



**Board of Commissioners  
Agenda Packet**

**June 3, 2019**

**6:00 PM Call to Order**

- A) Invocation & Pledge of Allegiance-Reverend Kimberly Ferebee, St. Mark Church of Christ Disciples
- B) Approval of Agenda

**Public Comment**

*Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.*

**Commissioner's Report****County Manager's Report-Amended****Administrative Reports**

- A) **Presentation by College of the Albemarle Board of Trustees-Enrollment for the Currituck County Regional Aviation and Technical Training Center**

**Public Hearings**

- A) **PB 19-09 Bruce Weaver, Kitty Hawk Kites - Text Amendment:** Request to amend the Unified Development Ordinance, Chapter 4. Use Standards and Chapter 10. Definitions and Measurement, to establish Outdoor Tour Operators, Aviation, as a use allowed in the Agriculture (AG) zoning district subject to a use permit and specific conditions.
- B) **Public Hearing and Possible Action on Annual Budget for the Fiscal Year Ending June 30, 2020.**

**New Business**

- A) **Amended: Bid award for Self-Contained Breathing Apparatus for Fire Protection Equipment**
- B) **Consent Agenda**
  - 1. Approval Of Minutes-May 20, 2019
  - 2. Budget Amendments
  - 3. Project Ordinance-Lottery Funds Project-Moyock Elementary Roof Replacement
  - 4. Consideration of a Resolution Requesting the Dissolution of the Whalehead Preservation Trust Endowment.
  - 5. Administrative Policy for Developmental Fees
  - 6. Memorandum of Agreement for Verizon Tower at 734 Ocean Trail, Corolla

**Adjourn****Special Meeting-Tourism Development Authority**

Tourism Development Authority-Public Hearing and Possible Action on Annual Budget for the Fiscal Year Ending June 30, 2020.

**Adjourn Meeting-Tourism Development Authority****Special Meeting-Ocean Sands Water & Sewer District**

Ocean Sands Water & Sewer District-Public Hearing and Possible Action on Annual Budget for the Fiscal Year Ending June 30, 2020.

**Adjourn Meeting-Ocean Sands Water & Sewer District**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2505)**

**Agenda Item Title**

Presentation by College of the Albemarle Board of Trustees-Enrollment for the Currituck County Regional Aviation and Technical Training Center

**Brief Description of Agenda Item:**

**Board Action Requested**

Information

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2474)

**Agenda Item Title**

PB 19-09 Bruce Weaver, Kitty Hawk Kites - Text Amendment:

**Brief Description of Agenda Item:**

Request to amend the Unified Development Ordinance, Chapter 4. Use Standards and Chapter 10. Definitions and Measurement, to establish Outdoor Tour Operators, Aviation, as a use allowed in the Agriculture (AG) zoning district subject to a use permit and specific conditions.

**Planning Board Recommendation:**

**Planning Board Recommendation**

Planning Board Meeting May 14, 2019 - Planning Board recommends approval as presented.

**Motion**

Mr. Bass motioned to approve the requested text amendment, PB 19-09 Bruce Weaver, Kitty Hawk Kites - Outdoor Tour Operator, Aviation as stated subject to the staff recommendation and the suggested Statement of Consistency and Reasonableness.

Mr. Thomas seconded the motion and the motion carried unanimously.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Cheri Elliott, Assistant

**Presenter of Agenda Item**

Laurie LoCicero



## Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: May 15, 2019

Subject: PB 19-09 Bruce Weaver – Kitty Hawk Kites  
 Outdoor Tour Operator-Aviation

The enclosed text amendment submitted by Bruce Weaver of Kitty Hawk Kites revises Chapter 4 of the Unified Development Ordinance (UDO) to allow “Outdoor Tour Operators, Aviation” in the Agriculture (AG) zoning district subject to a use permit. The proposed text amendment includes a definition of “Outdoor Tour Operator, Aviation” and establishes use specific standards for aviation related tour operations.

### Background

The outdoor recreation use classification of the UDO includes a wide variety of uses including arenas, amphitheaters, stadiums, go-cart racing, water parks, amusement parks and other such uses. These are uses that require significant facilities and structures. Since the outdoor recreation use classification includes uses that are generally large and potentially impactful to adjacent neighbors and the community, “outdoor recreation” was removed as a use allowed in the AG zoning district with a use permit in January 2013. Prior to the January 1, 2013 UDO update, outdoor recreation uses were permitted in the Agriculture (AG) zoning district subject to a use permit.

Outdoor Tour Operators are categorized as Outdoor Recreation/Entertainment thus grouping them in with more impactful and intense outdoor recreation uses. Currently, outdoor tour operators are allowed in the General Business (GB) and Limited Business (LB) Zoning Districts with use specific standards subject to a use permit. The current UDO language does not differentiate potentially less impactful outdoor recreation uses, such as aviation tourism, with higher impact uses such as those listed earlier.

This text amendment proposes to allow aviation related outdoor tour operations in the AG zoning district subject to a use permit and use specific standards.

### Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of

PB 19-09 Bruce Weaver Kitty Hawk Kites  
 Outdoor Tour Operator - Aviation  
 Text Amendment  
 Page 1 of 8

Attachment: PB 19-09 Bruce Weaver - Kitty Hawk Kites - Text Amendment Staff Report (BOC 6-3-19) (PB 19-09 Bruce Weaver)

Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

- (1) Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
  - a. *The proposed text amendment is consistent with the following 2006 Land Use Plan Policies:*
    - POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land.
    - 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.
    - POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized.
- (2) Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
  - a. *The text amendment request is consistent with the following UDO General Purpose and Intent Statements:*
    - Protect the county's rural character and agricultural heritage.
    - Conserve the natural resources, cultural resources, and environmental quality of the county and its environs, particularly in the Outer Banks.
  - b. *The text amendment request is not in conflict with the County Code of Ordinances.*
- (3) Is required by changed conditions;
- (4) Addresses a demonstrated community need;
- (5) Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
  - a. *The text amendment request is consistent with the purpose and intent of the zoning districts. The AG zoning district is intended to preserve and protect active agricultural uses, farmlands, and other open lands for current or future agricultural use.*
- (6) Would result in a logical and orderly development pattern; and
  - a. *The text amendment request will result in a logical and orderly development pattern and specific standards are provided to mitigate impacts on surrounding residentially zoned properties.*
  - b. *The text amendment request is compatible with current active farming operations and will only require minimal physical alteration to AG zoned properties.*
- (7) Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
  - a. *The request will not result in significantly adverse impacts on the natural environment, the request will result in a use that is compatible with other uses permitted in the AG zoning district.*

### Land Use Plan Consistency

The UDO requires that the Board of Commissioners adopt a statement of consistency and reasonableness that describes whether the decision on the amendment is consistent with county adopted plans that are applicable and why the decision is reasonable and in the public interest.

The requested text amendment is consistent with the goals, objectives and policies of the 2006 Land Use Plan including:

POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land.

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.

POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized.

The request is reasonable and in the public interest because:

1. It may help preserve farm culture and promote farm and open space conservation through diversifying low impact uses of agricultural land.
2. It provides for economic diversification and local economic development.

### Staff Recommendation:

Staff recommends approval of this text amendment request subject to the proposed staff additions and the suggested Statement of Consistency and Reasonableness provided in this memo and the attached staff report.

### Planning Board Recommendation

Planning Board Meeting May 14, 2019 - Planning Board recommends approval as presented.

Jennie Turner, Planner II, presented the staff report. Ms. Turner explained how the requested text amendment for the Unified Development Ordinance (UDO) would create a new Use Type within the Recreation/Entertainment, Outdoor Use Category for Outdoor Tour Operator, Aviation. She explained the added definition, applicant's proposed language, as well as the staff's proposed language highlighted in yellow and approved by Mr. Weaver. The Outdoor Tour Operator, Aviation, would have to meet several standards and a use permit would be required to be issued by the Board of Commissioners. Ms. Turner stated how the review standards were met and gave examples of each requirement for the requested text amendment. Ms. Turner gave background information and why the text amendment is needed. She said Outdoor Recreation was removed as an allowable use in the Agriculture (AG) zoning district

PB 19-09 Bruce Weaver Kitty Hawk Kites  
Outdoor Tour Operator - Aviation  
Text Amendment  
Page 3 of 8

Attachment: PB 19-09 Bruce Weaver - Kitty Hawk Kites - Text Amendment Staff Report (BOC 6-3-19) (PB 19-09 Bruce Weaver)



with a use permit in January 2013. This change was needed to keep large businesses which require large facilities/structures from impacting adjacent neighbors and the community. Kitty Hawk Kites does not require large facilities and should have their own Use Type which would be allowed in the AG zoning district. Ms. Turner read the statement of consistency and reasonableness and said staff recommends approval.

Chairman Ballance asked board members if they had any questions for staff. There were no questions.

Chairman Ballance opened the public hearing. John Harris, owner of Kitty Hawk Kites, came before the board. He said Kitty Hawk Kites has been conducting hang gliding/flight services since the 1980's with an excellent operating history. Kitty Hawk Kites has operated at the Cotton Gin since 2011 and Mr. Wright has created nice grass strips for their use. Mr. Harris said the Unified Development Ordinance changed in 2013 which made them nonconforming and they would like to have this requested text amendment approved so they can continue their operation.

Bruce Weaver with Kitty Hawk Kites came before the board. He explained some of the operations of Kitty Hawk Kites concerning the flight school and asked that the text amendment be approved.

Tom Wright, with the Cotton Gin, came before the board in support of the text amendment. He said Kitty Hawk Kites works hard to engage visitors in fun activities which encourage them to come back to the mainland from the beach area.

Chairman Ballance closed the public hearing.

Mr. Bass motioned to approve the requested text amendment, PB 19-09 Bruce Weaver, Kitty Hawk Kites - Outdoor Tour Operator, Aviation as stated subject to the staff recommendation and the suggested Statement of Consistency and Reasonableness. Mr. Thomas seconded the motion and the motion carried unanimously.



**PB 19-09 BRUCE WEAVER  
KITTY HAWK KITES  
OUTDOOR TOUR OPERATOR- AVIATION  
TEXT AMENDMENT  
BOARD OF COMMISSIONERS  
JUNE 3, 2019**

Bruce Weaver of Kitty Hawk Kites has submitted a text amendment to allow "Outdoor Tour Operator, Aviation" in the Agriculture Zoning District subject to a use permit and use specific standards. **Staff additions are highlighted in yellow.**

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

**Item 1:** That Chapter 4. Use Standards is amended by adding the following underlined language and removing the following strike-through language:

**TABLE 4.1.1: SUMMARY USE TABLE**

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;  
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
		COMMERCIAL USE CLASSIFICATION																
Recreation/ Entertain- ment, Outdoor	<u>Outdoor tour operator, Aviation</u>		U						U	U	Z	Z				M P	M P	<u>4.F.7</u>

#### 4.2.4 Commercial Uses

##### F. Recreation/Entertainment, Outdoor

###### (7) Outdoor Tour Operators, Aviation

**The base operation and extended business operations shall comply with all applicable standards in the county Code of Ordinances and the following standards:**

PB 19-09 Bruce Weaver Kitty Hawk Kites  
Outdoor Tour Operator - Aviation  
Text Amendment  
Page 5 of 8

Attachment: PB 19-09 Bruce Weaver - Kitty Hawk Kites - Text Amendment Staff Report (BOC 6-3-19) (PB 19-09 Bruce Weaver)

- (a) Aviation tour operations shall comply with the standards and regulations of the Federal Aviation Administration (FAA).
- (b) Flight patterns shall be established to limit flights below 500' altitude over single-family residential zoning districts or existing single-family residential uses.
- (c) As part of the use permit approval process, the Board of Commissioners may establish hours of operation and permit duration.
- (d) Aviation outdoor tour operator uses shall provide public restrooms and adequate parking.
- (e) Aviation tour operations in the AG zoning district shall:
  - (i) Be located at least 500 feet from any single-family residential zoning district.
  - (ii) Have direct access onto a major arterial or collector street.
  - (iii) Be located on a lot of at least two acres in area.
  - (iv) Have minimal physical alteration to the area where the use is performed.

**Item 2:** That Chapter 10. Definitions and Measurement is amended by adding the following underlined language and removing the following strike-through language:

## **OUTDOOR TOUR OPERATOR**

A company or individual that arranges travel tours associated with outdoor recreation. This shall include, but is not limited to, guided or independent horse, bicycle, Segway, ~~aviation~~, boat, or vehicle tours. For the purposes of this definition, the term vehicle includes any self-propelled device or structure used for transporting persons.

## **OUTDOOR TOUR OPERATOR, AVIATION**

A company or individual that arranges aerial tours and instruction including hang gliding, paragliding, powered paragliding, powered parachutes, trikes, light sport aircraft, ultralights and general aviation aircraft. The aircraft may be powered or non-powered. Flights may be guided or independent.

PB 19-09 Bruce Weaver Kitty Hawk Kites  
Outdoor Tour Operator - Aviation  
Text Amendment  
Page 6 of 8

**Item 3:** Staff's suggested Statement of Consistency and Reasonableness:

The requested text amendment is consistent with the 2006 Land Use Plan and the following specific polices of the plan:

POLICY AG4: County growth management tools, including particularly zoning, should provide PROTECTION TO AGRICULTURE and other RESOURCE BASED ACTIVITIES from incompatible land uses, such as a residential subdivision in the midst of generally uninterrupted farm land.

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.

POLICY ED4: In addition to the recruitment and expansion of major new industries, the considerable value of SMALL BUSINESS START-UPS, EXPANSIONS AND SPIN-OFFS shall also be recognized.

The text amendment request is reasonable and in the public interest because

1. It may help to preserve farm culture and promote farm and open space conservation through diversifying low impact uses of agricultural land.
2. It provides for economic diversification and local economic development.

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

**Item 5:** This ordinance amendment shall be in effect from and after the \_\_ day of \_\_\_\_\_, 2019.

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

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

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

PLANNING BOARD DATE: 5/14/19  
PLANNING BOARD RECOMMENDATION: Approved  
VOTE: 5 AYES 0 NAYS

ADVERTISEMENT DATE OF PUBLIC HEARING: 5/22/19 & 5/29/19

PB 19-09 Bruce Weaver Kitty Hawk Kites  
Outdoor Tour Operator - Aviation  
Text Amendment  
Page 7 of 8

Attachment: PB 19-09 Bruce Weaver - Kitty Hawk Kites - Text Amendment Staff Report (BOC 6-3-19) (PB 19-09 Bruce Weaver)

BOARD OF COMMISSIONERS PUBLIC HEARING: 6/3/19  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

Attachment: PB 19-09 Bruce Weaver - Kitty Hawk Kites - Text Amendment Staff Report (BOC 6-3-19) (PB 19-09 Bruce Weaver)



## Text Amendment Application

OFFICIAL USE ONLY: PB19-69  
 Case Number: 3/27/19  
 Date Filed: 3/27/19  
 Gate Keeper: \$300.00  
 Amount Paid: \$300.00

### Contact Information

#### APPLICANT:

Name: BRUCE WEAVER  
 Address: KITTY HAWK KITES  
P.O. Box 1839 NAGS HEAD, NC 27959  
 Telephone: (252) 441-2424  
 E-Mail Address: BRUCE@KITTYHAWK.COM

### Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 4 Section(s) 2.4.F as follows:  
10 DEFINITIONS + MEASUREMENTS

(SEE ATTACHED)

\*Request may be attached on separate paper if needed.

[Signature]  
 Petitioner  
BRUCE WEAVER

3/27/19  
 Date

## Text Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

## Text Amendment Submittal Checklist

Date Received: 3/27/19  
 Project Name: PB19-09 Bruce Weaver / CityHawk Kites  
 Applicant/Property Owner: Bruce Weaver

## Text Amendment Submittal Checklist

1	Complete Text Amendment application	✓
2	Application fee (\$300)	✓
3	2 hard copies of ALL documents	✓
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	✓

## For Staff Only

## Pre-application Conference

Pre-application Conference was held on 3/22/2019 and the following people were present:

Lavriel Cicero, Jennie Turner, Bruce Weaver

## Comments

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Request to add "Outdoor Tour Operator" and "Outdoor Tour Operator, Aviation" to the permitted uses of agricultural zoned land with a "use permit".

Additions to the U.D.O.:

4.2.4.F.

**(7) Outdoor Tour Operator, Aviation**

Outdoor aviation operations shall comply with all applicable standards in the county code of ordinances and the following standards:

- A.) Tour operators must abide by all FAA regulations
- B.) Flight patterns established to limit flights below 500' over residential neighborhoods

**Chapter 10: definitions and Measurements**

**Outdoor Tour Operator, Aviation**

A company or individual that arranges aerial tours and instruction. This shall include hang gliding, paragliding, powered paragliding, powered parachutes, trikes, LSA aircraft, ultralights and general aviation aircraft. The aircraft can be powered or non-powered. Flights can be guided or independent.





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2501)**

**Agenda Item Title**

Public Hearing and Possible Action on Annual Budget for the Fiscal Year Ending June 30, 2020.

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Ben Stikeleather



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2511)**

**Agenda Item Title**

Amended: Bid award for Self-Contained Breathing Apparatus for Fire Protection Equipment

**Brief Description of Agenda Item:**

The agenda was amended to add consideration for approval of a bid award for air-paks for Fire and EMS, to be purchased utilizing grant funds awarded to the department.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**



**Currituck County  
FIRE-EMERGENCY MEDICAL SERVICES**

153 Courthouse Rd. Suite 303  
Currituck, North Carolina 27929  
(252) 232-7746 (Office)  
(252) 232-0015 (Fax)



***"Positive, Progressive and Professional in Service"***

May 31, 2019

Currituck County Board of Commissioners  
153 Courthouse Rd.  
Currituck NC 27929

Dear Sirs & Madam,

Currituck County Fire & EMS is seeking permission to spend the budgeted \$1,095,000 for SCBAs (Self-contained breathing apparatus) for all fire departments within our County. On May 28<sup>th</sup> 2019, we performed an Invitation for Bid (IFB) from SCBA manufacturers. We had three responses; on Tuesday May 28<sup>th</sup> 2019 we had a public bid opening, below are the responses:

- |                             |                |         |
|-----------------------------|----------------|---------|
| • Stevens Fire Equipment    | \$1,120,431.86 | (Avon)  |
| • Fire Protection Equipment | \$1,189,405.95 | (MSA)   |
| • Rhinehart Fire Service    | \$1,290,517.10 | (Scott) |

We determined the lowest bid (Stevens) was noncompliant / nonresponsive for the following reasons:

- Failure to comply to section 10.2 of the IFB
- The Avon part configuration DEL3-03-22-00-40-00-B-G was equipped with a "Buddy Breather" on all 175 packs, the specifications called for 3 foot trans-fill hose, which is omitted in this bid. This did not meet bid specifications / is non-complaint.
- No "Time Remaining" Air display on remote gauge / PASS device (main specification)
- No Digital Air Pressure display on remote gauge / PASS device (main specification)
- No telemetry capability (main specification)
- No Bluetooth capability (main specification)
- No adjustable lumbar support (main specification)
- "Buddy Breather" submitted in place of 3' transfill hose
- "No Bid" for Air Management System (option 1)
- "No Bid" for Integrated Thermal Imager (option 5)

We are requesting permission to award the contract to Fire Protection Equipment who was the most responsive and lowest bid. The purchase is up to \$1,094,500.00, Currituck County will be reimbursed \$995,000 from FEMA, Assistance to Firefighters Grant (AFG) after receipt of the approved equipment.



**Currituck County**  
***FIRE-EMERGENCY MEDICAL SERVICES***

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(252) 232-7746 (Office)  
(252) 232-0015 (Fax)



***"Positive, Progressive and Professional in Service"***

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Currently, this process has been vetted by the Assistant County Manager, Legal & Finance Offices and has met all current legal requirements.

In February & March 2019, CCFEMS conducted 18 separate field evaluations and stopped at every fire department multiple times (Carova only asked for one evaluation date). 108 firefighters performed 216 SCBA evaluations. Of the 25 different SCBA evaluation criteria MSA ranked higher in each category. A presentation of the SCBA evaluation was provided to the Fire-EMS Advisory Board and they also approved the purchase of MSA. This purchase will standardize all SCBAs used by all fire departments in the County.

Respectfully,

A handwritten signature in black ink that reads "Tim Riley".

Tim Riley

Deputy Chief  
Currituck County Fire & EMS

Attachment: Board Approval SCBA (Amended-Approval of Bid Award-Air Paks for Fire & EMS)



**Currituck County**  
**FIRE-EMERGENCY MEDICAL SERVICES**

153 Courthouse Rd. Suite 303  
 Currituck, North Carolina 27929  
 (252) 232-7746 (Office)  
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***“Positive, Progressive and Professional in Service”***

May 31, 2019

Currituck County Board of Commissioners  
 153 Courthouse Rd.  
 Currituck NC 27929

Dear Sirs & Madam,

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- No Bluetooth capability (main specification)
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- “Buddy Breather” submitted in place of 3’transfill hose
- “No Bid” for Air Management System (option 1)
- “No Bid” for Integrated Thermal Imager (option 5)

We are requesting permission to award the contract to Fire Protection Equipment who was the most responsive and lowest bid. The purchase is up to \$1,094,500.00, Currituck County will be reimbursed \$995,000 from FEMA, Assistance to Firefighters Grant (AFG) after receipt of the approved equipment.



**Currituck County**  
***FIRE-EMERGENCY MEDICAL SERVICES***

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***“Positive, Progressive and Professional in Service”***

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Currently, this process has been vetted by the Assistant County Manager, Legal & Finance Offices and has met all current legal requirements.

In February & March 2019, CCFEMS conducted 18 separate field evaluations and stopped at every fire department multiple times (Carova only asked for one evaluation date). 108 firefighters performed 216 SCBA evaluations. Of the 25 different SCBA evaluation criteria MSA ranked higher in each category. A presentation of the SCBA evaluation was provided to the Fire-EMS Advisory Board and they also approved the purchase of MSA. This purchase will standardize all SCBAs used by all fire departments in the County.

Respectfully,

Tim Riley

Deputy Chief  
 Currituck County Fire & EMS

Attachment: CC Board approval (Amended-Air Paks for Fire & EMS)



**CURRITUCK COUNTY  
NORTH CAROLINA**

May 20, 2019

Minutes – Regular Meeting of the Board of Commissioners

**6:00 PM CALL TO ORDER**

The Currituck County Board of Commissioners held a regular meeting at 6:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Bob White	Chairman	Present	
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	

Chairman White called the meeting to order.

**A) Invocation & Pledge of Allegiance-Reverend Michael Williams, Moyock United Methodist Church**

Reverend Michael Williams attended to offer the Invocation and lead the Pledge of Allegiance.

**B) Approval of Agenda**

Commissioner Jarvis made a motion to amend the agenda and moved the County Manager's Report to follow the Commissioner's Report. The motion was seconded by Commissioner Payment. The motion carried.

Approved agenda:

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Reverend Michael Williams,  
Moyock United Methodist Church

B) Approval of Agenda

Public Comment

*Please limit comments to matters other than those appearing on this*

Communication: Minutes for May 20, 2019 (Approval Of Minutes-May 20, 2019)

*agenda as a Public Hearing. Public comments are limited to 3 minutes.*

### Commissioner's Report

### County Manager's Report-Amended

### Administrative Reports

- A) Budget Presentation for Fiscal Year 2019-2020 and Set Date for Public Hearing and Possible Action

### Public Hearings

- A) PB 19-11 Complete Auto Credit: Marc Sisino has requested an Automobile Sales Use Permit for property located at 1383 Caratoke Highway, Moyock, Tax Map 23, Parcel 10, Moyock Township.

### New Business

- A) Board Appointments
  - 1. Reappointment of Joann DiBello to the Albemarle Commission Area Agency on Aging Regional Advisory Council (RAC)
  - 2. Ocean Sands Water & Sewer District Advisory Board
  - 3. Senior Citizens Advisory
- B) Consent Agenda
  - 1. Approval Of Minutes for May 6, 2019
  - 2. Budget Amendments
  - 3. Resolution Supporting North Carolina's Current Public Alcoholic Beverage Control System
  - 4. Resolution of the Board of Commissioners Opposing NC House Bill 486 that Would Change the Definition of Commercial Fishing
  - 5. Resolution of the Board of Commissioners in Support of Strengthening Critical Drainage and Water Quality Infrastructure
  - 6. Job Description-IT Coordinator and Revised Classification Chart
  - 7. NCDOT Petition for Road Addition-Lake Point Way, Sunny Lake Road, and Green Lake Road: Lake View at Currituck, Moyock

Communication: Minutes for May 20, 2019 (Approval Of Minutes-May 20, 2019)



8. NCDOT Petition for Road Addition-Chickadee Street & Wren Drive, West Point Estates, Moyock
9. Cellco License Agreements-Verizon Wireless: 877 Whalehead Drive, 929 Whalehead Drive, 1053 Whalehead Drive & 1091 Whalehead Drive, Corolla, North Carolina
10. Approval to set up Trust Account for Other Post Employment Benefits (OPEB) Funds
11. First Amendment to Lease Agreement with Currituck County ABC Board
12. Approval to set up Trust Account for Law Enforcement Officer Special Separation Allowance (LEOSSA) Funds

Recess Regular Meeting

Special Meeting-Tourism Development Authority

Tourism Development Authority Budget Presentation for Fiscal Year 2019-2020 and Set Date for Public Hearing and Possible Action

Budget Amendments-TDA

Adjourn Special Meeting of the TDA

Special Meeting-Ocean Sands Water & Sewer District Board

Ocean Sands Water & Sewer District Budget Presentation for Fiscal Year 2019-2020 and Set Date for Public Hearing and Possible Action

Adjourn Special Meeting of the OSWSD

Reconvene Regular Meeting

Closed Session

Closed Session Pursuant to G.S. 143-318.11(a)(3) to Consult with the County Attorney and Preserve the Attorney-Client Privilege in the Matters Entitled: Letendre v. Currituck County and Costanzo, Corolla Civic Association, et al. vs. Currituck County, et al.

Adjourn

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Selina S. Jarvis, Commissioner
<b>SECONDER:</b>	Mike H. Payment, Vice Chairman
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

## PUBLIC COMMENT

***Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 3 minutes.***

No one was signed up nor wished to speak at Public Comment.

## COMMISSIONER'S REPORT

Chairman White introduced Ben Stikeleather, Assistant County Manager, and announced Mr. Stikeleather will assume the manager duties when current manager, Dan Scanlon, retires in June. He reported on Tourism Advisory Board meeting discussion topics such as future focuses for advertising Corolla, marketing on the Mainland, and the use of tourism marketing assistance funds.

Commissioner Payment acknowledged his sister in the audience, visiting from Georgia, and announced the Let Summer Begin event to benefit Currituck Kids, which will be held June 1st at Currituck BBQ.

Commissioner Mary Etheridge reported on the recent meeting of the Juvenile Crime Prevention Council (JCPC), on which she is a member. She discussed the role of the JCPC and thanked those who serve on the committee.

Commissioner Beaumont announced the opening of the Hatteras/Ocracoke Passenger Ferry and commented on the impressive Ocean Rescue lifeguard staff he had the opportunity to meet.

Commissioner McCord acknowledged last week's observance of National Police week and reported the Sheriff's office received a plaque recognizing a Currituck County officer, Franklin Morgan, who died in the line of duty in 1967. He reminded everyone to drive carefully with the increased visitor traffic beginning this weekend.

Commissioner J. Owen Etheridge also discussed traffic and, citing recent accidents, suggested the Department of Transportation be asked to set a 35 mile per hour speed limit on North Carolina Highway 168 in Moyock and on a portion of North Carolina Highway 34 in Shawboro.

Commissioner Jarvis reported on the recent Trillium Regional Health advisory meeting where they discussed development a transportation plan and agreement for each county. She said updates on the state Medicaid transformation were also discussed, which is slated to be implemented in the Piedmont region first, with Currituck County slated for 2021.

## COUNTY MANAGER'S REPORT

Communication: Minutes for May 20, 2019 (Approval Of Minutes-May 20, 2019)

Assistant County Manager, Ben Stikeleather, thanked Commissioners and citizens of Currituck for trusting him to fill the role of County Manager.

He presented the following updates:

- Reviewed tasks undertaken by Corolla Fire & Emergency Medical Services employees when they are not on a call and noted they recently installed the parking permit signage in Corolla.
- Because not enough bids were received, the Historic Boat Building would need to be re-advertised and bid out again.
- North Carolina Department of Transportation will cease construction work and open both lanes on the Coinjock Bridge on Friday, Memorial Day weekend.
- Moyock Sewer plant operational issues were discussed, and he reported a mobile sewer plant will be brought in temporarily to allow for repair of the system. In response to Board questions, Mr. Stikeleather explained the state legislation that resulted in increases in customer utility rates. He confirmed the Moyock sewer plant design was faulty and Ike McRee, County Attorney, said staff is looking into that issue and possible remedies.

## ADMINISTRATIVE REPORTS

### A. Budget Presentation for Fiscal Year 2019-2020 and Set Date for Public Hearing and Possible Action

Assistant County Manager, Ben Stikeleather, presented the county's annual budget message for Fiscal Year 2019-2020. Historical data and tax rates, general fund revenues and spending, debt management and the operating funds were reviewed. Particular aspects highlighted included major departmental budget increases, changes in personnel and school funding. The proposed budget figure sits at just over \$80 million.

During presentation, Mr. Stikeleather confirmed the county had not received a budget from the Board of Education. Chairman White said he had spoken with the Board of Education Chair and that school budgets would be submitted to the County annually going forward. Commissioner Beaumont voiced concerns over the Board of Education's spending of their \$4 million fund balance over the last few years, and said he has trouble approving a budget increase for schools when there is no understanding of where the additional funds are being spent. Methods for oversight to ensure education priorities are being funded were discussed, including requiring an education budget be submitted to the county as is statutorily required.

Mainland sewer rate increases resulting from new state legislation were explained, and Mr. Stikeleather presented information on tax service districts, construction projects, and other capital spending included in the annual budget.

Mr. Stikeleather said a cost of living increase for county staff is not included in this year's budget but will be a priority in next year's budget. He reviewed Sheriff's Department requests for additional compensation for those who meet certain criteria related to education or certification. Commissioner Mary Etheridge expressed concern that Sheriff departmental increases would be unfair to other employees. She said information presented by the department at the budget work session was confusing, and asked Mr. Stikeleather to clarify

some of the data. He noted a 3% turnover rate in the Sheriff's department and said comparative salary information from the University of North Carolina School of Government noted Currituck County deputies, compared with other areas of similar size, were well compensated. Commissioners discussed the importance of employee retention and encouraging education and training with the increased duties of the department.

The Board set a date of June 3, 2019, to receive comment at a Public Hearing, followed by consideration and possible adoption of the annual budget with an effective date of July 1, 2019. The Budget is available in the office of the County Manager or may be viewed online.

## RECESS

A recess was called at 7:29 PM. Chairman White reconvened the meeting at 7:38 PM.

## PUBLIC HEARINGS

### A. PB 19-11 Complete Auto Credit:

APPLICATION SUMMARY	
<b>Property Owner:</b> Tiffany Richardson	<b>Applicant:</b> Marc Sisino
<b>Case Number:</b> PB 19-11	<b>Application Type:</b> Use Permit
<b>Parcel Identification Number:</b> 0023-000-0010-0000	<b>Existing Use:</b> Automobile sales
<b>Land Use Plan Classification:</b> Rural	<b>Parcel Size (Acres):</b> 1.58
<b>Moyock Small Area Plan, Future Land Use Plan Classification:</b> Rural	
<b>Request:</b> Use Permit for Auto Sales in GB	<b>Zoning:</b> General Business

SURROUNDING PARCELS		
	Land Use	Zoning
North	Office Strip	General Business
South	Vacant	Heavy Industrial
East	Vacant	Heavy Industrial
West	Solar Array	Heavy Industrial

It is our plan to develop an automobile dealership that will provide good reliable transportation to people with less than perfect credit. The dealership will be aesthetically and personally welcoming to all members of the community. The business will look to assist the community by being civically engaged, supportive of community programs (with an emphasis on youth sports), and being philanthropically minded. We will also look to create jobs and employ residents of Currituck County.

A use permit for automobile sales was issued to the subject property in 2013 but the use was never established. By Unified Development Ordinance, use permits expire if the use is not established within two years of the approval date. The applicant is requesting a new use permit for automobile sales and has submitted a concurrent application for a minor site plan. The conceptual plan is similar to the one approved in 2013. Improvements will be made to the parking and display areas. The landscaping will be upgraded in accordance with the UDO. All vehicles will be parked in the approved display areas. Display areas will be screened with a Type A buffer yard.

INFRASTRUCTURE	
Water	Public
Sewer	Septic
Landscaping	Will meet current ordinance requirements

**RECOMMENDATIONS****TECHNICAL REVIEW COMMITTEE**

The Technical Review Committee recommends **adoption** of the use permit subject to the following conditions of approval:

1. The application complies with all applicable review standards of the UDO provided the following outstanding items are addressed:
  - a. ***Type A landscaping buffers are required between the street and all display areas.***
2. The conditions of approval necessary to ensure compliance with the review standards of the UDO and to prevent or minimize adverse effects of the development application on surrounding lands include:
  - a. ***The property shall be developed in accordance with an approved minor site plan.***
  - b. ***Outdoor storage of vehicles shall occur only within the approved display areas.***

**USE PERMIT REVIEW STANDARDS**

**A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary findings.**

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

Preliminary Applicant Findings:

1. There will be no endangerment of public health or safety. As this property has had very limited use in recent years, cleaning up and using the property as a retail location will be a health and safety improvement by keeping the property cleaner and eliminating an area that could lend itself to trespassing and vandalism.

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

Preliminary Applicant Findings:

1. The location is directly across from Summit Farms Solar Farm and in between vacant property (Heavy Industrial Zone) and a strip office center. Diagonally across the street there is an auto repair use and a recycling yard. The proposed use will improve the local area and increase property values. Instead of a rundown property, it will be attractive and bustling with business.

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

Preliminary Staff Findings:

1. The 2006 Land Use Plan classifies this site as Rural within the Moyock Subarea.  
The proposed use is in keeping with the policies of the plan, including Policies ED1 and ED4
2. The Moyock Small Area Plan Classifies the site as Rural.  
The proposed use is in keeping with the policies of the plan, including Policy BI3

*The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.*

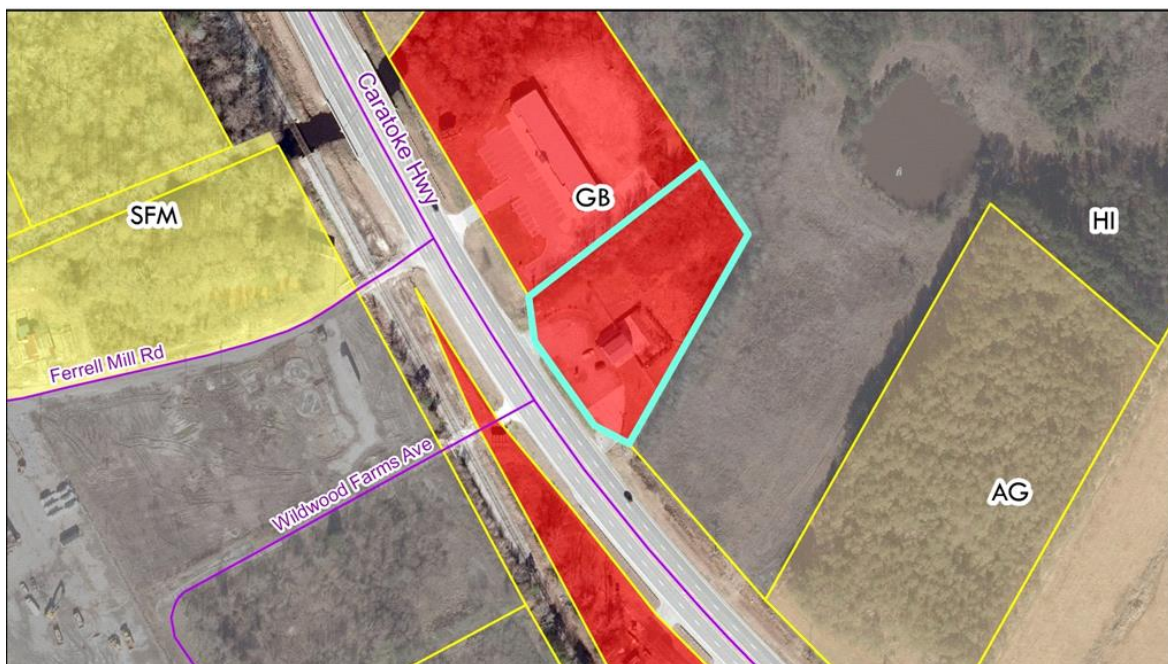
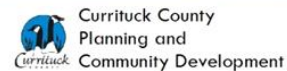
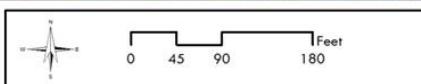
Preliminary Staff Findings:

1. There will be no effect on the school system. Currituck County has adequate public facilities to serve this use.

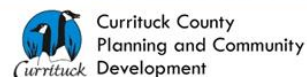
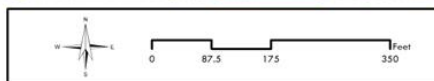




PB 19-11 Complete Auto Credit  
Automobile Sales - Use Permit  
Aerial

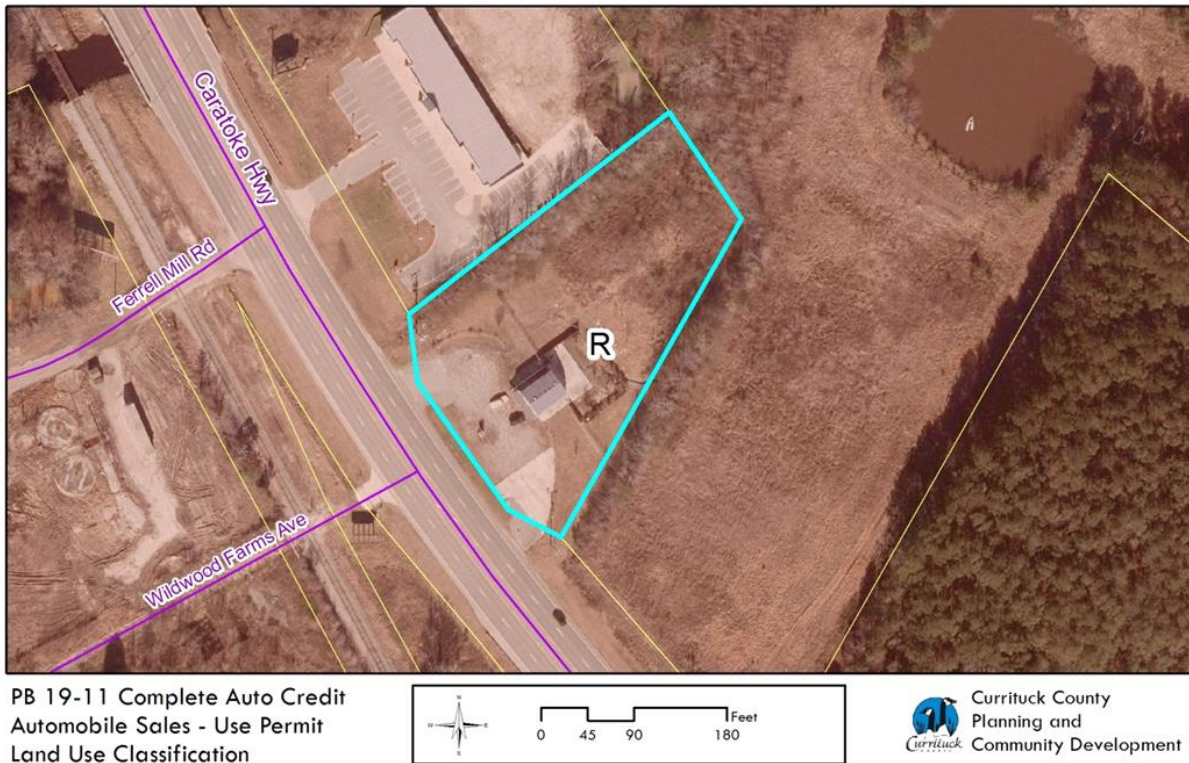


PB19-11 Complete Auto Credit  
Zoning Map



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Parties to speak were sworn in and Laurie LoCicero, Planning and Community Development Director, reviewed the item for the Board. She noted the recommended approval by the Technical Review Committee (TRC), with conditions, and presented the findings of fact for the Board. Ms. LoCicero responded to questions and confirmed the property size, discussed violations at the location, and the site improvements required per the site plan. Ms. LoCicero reviewed the process for a stay of violations enforcement after an application was resubmitted.

Additional sworn testimony was presented by applicant, Marc Sisino. He recalled his receipt of a letter approving auto sales at the location, but a letter two months later informed him the use permit was expired and that he was in violation. Mr. Sisino responded to questions from Commissioners regarding the site, types of vehicles to be sold, and improvements that will be needed to comply with the site plan. Clarifications were made with regard to the auto storage area at the site. Mr. Sisino reviewed his plan to bring the site into compliance and agreed to reduce inventory to do so, if needed. Ms. LoCicero said the minor site plan would be addressed through TRC at permitting, and she clarified comments included in the staff report.

After a review of options for Board consideration to ensure compliance, there was discussion of necessary upgrades for commercial use of the building on the property and concerns with emergency access and vehicles parked in the Department of Transportation right-of-way. Mr. Sisino said there are 43 vehicles on the property currently and the Board discussed establishment of a timeline for compliance, if approved.

Commissioner Mary Etheridge moved to continue to the June 17, 2019, Board of Commissioners meeting, to allow for the movement of vehicles to present the lot in a manner to demonstrate how the site will look when in compliance with the site plan. The motion was seconded by Commissioner Beaumont. The motion carried.

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 6/17/2019 6:00 PM</b>
<b>MOVER:</b>	Mary "Kitty" Etheridge, Commissioner	
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner	
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner	

## NEW BUSINESS

### A) Board Appointments

#### 1. Reappointment of Joann DiBello to the Albemarle Commission Area Agency on Aging Regional Advisory Council (RAC)

Commissioner Payment moved to approve Joann DiBello for reappointment to the Regional Advisory Council. The motion was seconded by Commissioner Mary Etheridge. The motion carried.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

#### 2. Ocean Sands Water & Sewer District Advisory Board

Chairman White moved to appoint Roger Green to the Ocean Sands Water and Sewer District Advisory. Commissioner Mary Etheridge seconded and the nominee was unanimously approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Chairman
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

### Removal of Advisory Board members litigating against Currituck County



Commissioner Beaumont discussed litigation recently initiated by the Corolla Civic Association and others against the county pertaining to Occupancy Tax spending. He expressed concerns with signators of the litigation or their spouses serving on county advisory boards and made a motion, in the best interest of the county and the citizens, that anyone signed onto the lawsuit or a spouse of one signed onto the lawsuit, be removed from any boards on which they serve.

County Attorney, Ike McRee, reviewed the county ordinance referring to advisory boards and appointments to advisories. He reviewed some of the charges in the suit against the county and noted they included the County Manager, Dan Scanlon, individually. Mr. McRee said there are concerns with advisory members meeting with county staff while the litigation is pending.

After discussion, the motion was seconded by Chairman White. The motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul M. Beaumont, Commissioner
<b>SECONDER:</b>	Bob White, Chairman
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

### 3. Senior Citizens Advisory

Commissioner J. Owen Etheridge nominated Janet Taylor to serve on the Senior Citizens Advisory. The motion was seconded by Commissioner McCord. The nominee was unanimously approved.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	J. Owen Etheridge, Commissioner
<b>SECONDER:</b>	Kevin E. McCord, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

### B) Consent Agenda

Commissioner Beaumont moved to approve the Consent Agenda. The motion was seconded by Commissioner Mary Etheridge. The motion carried and the Consent Agenda was approved.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Paul M. Beaumont, Commissioner  
**SECONDER:** Mary "Kitty" Etheridge, Commissioner  
**AYES:** Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

## 1) Approval Of Minutes for May 6, 2019

### 1. Minutes for May 6, 2019

### 2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10480-557300	Excise Tax on Deeds	\$ 75,000	
10320-410000	Deed Stamp Excise Tax		\$ 150,000
10390-499900	Appropriated Fund Balance	\$ 75,000	
		\$ 150,000	\$ 150,000

**Explanation:** Register of Deeds (10480) - To record increases in collection of Deed Stamp Excise Taxes over original budget.

**Net Budget Effect:** Operating Fund (10) - Increased by \$75,000.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10410-511000	Telephone & Postage	\$ 3,500	
10410-526000	Advertising	\$ 500	
10410-532000	Supplies	\$ 1,800	
10410-506000	Health Insurance Expense		\$ 5,800
		\$ 5,800	\$ 5,800

**Explanation:** Administration (10410) - Transfer budgeted funds for costs related to creating and expanding Watershed and Road districts.

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

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		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10795-545100	Credit Card Fees	\$ 560	\$ -
10795-576003	Flag Football		\$ 280
10795-576010	Cheerleading		\$ 280
		\$ 560	\$ 560

**Explanation:** Parks & Recreation (10795) - Transfer budgeted funds for increased use of credit cards for recreation activities.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10980-502100	Salaries - Overtime	38,541	
10980-503500	Temporary Services	262	
10980-505000	FICA Expense	2,933	
10980-506000	Insurance Expense	4,679	
10980-507000	Retirement Expense	4,993	
10980-508000	Supplemental Pension	210	
10980-532000	Supplies	\$ 423	
10980-545000	Contract Services	\$ 2,271	
10340-450500	Administration & Filing Fees		\$ 43,000
10350-464000	Rents		\$ 6,663
10380-481000	Investment Earnings		\$ 4,649
		\$ 54,312	\$ 54,312

**Explanation:** Disaster Recovery (10980) - Increase appropriations for emergency protective measures during the July 2018 flooding and September 2018 Hurricanes Florence and Michael. Although the hurricanes were named storm events, Currituck did not sustain damages that met the thresholds for FEMA assistance.

**Net Budget Effect:** Operating Fund (10) - Increased by \$54,312.

Communication: Minutes for May 20, 2019 (Approval Of Minutes-May 20, 2019)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-545000	Contract Services	\$ 20,000	
10460-590000	Capital Outlay		\$ 20,000
		<u>\$ 20,000</u>	<u>\$ 20,000</u>
<b>Explanation:</b>	Public Works (10460) - Transfer funds for moisture remediation in County facilities and tree removal.		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10415-514000	Travel		\$ 400
10415-514500	Training and Education	\$ 400	
		<u>\$ 400</u>	<u>\$ 400</u>
<b>Explanation:</b>	Legal (10415) - Transfer budget funds for increased registration costs.		
<b>Net Budget Effect:</b>	Operating Fund (10) - No change.		

### 3. Resolution Supporting North Carolina's Current Public Alcoholic Beverage Control System

#### RESOLUTION

#### IN SUPPORT OF THE CURRENT ABC CONTROL SYSTEM FOR THE SALE OF LIQUOR

WHEREAS, the citizens of the County of Currituck voted to permit the sale of liquor through the establishment of an ABC Board, which is a part of the North Carolina's control system for the sale of spirituous liquors;

WHEREAS, House Bill 971 (Modern Licensure Model for Alcohol Control) was filed on April 25, 2019 and this bill privatizes the retail sale and wholesale distribution of liquor, allows a minimum of 1,500 permits to be issued to any business that sells food (grocery stores, convenience stores, pharmacies, variety stores, etc.) or to any "retail business", with additional numbers of permits available for issuance based on population growth, with retail liquor sales authorized between the hours of 7 a.m. and 2 a.m., and with those businesses allowed to ship liquor directly to individuals in or out of the State;

WHEREAS, North Carolina's local ABC boards operate about 423 retail stores, balancing access to liquor and generating local revenue while maintaining control;

WHEREAS, NC's Department of Health and Human Services' website notes that *excessive alcohol use cost NC more than \$7 Billion* in 2010, that excessive alcohol use is the third leading preventable cause of death in NC, and that according to "Centers for Disease Controls Community Guide on Excessive Alcohol Use" <<https://www.thecommunityguide.org/topic/excessive-alcohol->

consumption> strategies to reduce excessive drinking include maintaining state control of alcohol sales and continuing to limit the number of outlets selling and distributing alcohol;

WHEREAS, the General Assembly's nonpartisan Program Evaluation Division (PED) was directed to examine whether other systems for alcohol beverage control, including privatized systems, are appropriate for North Carolina, specially to include the State of Washington, which recently changed its beverage control system from state government control of wholesale and retail control of spirituous liquor to a licensure model;

WHEREAS, The PED Report, "Changing How North Carolina Controls Liquor Sales Has Operational, Regulatory, and Financial Ramifications", released on February 11, 2019: (1) did not recommend privatization, (2) found that among the southeastern states, NC collects the most revenue per gallon, has the lowest outlet density and has the second lowest per capita consumption; and (3) the PED expects retail liquor consumption to increase by 20% with privatization based on 1,000 expected outlets.

WHEREAS, for fiscal year ending 2018, local ABC boards distributed \$430,635,861: County-City Distributions \$80 million; State General Fund \$323 million; Local Alcohol Education/Treatment \$13 million; Local Law Enforcement \$8.8 million; and Rehabilitation Services \$5 million; and local ABC boards also paid \$17.7 million for the operation of the ABC Commission/Warehouse.

WHEREAS, North Carolina is unique as it allows communities to vote to establish local ABC boards for the sale of liquor in their communities, with liquor profits distributed back to those communities, thereby reducing the need to increase local property taxes.

WHEREAS, the citizens of the County of Currituck, in voting to permit the operation of ABC stores, did not vote to allow spirits to be sold in private retail liquor stores and did not vote to allow spirits to be sold retail outlets where beer and wine are sold;

WHEREAS, No State funds are spent to distribute or sell liquor as the state and local operation of the ABC system is receipt supported;

WHEREAS, Of the 50 states, North Carolina ranks 44th lowest in consumption per capita and 7th highest in revenue per capita and NC's ABC system accomplishes both revenue and public health, welfare and safety objectives;

WHEREAS, privatization will result in a marked increase in the number of outlets, longer hours of sale, greater advertising and more promotion, significantly more consumption, and increased societal costs;

WHEREAS, local revenue from ABC stores operations is important;

WHEREAS, local control over the sale of liquor is an important function.

NOW THEREFORE, BE IT RESOLVED, that the County of Currituck desires to retain North Carolina's current control system for the sale of liquor and believes that privatization of liquor will lead to many adverse effects.

ADOPTED this 20<sup>th</sup> day of May, 2019

#### **4. Resolution of the Board of Commissioners Opposing NC House Bill 486 that Would Change the Definition of Commercial Fishing**

##### **RESOLUTION**

##### **OPPOSING NORTH CAROLINA HOUSE BILL 486**

##### **THAT WOULD CHANGE THE DEFINITION OF COMMERCIAL FISHING**

WHEREAS, the Currituck County Board of Commissioners has steadfastly supported North Carolina's Commercial Fishermen who are a vital part of our State's history, heritage, and culture and represent a crucial component of the economy for Currituck County and other coastal communities.

Communication: Minutes for May 20, 2019 (Approval Of Minutes-May 20, 2019)

According to the NC Division of Marine Fisheries, the sales impact of the harvesting and sale of commercial seafood is \$388,325,000 and the income impact of employed commercial fishermen is \$166,066,000; and

**WHEREAS**, House Bill 486 proposes to drastically raise the annual Commercial Fishing license fee and impose burdensome requirements on commercial license holders, who are still recovering from the devastation caused by Hurricane Florence; and

**WHEREAS**, the introduction of House Bill 486 is yet another attempt to redefine commercial fishing, which would be detrimental to North Carolina's Commercial Fishing Industry. In fact, last year the North Carolina Marine Fisheries Commission embarked on an effort to change the criteria of what constitutes a commercial fishing operation by imposing, among other things, that license holders document annual seafood landings of at least 1,000 pounds; and

**WHEREAS**, the Currituck County Board of Commissioners on February 5, 2018, and again on March 5, 2018, adopted unanimous resolutions opposing any change in the definition of commercial fishing based on the following:

- No other professional license issued by the State dictates a level of participation in order for its holders to qualify. Furthermore the definition of what constitutes commercial fishing in North Carolina has already been determined by the General Assembly and has long been established in section 113-168 of North Carolina's General Statutes.
- Imposing an arbitrary level of participation based on landings would unfairly have a harsh and punitive effect on coastal communities hit by hurricanes and other natural disasters where many commercial license holders, whose income generating season may have been entirely wiped out by a storm, are forced to temporarily divert their time and talents to other business enterprises.
- Those who engage in commercial fishing already suffer because of government overregulation that imposes severe quotas and unnecessary restrictions on fishing seasons, limits, and gear forcing many to take on additional jobs and engage in part-time businesses in order to support their families.
- In October of 2010, the Marine Fisheries Commission empaneled a Fishing License Review Taskforce, which examined in detail the requirements for holding a commercial fishing license and concluded that the definition contained in the General Statutes was adequate and therefore there was no real need to modify the definition of what constitutes a commercial fisherman. In its Final Report the Taskforce clearly stated its recommendation that "no changes are needed to the existing definition;"

**WHEREAS**, House Bill 486 is an attempt to fix something that is not broken and would jeopardize coastal communities whose economy and wellbeing are dependent upon both full-time and part-time commercial fishermen who are small, independent businesses that work hard under adverse conditions to put fresh, healthy North Carolina seafood on American tables.

**NOW THEREFORE BE IT RESOLVED** that the Currituck County Board of Commissioners reaffirms its unwavering commitment to North Carolina's commercial fishing industry by strongly opposing House Bill 486, or any other action, that would change the definition of Commercial Fishing or cause harm to North Carolina's Working Watermen.

Adopted this 20<sup>th</sup> day of May, 2019.

## **5. Resolution of the Board of Commissioners in Support of Strengthening Critical Drainage and Water Quality Infrastructure**

### **Resolution**

### **For**

### **Strengthening Critical Drainage and Water Quality Infrastructure**

**WHEREAS**, the Currituck County Board of Commissioners, which recognizes that more frequent

and stronger storm events are causing longer periods of severe flooding and the subsequent degradation of water quality, AND that these problems are negatively impacting our rural residents, businesses, and our regional economy, DESIRES to work with our legislators, local governments, businesses, Albemarle Resource Conservation and Development Council (ARC&D), Albemarle Commission (AC), Soil and Water Conservation Districts (SWCD), farmers, non-profit groups, universities, state and federal agencies and citizen scientists to strengthen critical drainage and water quality infrastructure in northeast North Carolina.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The Currituck County Board of Commissioners requests the State of North Carolina to increase financial assistance to the ten counties in northeast North Carolina around the Albemarle and Pamlico Sounds for the following activities, which will help strengthen critical drainage and water quality infrastructure in northeast NC.

- 1) We recognize that creeks, rivers and canals are critical for draining stormwater off our flat landscape. However, many of these systems become clogged with woody debris during storm events, both minor and major. We request matching funds for local governments to annually clear debris from creeks, rivers and canals. This will help strengthen critical drainage infrastructure and lessen the damage that can occur during major storms such as Matthew and Florence.
- 2) We recognize that swamp forests are a critical component of drainage infrastructure as they help mitigate floodwaters and improve water quality. We request funds to help provide financial incentives to owners of swamp forests to conserve a minimum 100-foot buffer along creeks and rivers, which is essential for protecting both drainage and water quality.
- 3) We recognize that the return of algal blooms to our waters after an absence of 30 to 35 years is a threat to fisheries, recreation, property values, and human health, and thus to our regional economy. We request funds to help identify the causes of, and solutions to, the algal blooms, specifically to proactively monitor water quality in creeks and rivers-where NCDEQ does not have monitoring stations-in order to identify the specific sources of nutrients and sediment entering our waterways. This work would be performed in collaboration with local governments, ARC&D, AC, SWCD, universities, and citizen scientists.

Adopted by the Currituck County Board of Commissioners this 20<sup>th</sup> day of May, 2019.

**6. Job Description-IT Coordinator and Revised Classification Chart**

**7. NCDOT Petition for Road Addition-Lake Point Way, Sunny Lake Road, and Green Lake Road: Lake View at Currituck, Moyock**

**8. NCDOT Petition for Road Addition-Chickadee Street & Wren Drive, West Point Estates, Moyock**

**9. Cellco License Agreements-Verizon Wireless: 877 Whalehead Drive, 929 Whalehead Drive, 1053 Whalehead Drive & 1091 Whalehead Drive, Corolla, North Carolina**

**10. Approval to set up Trust Account for Other Post Employment Benefits (OPEB) Funds**



**RESOLUTION TO ESTABLISH AN OPEB TRUST AND PARTICIPATE IN AGPIP**

WHEREAS, the **Board of Commissioners (the Board)** of the **County of Currituck (the County)** wishes to establish a Local Government Other Post-Employment Benefits Trust ("**OPEB Trust**") pursuant to N.C.G.S. § 159-30.1 for the purpose of paying post-employment benefits for which the **County** is liable;

WHEREAS, the OPEB Trust will be an irrevocable trust, and the assets of the OPEB Trust will not be subject to the claims of the **County's** creditors;

WHEREAS, the **Board** wishes to invest assets from the OPEB Trust in the Ancillary Governmental Participants Investment Program ("**AGPIP**") established by the Treasurer of the State of North Carolina (the "**Treasurer**");

WHEREAS, the **Board** has determined that it is advisable and in the best interests of the **County** to contribute assets from the OPEB Trust to AGPIP, as provided in the Deposit Agreement between the **County** and the Treasurer, which is attached to this resolution as Attachment 2 (the "**Deposit Agreement**").

NOW, THEREFORE, BE IT RESOLVED, that

The OPEB Trust is established by adoption of the trust agreement in Attachment 1 to this resolution;

The person serving in the Finance Director position at the **County** is appointed the Plan Administrator pursuant to the provisions of the trust agreement for the OPEB Trust;

The OPEB Trust is established for the purpose of paying post-employment benefits for which the **County** is liable;

The trustee(s) of the OPEB Trust is/are determined and selected as follows:  
the persons serving in the following positions: County Manager, County Attorney and Finance Director.

The OPEB Trust shall participate in AGPIP pursuant to the terms and conditions of the Deposit Agreement;

The initial contribution of the OPEB Trust to AGPIP shall be \$500,000 (the "**Contribution**").

The Plan Administrator and the following officers, managers, and/or representatives of the **County** (collectively, the "**Authorized Representatives**") are authorized and directed to execute and deliver the Deposit Agreement, to take any other actions deemed necessary or appropriate to consummate the transactions provided for therein, and to cause the Contribution to be made:  
Deputy Finance Director;

The Authorized Representatives, acting on behalf of the **County**, are authorized to take all such actions as they may deem necessary or appropriate to give effect to the foregoing resolutions; and

All actions heretofore taken by any of the Authorized Representatives acting on behalf of the **County** in furtherance of the foregoing resolutions are hereby ratified, adopted, approved, and confirmed in all respects.

Approved by the **Board** of the **County of Currituck**, this 20<sup>th</sup> day of May, 2019.

**11. First Amendment to Lease Agreement with Currituck County ABC Board**

Communication: Minutes for May 20, 2019 (Approval Of Minutes-May 20, 2019)



## 12. Approval to set up Trust Account for Law Enforcement Officer Special Separation Allowance (LEOSSA) Funds

### RESOLUTION TO ESTABLISH A LEOSSA TRUST AND PARTICIPATE IN AGPIP

WHEREAS, the **Board of Commissioners (Board)** of the **County of Currituck (County)** wishes to establish a trust pursuant to N.C.G.S. § 159-30.2 for the purpose of paying law enforcement officer special separation allowance benefits for which the **County of Currituck** is liable ("LEOSSA Trust");

WHEREAS, the LEOSSA Trust will be an irrevocable trust, and the assets of the LEOSSA Trust will not be subject to the claims of the **County's** creditors;

WHEREAS, the **Board** wishes to invest assets from the LEOSSA Trust in the Ancillary Governmental Participants Investment Program ("AGPIP") established by the Treasurer of the State of North Carolina (the "Treasurer");

WHEREAS, the **Board** has determined that it is advisable and in the best interests of the **County** to contribute assets from the LEOSSA Trust to AGPIP, as provided in the Deposit Agreement between the **County** and the Treasurer, which is attached to this resolution as Attachment 2 (the "Deposit Agreement").

NOW, THEREFORE, BE IT RESOLVED, that

The LEOSSA Trust is established by adoption of the trust agreement in Attachment 1 to this resolution;

The person serving as the Finance Director at the **County** is appointed the Plan Administrator pursuant to the provisions of the trust agreement for the LEOSSA Trust;

The LEOSSA Trust is established for the purpose of paying law enforcement officer special separation allowance benefits for which the **County** is liable;

The trustee(s) of the LEOSSA Trust is/are determined and selected as follows:  
County Manager, County Attorney and Finance Director

The LEOSSA Trust shall participate in AGPIP pursuant to the terms and conditions of the Deposit Agreement;

The initial contribution of the LEOSSA Trust to AGPIP shall be \$500,000 (the "Contribution").

The Plan Administrator and the following officers, managers, and/or representatives of the **County** (collectively, the "Authorized Representatives") are authorized and directed to execute and deliver the Deposit Agreement, to take any other actions deemed necessary or appropriate to consummate the transactions provided for therein, and to cause the Contribution to be made:  
Deputy Finance Director;

The Authorized Representatives, acting on behalf of the **County**, are authorized to take all such actions as they may deem necessary or appropriate to give effect to the foregoing resolutions; and

All actions heretofore taken by any of the Authorized Representatives acting on behalf of the **County** in furtherance of the foregoing resolutions are hereby ratified, adopted, approved, and confirmed in all respects.

Approved by the **Board** of the **County of Currituck**, this 20th day of May, 2019.

### RECESS REGULAR MEETING

Communication: Minutes for May 20, 2019 (Approval Of Minutes-May 20, 2019)

Chairman White recessed the regular meeting of the Board of Commissioners to hold a Special Meeting of the Tourism Development Authority.

### **SPECIAL MEETING-TOURISM DEVELOPMENT AUTHORITY**

The Currituck County Board of Commissioners recessed the 6:00 PM regular meeting to sit as the Tourism Development Authority in a Special Meeting. The Special Meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of hearing the Tourism Development Authority budget message and to consider budget amendments.

### **Tourism Development Authority Budget Presentation for Fiscal Year 2019-2020 and Set Date for Public Hearing and Possible Action**

Ben Stikeleather presented to the Board the Tourism Development Authority's annual budget for Fiscal Year 2019-2020 for spending of Occupancy Tax. Revenues and appropriations for Tourism Promotion and Tourism Related Expenditures were reviewed.

The Board set a date of June 3, 2019, to receive comment at a Public Hearing, followed by consideration and possible adoption of the annual budget for an effective date of July 1, 2019. The Budget is available in the office of the County Manager or may be viewed online.

### **Budget Amendments-TDA**

Commissioner Mary Etheridge reviewed the budget amendments for consideration and moved to approve. The motion was seconded by Chairman White. The motion carried.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
15442-514000	Travel		\$ 4,000
15442-532000	Supplies		\$ 7,000
15442-526200	Promotions	\$ 11,000	
		\$ 11,000	\$ 11,000
<b>Explanation:</b> Occupancy Tax Promotions (15442) - Transfer budgeted funds for funding to cover additional advertising - National Country Sales Marketing Cooperative.			
<b>Net Budget Effect:</b>	Occupancy Tax Fund (15) -No change.		

				Debit			Credit
				Decrease Revenue or			Increase Revenue or
<u>Account Number</u>	<u>Account Description</u>			<u>Increase Expense</u>			<u>Decrease Expense</u>
15447-561000	Professional Services			\$	100,000		
15320-415000	Occupancy Tax						\$
							100,000
				\$	100,000		\$
							100,000
<b>Explanation:</b>	Occupancy Tax - Tourism Related (15447) - Increase appropriations to defend recent lawsuit.						
<b>Net Budget Effect:</b>	Occupancy Tax Fund (15) -Increased by \$100,000.						

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Mary "Kitty" Etheridge, Commissioner  
**SECONDER:** Bob White, Chairman  
**AYES:** Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

#### ADJOURN SPECIAL MEETING OF THE TDA

There was no further business and Commissioner Beaumont moved for adjournment. The motion was seconded by Commissioner Mary Etheridge. The motion passed and the special meeting of the Tourism Development Authority was adjourned.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Paul M. Beaumont, Commissioner  
**SECONDER:** Mary "Kitty" Etheridge, Commissioner  
**AYES:** Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

#### SPECIAL MEETING-OCEAN SANDS WATER & SEWER DISTRICT BOARD

The Currituck County Board of Commissioners, during a recess of the 6:00 PM regular meeting, sat in a Special Meeting as the Ocean Sands Water and Sewer District Board. The Special Meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of hearing the Ocean Sands Water and Sewer District budget message for Fiscal Year 2019-2020.

#### Ocean Sands Water & Sewer District Budget Presentation for Fiscal Year 2019-2020 and Set Date for Public Hearing and Possible Action

Ben Stikeleather, Assistant County Manager, presented the budget message for the Ocean Sands Water & Sewer District for Fiscal Year 2019-2020. Information included operating

and district tax and expenses. Mr. Stikeleather highlighted information pertaining to new developmental fees and noted significant increases for water and sewer connections.

The Board set a date of June 3, 2019, to receive comment at a Public Hearing, followed by consideration and possible adoption of the annual budget for an effective date of July 1, 2019. The Budget is available in the office of the County Manager or may be viewed online.

### **ADJOURN SPECIAL MEETING OF THE OSWSD BOARD**

There was no further business and Commissioner McCord motioned for adjournment. The motion was seconded by Commissioner Beaumont. The motion carried and the Special Meeting of the Ocean Sands Water and Sewer District Board concluded at 8:39 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Kevin E. McCord, Commissioner
<b>SECONDER:</b>	Paul M. Beaumont, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

### **RECONVENE REGULAR MEETING**

The regular meeting of the Board of Commissioners was reconvened by Chairman White.

### **CLOSED SESSION**

- 1. Closed Session Pursuant to G.S. 143-318.11(a)(3) to Consult with the County Attorney and Preserve the Attorney-Client Privilege in the Matters Entitled: Letendre v. Currituck County and Costanzo, Corolla Civic Association, et al. vs. Currituck County, et al.**

Chairman White moved to enter Closed Session pursuant to G.S. 153-318.11(a)(3) to consult with the County Attorney and to preserve the Attorney-Client privilege in the matters entitled: Letendre v. Currituck County and Constanzo, Corolla Civic Association, et al., v. Currituck County, et al.

Commissioner Mary Etheridge seconded the motion, the motion carried, and the Board of Commissioners entered Closed Session.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Bob White, Chairman
<b>SECONDER:</b>	Mary "Kitty" Etheridge, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner

### **ADJOURN**

### Motion to Adjourn Meeting

The Board of Commissioners returned from Closed Session. There was no further business and Commissioner Payment moved for adjournment. The motion was seconded by Commissioner Jarvis. The motion carried and the regular meeting concluded at 9:23 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike H. Payment, Vice Chairman
<b>SECONDER:</b>	Selina S. Jarvis, Commissioner
<b>AYES:</b>	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2504)**

**Agenda Item Title**

Budget Amendments

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Number

2019130

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of June 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
30850-545000	Contract Services	\$ 12,000	
30380-481000	Investment Earnings		\$ 12,000
		<u>\$ 12,000</u>	<u>\$ 12,000</u>

**Explanation:** Postemployment Benefits (30850) - Increase appropriations for actuarial studies for Retiree Health Insurance (OPEB) and Law Enforcement Special Separation Allowance (LEOSSA). This have historical be prepared after the close of the fiscal year. Due to implementation of GASB 75, the actuaries have advanced the preparation of the studies so they will become due in the current fiscal year.

**Net Budget Effect:** Postemployment Retiree Benefits (30) - Increased by \$12,000.

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

Attachment: BAs for June 3\_Regular (Budget Amendments)



Number

2019131

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of June 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>	
67878-561000	Professional Services			\$	14,400
67878-514500	Travel and Education			\$	2,400
67878-531000	Fuel			\$	3,000
67878-532000	Supplies	\$	3,200		
67878-533200	Lab Tests	\$	3,000		
67878-545000	Contracted Services	\$	9,320		
67878-553000	Dues and Subscriptions	\$	4,264		
67878-557100	Software License Fee	\$	16		
		<u>\$ 19,800</u>		<u>\$ 19,800</u>	

**Explanation:** Mainland Sewer System (67878) - Transfer funds for operations for the remainder of this fiscal year.

**Net Budget Effect:** Mainland Sewer System (67) - No change.

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

Attachment: BAs for June 3\_Regular (Budget Amendments)

Number

2019132

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of June 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-516200	Vehicle Maintenance	\$ 1,000	
10460-516400	Equipment Maintenance		\$ 1,000
10460-553000	Dues & Subscription		\$ 1,300
10460-516200	Vehicle Maintenance	\$ 1,300	
10460-532160	Maintenance Supplies	\$ 5,000	
10460-592000	Projects		\$ 5,000
		<u>\$ 7,300</u>	<u>\$ 7,300</u>

**Explanation:** Public Works (10460) - Transfer budgeted funds to fix the hydraulic cylinder on the bucket truck, two new steer tires for the bucket truck, and to replace ceiling tiles .

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

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

Attachment: BAs for June 3\_Regular (Budget Amendments)

Number 2019133

**BUDGET AMENDMENT**

The Currituck County Board of Commissioners, at a meeting on the 3rd day of June 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
66868-511000	Telephone & Postage	\$ 10,000	
66868-557100	Software License Fees	\$ 290	
66868-588000	Contingency		\$ 10,290
		<u>\$ 10,290</u>	<u>\$ 10,290</u>

**Explanation:** Southern Outer Banks Water (66868) - Transfer funds from contingency for increased postage costs and software license fees.

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

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

Attachment: BAs for June 3\_Regular (Budget Amendments)

Number

2019134

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of June 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10480-514500	Training & Education	\$ 27	
10480-511000	Telephone & Postage		\$ 27
10490-532003	Supplies - Court/Jail	\$ 500	
10490-513003	Utilities - Court/Jail		\$ 500
10511-536000	Uniforms	\$ 1,000	
10511-590000	Capital Outlay	\$ 500	
10511-506000	Health Insurance		\$ 1,500
10512-545000	Contract Services	\$ 500	
10512-506000	Health Insurance		\$ 500
10530-532000	Supplies	\$ 2,000	
10530-553000	Dues & Subscriptions	\$ 100	
10530-590000	Capital Outlay		\$ 2,100
		<u>\$ 4,627</u>	<u>\$ 4,627</u>

**Explanation:** Register of Deeds (10480); Court Facilities (10490); Jail (10511); Animal Services and Control (10512); Emergency Medical Services (10530) - Transfers from multiple departments for operations for the remainder of this fiscal year.

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

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

Attachment: BAs for June 3\_Regular (Budget Amendments)

Number

2019135

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of June 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
12548-511010	Data Transmission	\$ 500	
12548-553015	Dues & Subscriptions	\$ 1,000	
12548-506000	Health Insurance		\$ 1,500
		<u>\$ 1,500</u>	<u>\$ 1,500</u>

**Explanation:** Knotts Island Fire Services (12548) - Transfer budgeted funds for operations for the remainder of the fiscal year.

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

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Clerk to the Board

Attachment: BAs for June 3\_Regular (Budget Amendments)

Number

2019136

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of June 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-511000	Telephone & Postage	\$ 5,000	
61818-513000	Utilities	\$ 20,000	
61818-533200	Lab Tests	\$ 1,500	
61818-545100	Credit Card Fees	\$ 3,000	
61818-557100	Software License Fees	\$ 250	
61818-590003	Fire Hydrants		\$ 1,000
61818-561000	Professional Serviices		\$ 4,858
61818-506000	Health Insurance		\$ 5,531
61360-473000	Reconnection Fees		\$ 18,361
		<u>\$ 29,750</u>	<u>\$ 29,750</u>

**Explanation:** Mainland Water (61818) - Increase appropriations due to increase postage and utilities and transfer funds for operations.

**Net Budget Effect:** Mainland Water Fund (61) - Increased by \$18,361.

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

Attachment: BAs for June 3\_Regular (Budget Amendments)

Number

2019137

## BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 3rd day of June 2019, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2019.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
63838-516000	Maintenance & Repair	\$ 1,000	
63838-545900	Tire Disposal	\$ 6,000	
63838-561500	Monitoring Wells	\$ 20	
63340-462000	Tipping Fees		\$ 7,020
		<u>\$ 7,020</u>	<u>\$ 7,020</u>

**Explanation:** Solid Waste (63838) - Increase appropriation for increased tire disposal costs and for facility repairs.

**Net Budget Effect:** Solid Waste (63) - Increased by \$7,020.

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Clerk to the Board

Attachment: BAs for June 3\_Regular (Budget Amendments)





## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2506)**

**Agenda Item Title**

Project Ordinance-Lottery Funds Project-Moyock Elementary Roof Replacement

**Brief Description of Agenda Item:**

**Planning Board Recommendation:**

Project ordinance for school lottery funds project request, previously approved by the Board of Commissioners.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

## COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Currituck County Board of Commissioners, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**SECTION 1.** The project authorized is replace the main roof at Moyock Elementary School.

**SECTION 2.** The following amounts are appropriated for the project:

Moyock Elementary School - Replace Main Roof	\$ 103,000
	<u>\$ 103,000</u>

**SECTION 3.** The following revenues are available to complete this project:

State Lottery Proceeds	\$ 103,000
	<u>\$ 103,000</u>

**SECTION 4.** The Finance Director is hereby directed to report, on a quarterly basis, on the financial status of each project element delineated in Section 2 above.

### SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

- a. He may transfer amounts between object line items within the fund up to One Thousand dollars (\$1,000).

### SECTION 6. CONTRACTUAL OBLIGATIONS

The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He 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.
- c. He 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 7. USE OF BUDGET ORDINANCE**

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

ADOPTED this 3rd day of June 2019.

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Bob White, Chairman  
Board of Commissioners

ATTEST:

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Leeann Walton  
Clerk to the Board



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2507)**

**Agenda Item Title**

Consideration of a Resolution Requesting the Dissolution of the Whalehead Preservation Trust Endowment.

**Brief Description of Agenda Item:**

**Planning Board Recommendation:**

It is the policy of the NC Community Foundation that endowment accounts maintain a minimum of \$25,000. The former Whalehead Trust Endowment is currently at \$20,000. The Board is being asked to consent to closing the account and remaining funds to which the county is entitled being returned to Currituck County. The necessary paperwork to transfer the Trust endowment to the County has been completed and approval will allow the NC Community Foundation to close the account which does not meet the minimum balance criteria.

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF  
COMMISSIONERS REQUESTING DISSOLUTION OF THE WHALEHEAD  
PRESERVATION TRUST ENDOWMENT ESTABLISHED BY THE NORTH  
CAROLINA COMMUNITY FOUNDATION**

WHEREAS, on February 8, 2005 Whalehead Preservation Trust, Inc., also known as The Whalehead Preservation Trust and the Currituck Wildlife Museum, Inc., ("Whalehead Preservation Trust"), executed an Agreement Creating a Designated Endowment for The Whalehead Preservation Trust, Inc. to create a Designated Endowment Fund named Whalehead Preservation Trust Endowment; and

WHEREAS, on May 24, 2016 Whalehead Preservation Trust was dissolved by its board of directors pursuant to N.C. Gen. Stat. §55A-14-04 and provided in its Plan for Dissolution that assets of the corporation are to be distributed to the County of Currituck, North Carolina; and

WHEREAS, Currituck County is informed by North Carolina Community Foundation that the amount of funds invested in the Whalehead Preservation Trust Endowment does not meet minimum requirements for designation or maintenance of an endowment fund and upon dissolution of the endowment fund any funds to be returned to Currituck County could be better utilized for enhancement of facilities located at the county's Historic Corolla Park, including a planned historic boat museum facility.

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

Section 1. Currituck County requests that the North Carolina Community Foundation dissolve the Whalehead Preservation Trust Endowment and disburse funds to the county funds in the endowment owned by Currituck County as successor to Whalehead Preservation Trust.

Section 2. This resolution shall be effective upon its adoption.

ADOPTED the 3<sup>rd</sup> day of June, 2019.

ATTEST:

\_\_\_\_\_  
Bob White, Chairman  
Board of Commissioners

\_\_\_\_\_  
Leeann Walton, Clerk to the Board

[COUNTY SEAL]

## NORTH CAROLINA COMMUNITY FOUNDATION

**ORIGINAL**

Form Seven

**Agreement Creating a Designated Endowment  
for The Whalehead Preservation Trust**

**This Endowment Agreement** ("Agreement") is made this 8 day of February, 2005, between the North Carolina Community Foundation, Inc., a nonprofit North Carolina corporation and community foundation ("Foundation"), and The Whalehead Preservation Trust ("Donor") to create a Designated Endowment ("Designated Endowment") of the Foundation. All persons and organizations making contributions to this Designated Endowment shall be bound by the terms of this Agreement.

(1) **Name of Endowment.** The name of the Endowment shall be the "Whalehead Preservation Trust Endowment". Any recipient of distributions from the Designated Endowment shall be advised that such benefits are from such Endowment.

(2) **Initial Contribution.** Upon delivery of this Agreement, Donor has transferred and delivered to the Foundation all right, title and interest to the property described in Exhibit A as the initial contribution to the Designated Endowment. The Foundation acknowledges receipt of the contribution and agrees to hold and administer the Designated Endowment as provided herein.

(3) **Gift to Foundation; Foundation Documents Control.** The Designated Endowment, including all investment income, capital gains and subsequent contributions, are the Foundation's property. This Agreement and the Designated Endowment shall be governed by North Carolina law and the Foundation's governing instruments (including the articles of incorporation, bylaws and resolutions and procedures of its Board of Directors) as updated from time to time. Donor acknowledges receipt of a current copy of the Foundation's "Standard Operating Policies and Procedures." This document provides more detailed information about the Foundation's current policies and procedures respecting such matters as administration, investment and distributions of Foundation component funds. These policies and procedures are subject to change at the Foundation's discretion.

(4) **Purposes.** The Designated Endowment shall be devoted to the support of the Whalehead Preservation Trust [designated charitable beneficiary] and its use shall be restricted as follows: \_\_\_\_\_ (if no restrictions are used, please mark here X). Should the time come when this charitable use, in the judgment of the Foundation's Board of Directors, has become unnecessary, undesirable, impracticable, incapable of fulfillment, or inconsistent with the charitable needs of the community served by the Foundation, the Designated Endowment shall be redirected to the most similar cause as can be determined by the Foundation's Board of Directors.

Whalehead Preservation Trust  
Currituck-Dare 2005

(5) **Distributions.** As provided by the Foundation's current general policy, a distribution is made annually. Generally, the principal is not distributed, thus building a permanent and growing support for this charitable cause. However, the Foundation may distribute all or any part of the Designated Endowment, including principal and income, at any time for any authorized purpose, in the Foundation's discretion.

X Donor reserves the right to consult with, advise, and make recommendations to the Foundation with respect to any distribution of income and/or principal from the Designated Endowment. The Foundation shall consider and evaluate all such advice or recommendations, but the Foundation shall not be bound by any such advice or recommendations.

(6) **Designation of Asset Manager.** (Please choose from one of two options):

X Donor requests that BB&T have custody of and administer the investment and reinvestment of the Designated Endowment;

☐ Donor has no preference for an asset manager and requests that the Foundation make the selection. Foundation selection is \_\_\_\_\_.

(7) **Entire Agreement; Changes.** This Agreement contains the entire agreement between the Foundation and Donor. To be effective, any changes to this Agreement must be written and signed by both parties.



IN WITNESS WHEREOF, Donor and North Carolina Community Foundation, Inc., have caused this Agreement to be duly executed, sealed and delivered, as of the day and year first written above.

Signed by the Donor in the presence of:

(CORPORATE SEAL)

ATTEST:

Elaine Alexander Goodwin  
Treasurer: Elaine Alexander Goodwin

Printed Name: \_\_\_\_\_  
Elaine Alexander Goodwin

**Whalehead Preservation Trust**

By: Edna B. Baden  
Authorized Officer: Edna B Baden, Ex. Director

Printed Name: Edna B. Baden

**NORTH CAROLINA  
COMMUNITY FOUNDATION, INC.**

By: Elizabeth C. Fentress  
Elizabeth C. Fentress, President

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

(CORPORATE SEAL)

ATTEST: Billy T. Woodard  
Billy T. Woodard, Secretary


**APPROVED AS TO FORM:**  
**Kilpatrick Stockton, LLP**  
Attorneys for the Foundation:

By: [Signature]  
Date: 3/10/05

**EXHIBIT A**

Check # 006070 in the amount of \$ 5,000.00

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS

<b>THE WHALEHEAD PRESERVATION TRUST</b> P.O. BOX 307 COROLLA, NC 27927		<b>THE BANK OF CURRITUCK</b> Established 1920	86-730/531	<b>0060</b>
PAY *****\$5000 AND 00/100 DOLLARS		DATE	AMOUNT	
		02/01/05	\$5000.00	
PAY TO THE ORDER OF	NC COMMUNITY FOUNDATION NORTHEASTERN REGION SUITE 4, HARBINGER CENTER POINT HARBOR, NC 27964			
				

⑈00006070⑈ ⑆053107303⑆ 01 218103 10⑈

Attachment: NC Community Foundation-Whealehead Pres Trust Endowment (Resolution-Dissolve Whealehead Preservation Trust Endowment)

## DONOR'S BOARD RESOLUTION

BE IT RESOLVED that the Whalehead Preservation Trust, Inc.  
 [full corporate name], a North Carolina nonprofit or charitable organization, does hereby (request and) authorize establishment of a Designated Endowment Fund in its name, on its behalf and for its benefit by the North Carolina Community Foundation, Inc. ("NCCF"), pursuant to the Agreement signed by Donee and NCCF. The Designated endowment is to be owned and managed by the NCCF as provided by said Agreement and held by the NCCF as a component fund thereof; and

BE IT RESOLVED that the Whalehead Preservation Trust, Inc.  
 hereby authorizes NCCF and its officers and agents to accept contributions to the said Designated Endowment Fund on its behalf, and further authorizes its own officers and directors to execute and deliver to NCCF any instruments or documents necessary or useful to effect the authorization, establishment, use and continued maintenance of such Designated Endowment Fund.

ADOPTED on November 8, 2004, by such organization's governing body at a meeting duly called and held, at which a quorum was present and acting throughout.

Signed this 8<sup>th</sup> day of February,

(Corporate Seal)

Alyd E. West, II

Secretary:

Board res.Gen.admin.

Attachment: NC Community Foundation-Whalehead Pres Trust Endowment (Resolution-Dissolve Whalehead Preservation Trust Endowment)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – (ID # 2508)

**Agenda Item Title**

Administrative Policy for Developmental Fees

**Brief Description of Agenda Item:**

**Planning Board Recommendation:**

Consideration of a policy for the establishment of uniform treatment for project delays caused by sewer permitting issues in Moyock.


**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

	ADMINISTRATIVE PROCEDURES		
	SUBJECT: Developmental fee guideline		
	EFFECTIVE DATE: June 3, 2019	SUPERSEDES: N/A	APPROVED BY: County Manager

### PURPOSE

To establish uniform treatment for select projects that were delayed due to NCDEQ sewer permitting problems at Moyock Regional Wastewater.

### GENERAL

On April 1 2019 the Board of Commissioners approved a fee schedule that contained developmental fees for sewer and water connections. At that time there were projects with either board approval or that would have been allowed by right that could not move forward because of sewer issues. This policy recognizes this and allows them to be charged the lesser water and sewer tap fee.

### PROCEDURES

Projects that had a sewer obligation letter, were approved by right or had some form of Board of Commissioner approval, and were unable to receive a NCDEQ sewer permit on the Moyock Regional Wastewater Plant prior to the adoption of developmental fees on the April 1 ,2019 Board of Commissioners meeting shall be charged the tap fee amount on the prior fee schedule or the current developmental fee whichever is lesser.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2509)**

**Agenda Item Title**

Memorandum of Agreement for Verizon Tower at 734 Ocean Trail, Corolla

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

This Instrument Was Prepared By  
and When Recorded Mail to:

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
1501 Main Street, Suite 600  
Columbia, South Carolina 29201

STATE OF NORTH CAROLINA )

COUNTY OF CURRITUCK )

Parcel ID #: 011600000060000

### **AMENDED MEMORANDUM OF TOWER LEASE AGREEMENT**

This Amended Memorandum of Tower Lease Agreement ("Memorandum"), is made this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by and between **CURRITUCK COUNTY** (the "**Lessor**"), and **CELLCO PARTNERSHIP d/b/a Verizon Wireless**, with its principal office located at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 ("**Lessee**").

### **RECITALS:**

**WHEREAS**, Lessor and Lessee entered into a Tower Lease Agreement on January 20, 2006, as amended by that First Amendment to Tower Lease Agreement on March 6, 2012, Second Amendment to Tower Lease Agreement on September 9, 2014, Third Amendment to Tower Lease Agreement on December 30, 2016, and Fourth Amendment to Tower Lease Agreement on March 1, 2018 (collectively, the "Agreement"), whereby Lessee leased from Lessor certain ground space and space on the Lessor's Tower located at 734 Ocean Trail, Corolla, Currituck County, North Carolina, and as further described in the Agreement (the "Premises"); and

**WHEREAS**, pursuant to that certain Fifth Amendment to Tower Lease Agreement dated the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ (the "Amendment"), the term of the Agreement has been amended; and

**WHEREAS**, except for the limited purpose stated herein, this Amended Memorandum is not intended to modify, replace or supersede Tenant's rights under that certain Memorandum of Tower Lease Agreement recorded in Deed Book 974, Page 687 on November, 7, 2006;

LESSEE SITE NAME: Corolla  
LESSEE SITE NUMBER: 256206

Attachment: MOA Corolla-Verizon Wireless (MOA-Verizon Tower-734 Ocean Trail)



**NOW, THEREFORE**, for and in consideration of the Premises, and for other good and valuable consideration, the receipt, adequacy and sufficiency of which are expressly acknowledged by the parties, Lessor and Lessee agree and acknowledge for themselves and their respective successors and assigns, as follows:

1. The above recitals are incorporated herein by reference.
2. Effective upon the expiration of the current term, the Agreement shall automatically be extended for three (3) additional five (5) year terms (the “Renewal Terms”), Unless earlier terminated in accordance with the Agreement, the term of the Agreement shall expire on February 28, 2046, unless otherwise extended
3. The terms, covenants and provisions of the Agreement of which this is an Amended Memorandum, shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of Lessor and Lessee.

*Balance of page intentionally left blank*

*Signature page following*

Attachment: MOA Corolla-Verizon Wireless (MOA-Verizon Tower-734 Ocean Trail)

**IN WITNESS WHEREOF**, Lessor and Lessee have executed this Memorandum the day and year first above written.

Lessor:

**CURRITUCK COUNTY**

\_\_\_\_\_  
WITNESS

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

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

Title: \_\_\_\_\_

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

STATE OF \_\_\_\_\_

:

:

SS

COUNTY OF \_\_\_\_\_

:

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, to me personally known, who, being by me duly sworn, did say that she/he is \_\_\_\_\_ of **CURRITUCK COUNTY**, and that she/he executed the foregoing Memorandum on its behalf.

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_,  
201\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Attachment: MOA Corolla-Verizon Wireless (MOA-Verizon Tower-734 Ocean Trail)

Lessee:

**Cellco Partnership**  
d/b/a Verizon Wireless

By: \_\_\_\_\_  
Name: Thomas O'Malley  
Title: Director - Network Field Engineering  
Date: \_\_\_\_\_

STATE OF MARYLAND

:

:

SS

COUNTY OF HOWARD

:

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that Thomas O'Malley, to me personally known, who, being by me duly sworn, did say that he is Director - Network Field Engineering of **Cellco Partnership** d/b/a Verizon Wireless, and that he executed the foregoing Memorandum on its behalf.

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_,  
201\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

Attachment: MOA Corolla-Verizon Wireless (MOA-Verizon Tower-734 Ocean Trail)



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2502)**

**Agenda Item Title**

Tourism Development Authority-Public Hearing and Possible Action on Annual Budget for the Fiscal Year Ending June 30, 2020.

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Ben Stikeleather



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number – (ID # 2503)**

**Agenda Item Title**

Ocean Sands Water & Sewer District-Public Hearing and Possible Action on Annual Budget for the Fiscal Year Ending June 30, 2020.

**Brief Description of Agenda Item:**

**Board Action Requested**

Action

**Person Submitting Agenda Item**

Leeann Walton, Clerk to the Board

**Presenter of Agenda Item**

Ben Stikeleather