meeting hour plus travel reimbursement at per diem rate
Members	\$25. per month plus \$8.00 per meeting hour plus travel reimbursement at per diem rate
Chief Judge	\$150. on election day, \$20. on canvass day, \$15. on instruction day plus travel reimbursement at per diem rate
Judge	\$100. on election day, \$15. on instruction day plus travel reimbursement at per diem rate
Assistants	\$85 on election day, \$15. on instruction day plus travel reimbursement at per diem rate

Board of Equalization

Members	\$100. per day; \$50. per half day
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Land Transfer Tax Appeals Board

Members	\$50. per meeting
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Library Board of Trustees

Members	\$50. per meeting
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Other

Jury Commission	\$50. per day
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Planning Board

Members	\$50. per meeting
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Social Services Board

Members	\$50. per meeting
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Chairman

\$75. per meeting

Parks and Recreation Board

Members	\$50. per meeting
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Fire And EMS Board

Members	\$50. per meeting
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SECTION 2 - PAYMENTS TO BOARDS

Payments made to board members (except the Board of Commissioners) are considered fees for the payment of all expenses incurred while serving in a voluntary capacity unless additional compensation is provided for in the enacting ordinance.

SECTION 3 - NEW APPOINTMENTS

Compensation

The County Manager is authorized without further approval to enroll new personnel at a grade level not to exceed that of step 3; however, no new position may be established or salaries increased without the approval of the County Board of Commissioners.

Minimum Wage

Notwithstanding the above, the County Manager may raise the salary of any employee to the Federal minimum wage level without further approval from the County Board of Commissioners.

SECTION 4 - PART-TIME AND TEMPORARY EMPLOYEE BENEFITS

County employee benefits, including but not limited to vacation leave, holiday leave, sick leave, retirement, 401k, and health insurance, shall not be provided for part-time and temporary employees unless otherwise provided for by the Board of Commissioners.

PART-TIME PAY RATES

EMT B \$13.15

EMT I \$ 14.86

EMT P \$18.30

Telecommunicator Trainee \$14.01

Telecommunicator \$14.86

Library Asst. \$12.29

Library Assoc. \$14.01

Deputy I \$16.59

Deputy II \$17.45

Detention Officer \$ 13.15

Referee- cert. \$18 per game

Referee non-cert. \$14 per game

Scorekeepers \$7.25

Camp Counselors \$7.25-\$10

SOS Site Coordinators \$9

Visitor Relations Associate \$12.29

SECTION 5 - TRAVEL

Per Diem Rate

Subject to the approval of their department head, employees are entitled to travel reimbursement for use of a personal vehicle while transacting County business at the current standard mileage rate allowed by the Internal Revenue Service.

Public Hearing and Action PB 09-03 Wild Horse Adventure Tours: Request for a Special Use Permit for outdoor recreation (wild horse tours). The property is located at 600 Currituck Club Drive, Corolla, Tax Map 126, Parcel 3D, Poplar Branch Township.

Sworn testimony was given prior to making comments.

Ben Woody, Planning Director, reviewed the request.

LOCATION: 600 Currituck Club Drive, Corolla
ZONING DISTRICT: Limited Business - Hotel Allowed (LBH)
TAX ID: 0126000003D0000
OWNER: James Holdings
 88 E Main Street, #202
 Mendham, NJ 07945
APPLICANT: Richard Brown
 600 Currituck Club House Drive
 Corolla, NC 27927

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Commercial	Zoned LBH
SOUTH:	Residential	Zoned LBH
EAST:	Open Space	Zoned RO1
WEST:	Residential	Zoned LBH

LAND USE PLAN

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

NARRATIVE:

1. According to the application "The proposed use of the SUP is to provide a tour service to the northern beaches to see the Corolla Wild Horses. Tours go out with a guide in Suburbans and/or Jeeps. Tour drivers are familiar with the areas and knowledgeable of the rules and regulations of the 4x4 beaches. Typical activities include booking and taking out tours, and small scale sales at the gift shop and art gallery."
2. In-season hours/days of operation are Sunday - Saturday from 8 am. - 7 pm.
 Off-season hours/days of operation are Sunday - Saturday from 9 am. - 5 pm.
3. Ample parking is available via the Shoppes at the Currituck Club of which Wild Horse Adventure Tours is a tenant.
4. The Special Use Permit application only pertains to the property located at 600 Currituck Club Drive. Associated activities that may occur off-site are not covered by the issuance of the Special Use Permit as it is parcel specific.
5. There are several policies in the Currituck County 2006 Land Use Plan that support this type of endeavor. Some are as follows:
 - a. POLICY ED1: new and expanding industries and businesses should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and 3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.
 - b. POLICY HP3: Development of the tourism and educational potential of the area's architectural, historic and cultural resources shall be encouraged.
 - c. POLICY OB2: So as to minimize Commercial Strip Development and maximize the traffic moving capability of NC 12, Currituck County shall encourage commercial development to cluster at appropriate locations rather than dispersing along NC12.

It appears this request as presented is consistent with the policies and objectives of the Land Use Plan. The Planning Department is

particularly encouraged to see a growing emphasis on eco-tourism industries that expose the general public the natural resources of Currituck County.

QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

Special Use Permits are intended to allow the Board of Commissioners flexibility in the administration of the UDO. Through the Special Use Permit 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 Special Use Permit, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. COMPLETENESS OF THE APPLICATION
Suggested Findings:
 - a) The application is complete.

2. COMPLIANCE WITH ORDINANCE REQUIREMENTS
Suggested Findings:
 - a) The applicant's proposal will be required to maintain compliance with all UDO requirements and any additional requirements of the Board of Commissioners.
 - i. The proposed use **will not** materially endanger the public health or safety for the following reasons:
Suggested Findings:
 1. According to County Tax Maps, nearest residential dwellings to the tract are 250 feet from the proposed use. The parcel is currently a well established commercial area which includes retail shops.
 - ii. The proposed use **will not** substantially injure the value of adjoining or abutting property for the following reasons:
Suggested Findings:
 1. The Unified Development Ordinance indicates that the operation of an outdoor recreation facility is a permitted land use with a Special Use Permit in an Limited Business Hotel (LBH) zoning district.
 - iii. The proposed use **will** be in harmony with the particular neighborhood or area in which it is to be located.
Suggested Findings:
 1. The parcel is currently in a well established commercial area which includes retail shops and is therefore in keeping with the character of the surrounding area.
 - iv. The proposed use **will** be in general conformity with the Land Use Plan, and any other plan officially adopted by the Board of Commissioners.
Suggested Findings:
 1. The 2006 Land Use Plan classifies this site as Full Service and the proposed use is in keeping with the policies of the plan.
 - v. The proposed 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 applicable facilities are adequate. Such facilities must be in place or programmed to be in place within two years after the initial approval of the sketch plan. In the case

of subdivision and multi-family development at the sketch plan/special use, preliminary plat or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in.

Suggested Findings:

Approval of this request should have no impact upon public facilities.

TECHNICAL REVIEW COMMENTS:

There are no outstanding TRC comments.

STAFF RECOMMENDATION

The proposal appears to meet the criteria for granting a Special Use Permit for the property at 600 Currituck Club Drive and staff recommends **APPROVAL** with the following conditions:

1. When not in use, all horse tour vehicles shall be parked in a properly marked space toward the rear of the building in order to improve traffic flow and preserve roadside aesthetics.
2. Each side of horse tour vehicles shall be labeled with decals that clearly display the company name. The decal shall be of a size that is clearly legible (minimum of four inches in height).

PLANNING BOARD RECOMMENDATION

The Planning Board recommends **APPROVAL** with staff recommendations and the following condition:

1. All tours must be accompanied by a guide. The independent rental of jeeps shall be prohibited.

Chairman Etheridge opened the public hearing.

Richard Brown, owner, was present to answer questions.

There being no further comments, the public hearing was closed.

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

Commissioner Nelms directed staff to amend the UDO to treat all horse tours the same. Commissioner Nelms seconded the motion. Motion carried.

Public Hearing and Action Currituck County Solid Waste Management Plan

Dan Scanlon, County Manager, reviewed the plan.

Chairman Etheridge opened the public hearing. There being no comments, he closed the public hearing.

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

**RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE
MANAGEMENT PLAN OF 2009 - 2019 FOR CURRITUCK COUNTY**

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Currituck County recognizes its role in the encouragement of recycling markets by purchasing recycle products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste;

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, the Currituck County Public Works Department has undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

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

That Currituck County's 2009 - 2019 Ten Year Comprehensive Solid Waste Management Plan is accepted and endorsed and placed on file with Clerk to the Board on this ____ day of _____, 2009.

**Economic Development Board Rules & Procedures and letter
requesting input on developments**

deleted

Appointments to Senior Citizen Advisory Board

Commissioner O'Neal appointed Gerri Andrews. Commissioner Taylor seconded the motion. Motion carried.

Commissioner Gregory appointed Martha Burns. Commissioner O'Neal seconded the motion. Motion carried.

Commissioner O'Neal stated that he would like for all boards to have only 7 members.

Appointment to ABC Board

Chairman Etheridge appointed Horace Bell. Commissioner Gregory seconded the motion. Motion carried.

Appointments to Library Board of Trustees

Commissioner Taylor appointed Lisa Rose. Commissioner Nelms seconded the motion. Motion carried.

Commissioner Nelms moved to table other two appointments. Commissioner Gregory seconded the motion. Motion carried.

Consent Agenda:

1. Resolution in support of application to NC DENR-DWQ for ARRA-CWSRF FUNDING for Moyock Central Sewer Force Main
2. Budget Amendments
3. Resolution opposing Public Health Improvement Plan
4. Lease with ITT Corp. for ADSB Radio Station site at Airport
5. Resolution Declaring Parcel ID 110B00400360000 as Surplus Property
6. Resolution Authorizing the Upset Bid Process for Sale of Parcel ID 110B00400360000
7. Amendment to Code of Ordinances: General Penalty
8. Resolution Surplus Property Water Department
9. Amendment to Concession License agreement for Flight Instruction at airport
10. Approval of June 1, 2009, Minutes
11. Resolution of Appreciation for C. Michael Warren
12. Moyock Library Change Order 003-Parking Lot Undercut
13. Airport Hangar C - Change Order for Fire Hydrant and Project Close Out
14. ABC Board resolution

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

RESOLUTION IN SUPPORT OF APPLICATION TO NC DENR-DWQ FOR ARRA-CWSRF FUNDING FOR MOYOCK CENTRAL SEWER FORCE MAIN

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, drinking water treatment works, and/or drinking water distribution system), and

WHEREAS, The County of Currituck has need for and intends to construct a wastewater collection system project described as Phase I, Moyock Central Sewer Force Main, and

WHEREAS, The County of Currituck intends to request state grant and loan assistance for the project, as authorized by the American Recovery and Reinvestment Act of 2009

NOW THEREFORE BE IT RESOLVED, BY THE (GOVERNING BODY) OF THE County of Currituck:

That the County of Currituck, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the County of Currituck to make scheduled repayment of the loan, to withhold from the County of Currituck any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Daniel F. Scanlon II, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the

project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 15th day of June, 2009 at Historic Currituck County Courthouse, North Carolina.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50790-590000	Furniture & Fixtures	\$ 15,000	
50790-596100	Professional Services	\$ 14,069	
50790-594500	Contract Services	\$ 227,316	
50380-481000	Investment Earnings		\$ 256,385
		\$ 256,385	\$ 256,385

Explanation: Moyock Library Construction (50790) - Increase appropriations for the construction of the Moyock Library to bring in three phase power to the site, change order number 3 for McKenzie and consulting fees for additional undercut of the parking lot, reimbursable expenses and additional furnishings for the display room.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$256,385.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10330-430200	Adoption Assistance		\$ 48,000
10760-532900	Foster Care Supplement	\$ 48,000	
		\$ 48,000	\$ 48,000

Explanation: County Assistance (760) - Adjust line item to reflect additional Special Child Adoption funds received from the state.

Net Budget Effect: Operating Fund (10) - Increased by \$48,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10550-545000	Contract Services	\$ 28,280	
10550-590000	Capital Outlay		\$ 22,500
10550-506000	Insurance Expense		\$ 5,780
		\$ 28,280	\$ 28,280

Explanation: Airport (10550) - To transfer funds to provide bird proofing construction for airport hangars A and B as outlined in estimate from Mid-Atlantic Garage Doors dated 5/16/2009.

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
52330-448100	Canal #2 Salinity Study	\$ 37,900	
52410-561000	Professional Services		\$ 37,900
		\$ 37,900	\$ 37,900

Explanation: Canal #2 Salinity Study (52410) - To close out grant funding for the Canal #2 Salinity Study that is no longer active.

Net Budget Effect: Multi-year Grant Fund (52) - Decreased by \$37,900.

**RESOLUTION OPPOSING THE “PUBLIC HEALTH
IMPROVEMENT PLAN” AS
CONTAINED IN SENATE BILL 202**

Whereas, Section 10.26 of Senate Bill 202 contains a provision entitled “Public Health Improvement Plan”, and

Whereas, the Public Health Improvement Plan was proposed with no input from local government officials or local and State public health professionals, and

Whereas, the plan sets out an unreasonable timeline for such reform of the current public health system, and

Whereas, the plan calls for no additional public health funding, rather a redistribution of the existing, insufficient funds with no defined distribution formulas, and

Whereas, the plan calls for the creation of a Public Health Improvement Plan Task Force which is a duplication of the existing Public Health Task Force, and

Whereas, many Northeastern North Carolina counties are in the process of re-building the Mental Health infrastructure requiring greater contributions of local funds, and

Whereas, the same Northeastern North Carolina counties can ill afford alteration of the public health infrastructure requiring greater local funding to provide core public health services,

Now therefore be it resolved; that Currituck County is opposed to Section 10.26 of Senate Bill 202 or any other budget provision entitled Public Health Improvement Plan and stands opposed to any efforts to reform public health absent appropriate planning and input from local government officials and local public health professionals.

R E S O L U T I O N

WHEREAS, Currituck County obtained title to parcel 110B00400360000 located in the Poplar Branch Township through a property tax foreclosure; and

WHEREAS, this parcel is not currently serving a governmental use or purpose; and

WHEREAS, this parcel holds only a nominal value to Currituck County, and the County would be better served if this parcel was returned to the County tax roll.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Currituck County, North Carolina, during its regularly scheduled meeting held on June 15, 2009, authorized that parcel 110B00400360000, located in Poplar Branch Township, recorded in Deed Book 384, page 465 is declared as surplus property, pursuant to North Carolina General Statute Section 160A-265.

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, The County of Currituck owns certain property, PIN 1110B00400360000, 182 Michael Street, Lot 36, Block 4, Albemarle Sound Beach Estates, Jarvisburg, NC, located within Poplar Branch Township; and

WHEREAS, North Carolina General Statute 160-269 permits the county to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$7,500.00, submitted by D. Stephen Clinton, Livingston, Texas.

WHEREAS, D. Stephen Clinton has paid the required five percent (5%) deposit on this offer;

THEREFORE, THE COUNTY COMMISSIONERS OF CURRITUCK COUNTY RESOLVE THAT:

1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269.
2. The County Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the County Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period the County Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the County Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that
 - the County Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
 - The buyer must pay with cash at the time of closing.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to D. Stephen Clinton.

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF
COMMISSIONERS AMENDING CHAPTER 1, SECTION 1-8 OF THE
CURRITUCK COUNTY CODE OF ORDINANCES TO PROVIDE FOR
GENERAL PENALTIES FOR CODE VIOLATIONS**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-123 a county may provide for fines and penalties for violation of its ordinances and may by ordinance provide that violation of a county ordinance subjects the offender to a civil penalty to be recovered by the county in a civil action in the nature of a debt; and

WHEREAS, it is necessary and advisable to provide civil penalties as an alternative to criminal penalties for the enforcement of county ordinances.

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

Part I. **Section 1-8. General penalty; continuing violation** of the Currituck County Code of Ordinances is rewritten to read as follows:

Sec. 1-8. General penalty; continuing violations.

(a) Wherever in this Code or in any ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or an infraction or a misdemeanor, where no specific penalty is provided therefor the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 30 days for each separate violation; provided, that no fine shall exceed \$50.00 unless the ordinance expressly states that the maximum fine is greater than \$50.00. Each day any violation of this Code or any ordinance shall continue shall constitute a separate offense, unless otherwise specified.

(b) In addition to any criminal penalty set out in this section, violations of this Code shall subject the offender to a civil penalty upon the issuance of a citation for such violation as hereinafter provided. The civil penalty, if not paid to the county finance officer within 15 days of the issuance of a citation, may be recovered by the county in a civil action in the nature of debt. Unless otherwise provided by a specific provision of this Code, such civil penalties shall be no more than \$500.00 for each violation, and each day any single violation continues shall be a separate violation.

(c) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other county ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the county for equitable relief that there is an adequate remedy at law.

(d) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other county ordinance that makes unlawful a condition existing upon or

use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the county may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(e) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that:

- (1) Buildings or other structures on the property be closed, demolished or removed;
- (2) Fixtures, furniture or other movable property be removed from buildings on the property;
- (3) Grass and weeds be cut;
- (4) Improvements or repairs be made; or
- (5) Any other action be taken that is necessary to bring the property into compliance with this Code or such ordinance.

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(f) The provisions of this Code and any other town ordinances may be enforced by one all or a combination of the remedies authorized and prescribed by this section; except that any provision the violation of which incurs a civil penalty shall not be enforced by criminal penalties.

(g) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other town ordinance shall be a separate and distinct offense.

(h) A violation of this Code, the penalty for which is a civil penalty, shall be enforced as provided in subsections (i), (j), and (k) of this section.

(i) Upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the county shall cause a warning citation to be issued to the violator, setting out the nature of the violation, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating a reasonable period of time in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty. The initial issuance of a warning citation upon a violator as provided above shall not be required for the immediate imposition of civil penalties for a determination of a violation of any of the following provisions:

(1) Chapter 3, Section 3-36;

(2) Chapter 9, Section 9-4, Section 9-7, Section 9-33;

(3) Chapter 10, Section 10-58, Section 10-59, Section 10-61, Section 10-62(b), Section 10-62(c), Section 10-63(c), Section 10-64, Section 10-104;

(4) Chapter 12, Section 12-62;

(j) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the town and either served directly on the violator or his duly designated agent, or registered agent if a corporation, in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the town, or obtained from the violator at the time of the issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear before the town treasurer, located in the town hall, within 15 days of the date of the citation or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated. Within a 12-month period, any repeat violation for which a notice of violation, warning citation, or civil citation has been issued shall be considered a continuation of the original violation.

(o) If the violator fails to respond to a citation within 15 days of its issuance and pay the penalty prescribed therein, the county may institute a civil action in the nature of debt in the appropriate division of the state general court of justice for the collection of the civil penalty.

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

PART IV. This ordinance is effective upon its adoption.

**RESOLUTION
SURPLUS PROPERTY**

WHEREAS, The Board of Commissioners of Currituck County, North Carolina during it is regular meeting held on June 15, 2009 authorized the following property listed below, be disposed of; and

WHEREAS, the mainland water department has two vehicles and the Detention Center Wastewater System has a generator to be declared surplus property.

1995 Ford F250 asset number 3102
 1999 Ford Explorer asset number 4353
 Generator is an ECCO 120/208 volt, three phase with 25 KVA

The above listed items will be auctioned.

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA AMENDING THE SCHEDULE OF AIRPORT FEES

WHEREAS, pursuant to N.C. Gen. Stat. §153A-102 a board of commissioners may fix the fees charged by the county;

WHEREAS, it is desirable to modify certain fees charged for use of the Currituck County Airport facilities.

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

Section 1. The Schedule of Fees for the Currituck County Airport is amended as follows:

	<u>No. of Units</u>	<u>Square Footage</u>	<u>Current Monthly Rent</u>	<u>Proposed Monthly Rent</u>	<u>Corporate Incentives Payment in Adv.</u>	<u>3 year term</u>
Hangar A						
	7	936	175	175		
	1	2,172	350	400		
	1	2,340	328	420		
Hangar B						
	7	1,014	175	175		
	1	2,704	324	400	380	360
	1	2,704	324	400	380	360
Hangar C						
	4	3,299	0	475	450	425
	1	3,830	0	550	525	500

Concession Agreements

Hang Gliding:

7,000 per
year

Flight Lessons:

~~300 per year with no aircraft based at Currituck Regional Airport~~
~~150 per year with one aircraft based at Currituck Regional Airport~~
~~75 per year with two or more aircraft based at Currituck Regional Airport~~

Tie Down Fees will stay the same \$10 per month

Section 2. This resolution is effective upon its adoption.

**RESOLUTION
OF
APPRECIATION**

WHEREAS, C. Michael Warren came to Currituck County in 2003 as superintendent of the Currituck County Schools; and

WHEREAS, Mr. Warren is an honorable and respectable man, dedicated and hardworking, and an outstanding citizen in his community; and

WHEREAS, Mr. Warren has excelled in his dedication and loyalty in being committed to student achievement; and

WHEREAS, under his leadership, Currituck County Schools are ranked in the top fifteen percent of all school districts in the state, epitomizing their slogan, "A Beacon for Excellence in Education;" and

WHEREAS, Mr. Warren will be retiring from Currituck County Schools effective July 1, 2009, after a long career in education;

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners commends Mr. Michael Warren and extends best wishes upon his retirement to one who has worked so faithfully and given so generously of his time and talents to make Currituck County a better place to live.

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR CURRITUCK
COUNTY, NORTH CAROLINA AUTHORIZING THE CURRITUCK COUNTY ABC
BOARD TO RETAIN A PORTION OF PROFIT DISTRIBUTION FOR CAPITAL
EXPENDITURE**

WHEREAS, the Currituck County ABC Board is contemplating the improvement or replacement of its Moyock, North Carolina facility; and

WHEREAS, the Currituck County ABC Board has requested that it be allowed to retain up to 85% of the amount of profit normally distributed to Currituck County in order to fund the costs for the capital expenditure required to improve or replace its Moyock, North Carolina facility.

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

Section 1. The Currituck ABC Board is authorized to retain up to 85% of the amount of profit normally distributed to Currituck County for the purpose of financing the improvement or replacement of its Moyock, North Carolina facility but shall continue distribution of other statutorily required distribution of profits.

Section 2. This resolution shall remain effective until June 30, 2015 or upon repeal by the Board of Commissioners whichever shall first occur.

Section 3. This resolution is effective upon its adoption.

Commissioner's Report

Commissioner Rorer reminded the public of a food drop-off at Hardees in Grandy.

Chairman Etheridge commented on the 150 year celebration of the Coinjock Canal.

County Manager's Report

Dan Scanlon, County Manager, stated that the boat ramp at Shingle Landing is now open; The RO Water Plant will be on line by the end of the week.

He also updated the Board on the Turnpike Authority regarding the Mid-Currituck Bridge and other options instead of the barrier wall in Coinjock.

Closed Session:

1. According to 143-318.11(5) to discuss acquisition of real property, the Historic Jarvisburg School and Knotts Island Fire Department.

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

Adjourn

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

Special Meeting

Tourism Development Authority

Call to Order

Chairman Etheridge called the meeting to order.

Public Hearing and Action on FY 2010 Budget

Chairman Etheridge opened the public hearing. There being no comments, he closed the public hearing.

**CURRITUCK COUNTY TOURISM DEVELOPMENT AUTHORITY
BUDGET ORDINANCE**

For the Year Ending June 30, 2010

BE IT ORDAINED by the Currituck County Tourism Development Authority, County of Currituck, North Carolina that the following estimated resources, appropriations, and memoranda are adopted for the fiscal year commencing July 1, 2009 and ending June 30, 2010.

SECTION 1. OCCUPANCY TAX - PROMOTION

A. Estimated Resources:		
Occupancy Tax		8,198,608
		8,198,608
TOTAL ESTIMATED RESOURCES	\$	8,198,608
B. Appropriations:		
Occupancy Tax - Promotion	\$	2,701,730
Occupancy Tax - Tourist related		5,496,878
		8,198,608
TOTAL APPROPRIATIONS	\$	8,198,608

The information above is presented in summary form. Complete detailed information is on file with the Finance Director.

SECTION 2. SPECIAL APPROPRIATIONS AND RESTRICTIONS

The Budget Officer is hereby authorized to transfer appropriations within the funds as contained herein under the following conditions.

- a. He may transfer amounts within the same department within the same fund up to Ten Thousand dollars (\$10,000) providing an official report on such transfers at a

regular meeting of the Board of Commissioners on a quarterly basis.

- b. He may transfer amounts between departments within the same fund up to One Thousand dollars (\$1,000) providing an official report on such transfers at the next regular meeting of the Board of Commissioners.
- c. He may appropriate fund balance to salaries and benefits in order to increase salaries of employees who have met requirements to increase certifications required by the County providing an office report on such transfers at the next regular meeting of the Board of Commissioners.
- d. He may make interfund loans for a period of not more than sixty days (60).
- e. He may not transfer any amounts between funds or from any contingency line items within any funds.

SECTION 29. CONTRACTUAL OBLIGATIONS

The County Manager or the County Attorney are hereby authorized to execute contractual documents under the following conditions:

- a. They may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. They may award contracts, reject bids, re-advertise for bids, waive bid bonds or bid deposit requirements, and waive performance and payment bond requirements for all formal bids of apparatus, supplies, materials and equipment as stated in G. S. 143-129.
- c. They may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- d. They may execute grant agreements to and from public and nonprofit organizations which are within budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.
- e. They may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 30. MEMORANDA

- A. Officers:
Daniel F. Scanlon II CPA is the Budget Officer
Donald Ikerd McRee is the County Attorney
Sandra L. Hill CPA is the County Finance Director
- B. Facsimile Signatures:
The use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts is hereby authorized; however, off-line checks and pre-audit certification requires in the minimum of one original authorizing signature. The Finance Director is hereby charged with the custody of all facsimile machines, stamps, plates or other devices.

- C. Official Depositories:
The Official depositories of the Tourism Development Authority are:
The Bank of Currituck, North Carolina
The East Carolina Bank, Currituck, North Carolina
Bank of America, North Carolina
Bank of the Commonwealth, North Carolina
Branch Bank and Trust, North Carolina
Gateway Bank, North Carolina
North Carolina Cash Management Trust, Charlotte, North Carolina
Wachovia Bank, North Carolina
Wells Fargo Bank, North Carolina

- D. Daily Deposits:
Daily deposits are required by all departments when the amount of money held on hand sums to Two Hundred Fifty dollars (\$250).

- E. Returned Check or Electronic Funds Transfer Fees:
The Tourism Development Authority will assess a returned check charge consistent with G. S. 25-3-512 on all checks or electronic funds transfers returned to the County due to insufficient or unavailable funds, except for the payment of taxes. The returned check fee will be \$25.00 per item returned. This fee will also be charged for ACH or credit card transactions that are not paid due to insufficient funds. The penalty for returned checks and electronic funds transfers for payment of taxes are governed by G. S. 105-357(2).

- F. Policy on Appropriations:
The Tourism Development Authority will not consider supplemental appropriations for any service, function, purpose or activity that could have been reasonably considered during the budget process.

SECTION 31. USE OF BUDGET ORDINANCE

The Budget Officer and the Finance Director shall use this budget ordinance for administration of the budget and for the accounting system.

Adjourn

There being no further business, the meeting adjourned.