



**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

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

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Mike H. Payment, Vice 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

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

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

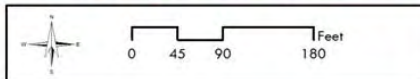
The use will not exceed the county's ability to provide adequate public facilities, including, but not limited to: schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate.

Preliminary Staff Findings:

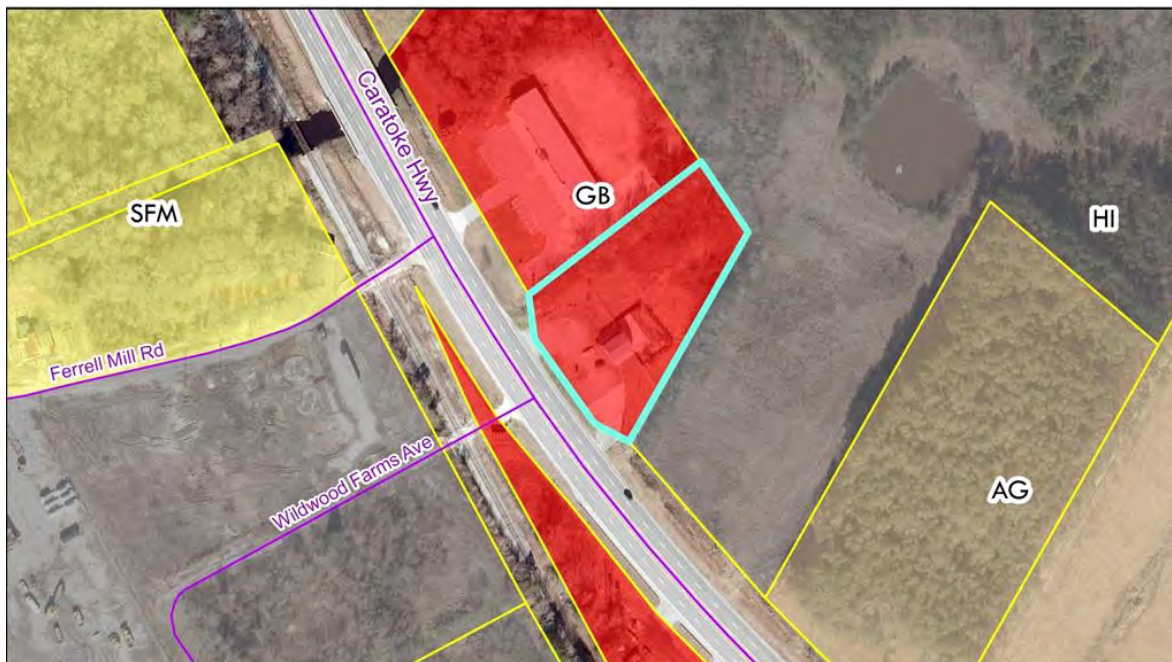
1. There will be no effect on the school system. Currituck County has adequate public facilities to serve this use.



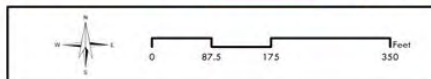
PB 19-11 Complete Auto Credit
Automobile Sales - Use Permit
Aerial



Currituck County
Planning and
Community Development



PB19-11 Complete Auto Credit
Zoning Map



Currituck County
Planning and Community
Development



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.

RESULT:	CONTINUED [UNANIMOUS]	Next: 6/17/2019 6:00 PM
MOVER:	Mary "Kitty" Etheridge, Commissioner	
SECONDER:	Paul M. Beaumont, 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	

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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
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

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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
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

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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, 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

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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	J. Owen Etheridge, Commissioner
SECONDER:	Kevin E. McCord, 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

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.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
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
<u>Account Number</u>	<u>Account Description</u>		
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.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10415-514000	Travel		\$ 400
10415-514500	Training and Education	\$ 400	
		\$ 400	\$ 400
Explanation:	Legal (10415) - Transfer budget funds for increased registration costs.		
Net Budget Effect:	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 20th 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.

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 20th 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 20th 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 20th day of May, 2019.

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

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

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

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kevin E. McCord, Commissioner
SECONDER:	Paul M. Beaumont, 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

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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
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

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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Selina S. Jarvis, 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



STAFF REPORT
PB 19-11 COMPLETE AUTO CREDIT
USE PERMIT
BOARD OF COMMISSIONERS
MAY 20, 2019

APPLICATION SUMMARY

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

APPLICANT NARRATIVE

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.

STAFF ANALYSIS

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.

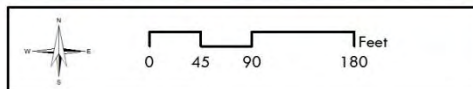
Preliminary Staff Findings:


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

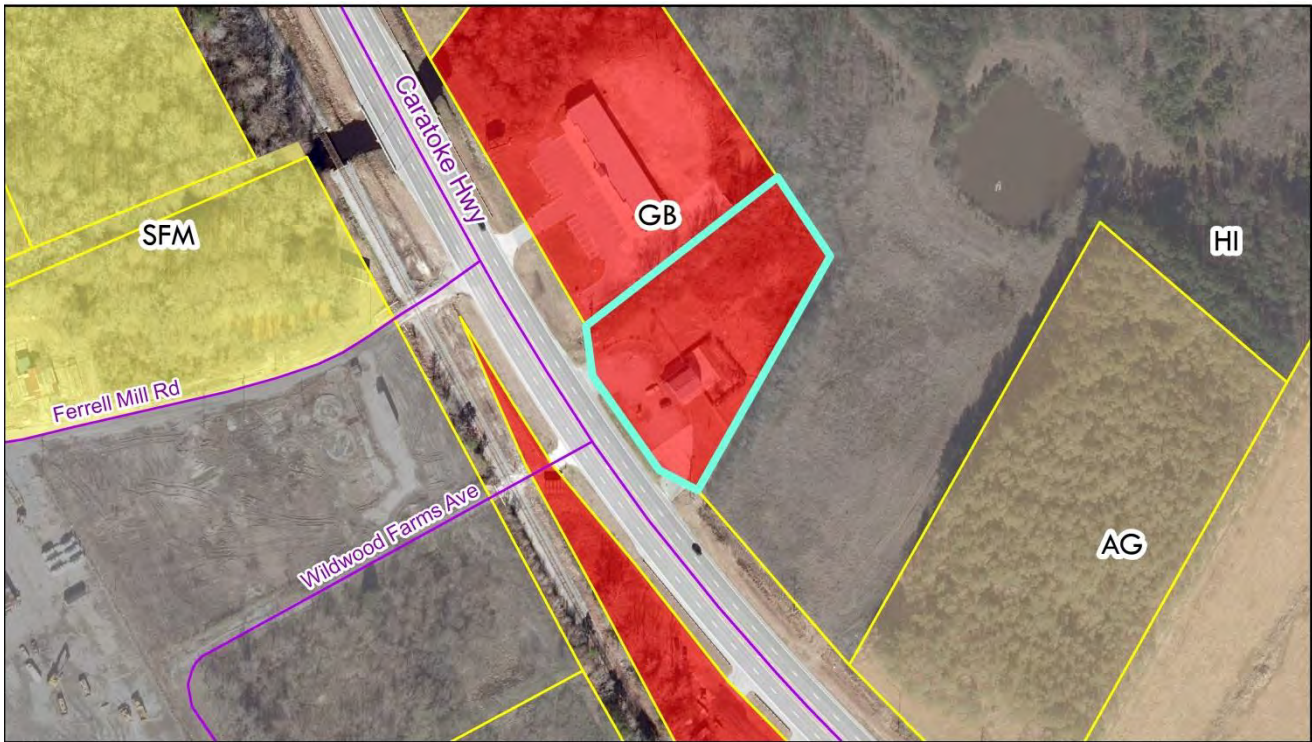
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



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



 Currituck County
Planning and
Community Development



PB19-11 Complete Auto Credit
Zoning Map

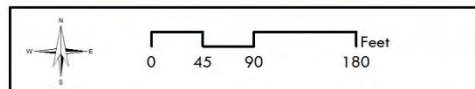


Currituck County
Planning and Community
Development

Attachment: 1 Staff Report 2 (PB 19-11 Complete Auto Credit)



PB 19-11 Complete Auto Credit
Automobile Sales - Use Permit
Land Use Classification



Currituck County
Planning and
Community Development



Use Permit Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: Marc Sisino - Complete Auto Credit
 Address: 1383 Caratoke Hwy
Moyock, NC 27958
 Telephone: 252-242-1900
 E-Mail Address: completeautocredit@gmail.com

PROPERTY OWNER:

Name: Tiffany Richardson
 Address: 1383 Caratoke Hwy
Moyock, NC 27958
 Telephone: 918-327-4526
 E-Mail Address: tiffsoey@gmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Brother

Property Information

Physical Street Address: 1383 Caratoke Hwy, Moyock, NC 27958
 Location: _____
 Parcel Identification Number(s): 0023-000-0010-0000
 Total Parcel(s) Acreage: 1.5814738
 Existing Land Use of Property: _____

Request

Project Name: Complete Auto Credit
 Proposed Use of the Property: Automobile Sales
 Deed Book/Page Number and/or Plat Cabinet/Slide Number: _____
 Total square footage of land disturbance activity: 4900sq ft pavement over existing gravel, 1750 sq ft new gravel
 Total lot coverage: _____ Total vehicular use area: _____
 Existing gross floor area: _____ Proposed gross floor area: _____

Community Meeting

Date Meeting Held: March 22, 2019 Meeting Location: 1383 Caratoke Hwy

Purpose of the Use Permit and Project Narrative (please provide on additional paper if needed): _____
 A previous use permit was issued to this property in 2013 allowing for automobile sales. 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 asthetically 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.

The applicant shall provide a response to the each one of the following issues. The Board of Commissioners must provide specific findings of fact based on the evidence submitted. All findings shall be made in the affirmative for the Board of Commissioners to issue the use permit.

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

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.

B. 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.

The location is directly across from Sumit Farms Solar Farm and in between vacant property (heavy industrial use zoned) and a strip office center. Diagonally across the street is auto repair 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.

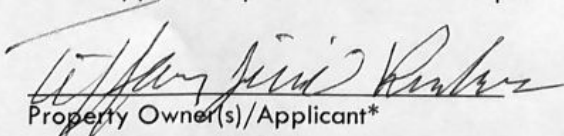
C. The use will be in conformity with the Land Use Plan or other officially adopted plan.

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 PolicyED1 new and expanding businesses should be especially encouraged that diversify the local economy, train and hire more highly skilled labor force and are compantible with the environmental quality and natuaraal amenity-based economy of Currituck County. Pol. ED4 ...the considerable value of SMALL BUSINESS...

D. 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.

There will be no affect on the school system. Currituck County has adequate public facilities to serve this use. The owners have previously installed a fire hydrant and the new plan includes necessary space to accomodate emergency vehicles.

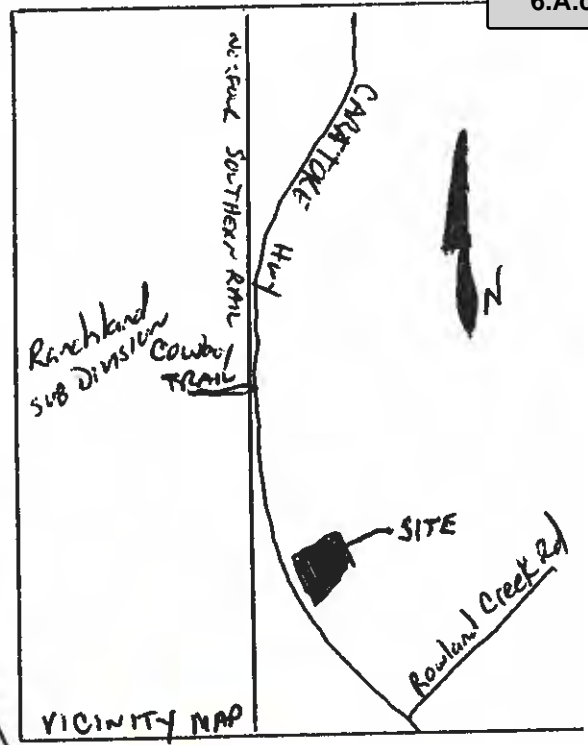
I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.


 Property Owner(s)/Applicant*

04/20/19
 Date

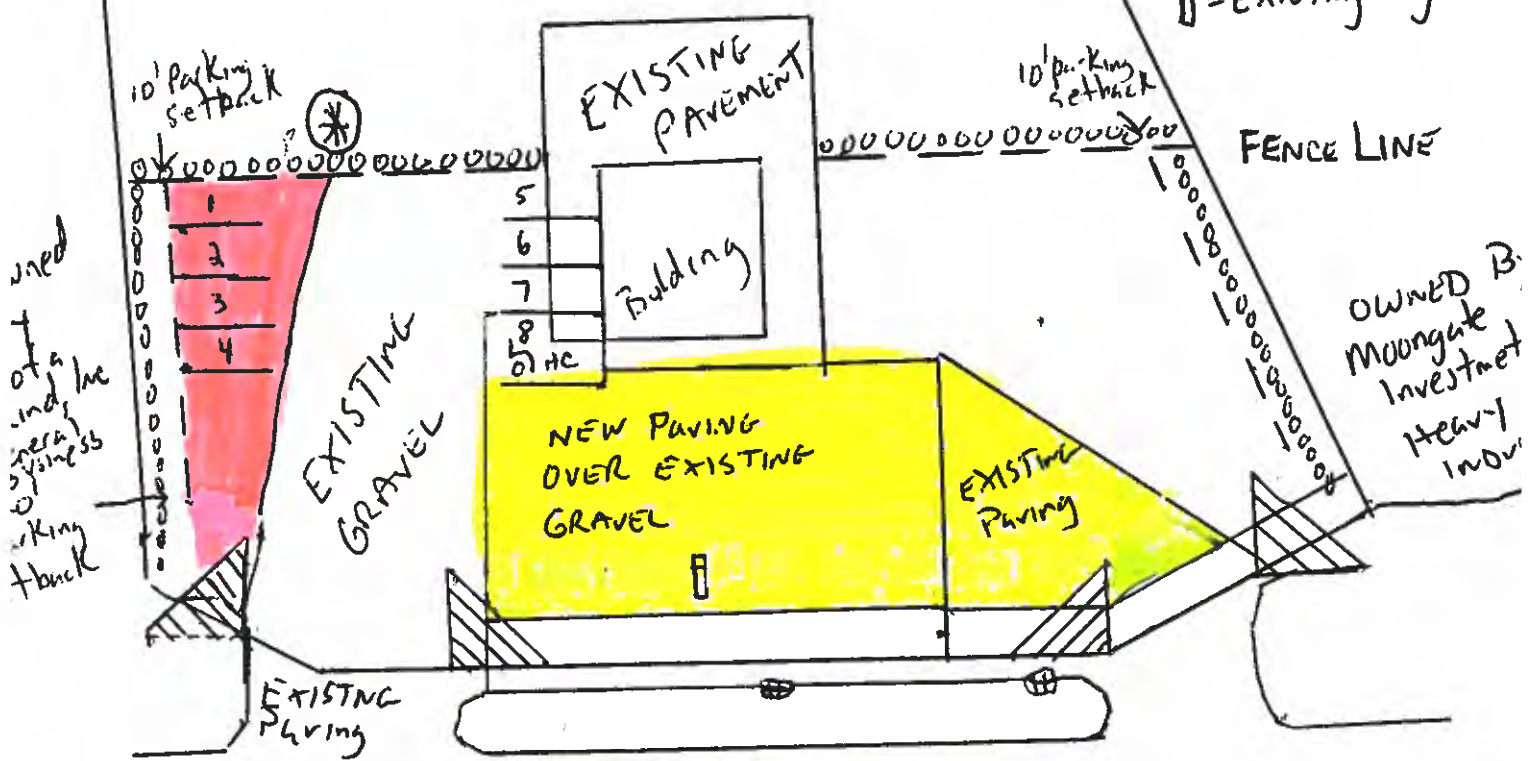
***NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.**

Parcel ID 0023-000-0010-0000
 1.58 ACRES
 16670 Φ EXISTING COVERAGE
 1750 Φ proposed new COVERAGE
 18420 Φ TOTAL COVERAGE
 ZONING GENERAL BUSINESS



= DISPLAY AREA
 = 1750 Φ NEW GRAVEL

o = bushes
 (**) = 30' shade tree
 || = EXISTING SIGN



1383 CARATUKE Hwy owned By TIFFANY RICHARDSON
 918 327 4526



Currituck County

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

MEMORANDUM

To: Marc Sisino

From: Planning Staff

Date: 4/11/2019

Re: Use Permit(Complete Auto Credit)Auto Sales

The following comments have been received for the April 17th, 2019 TRC meeting. In order to be scheduled for the May 14, 2019 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on April 22, 2019. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jason Litteral

Approved with comments

1. Let's schedule a meeting to clean up the site plan and revisit the Use Permit review standards.

Currituck County Building and Fire Inspections (Bill Newns, 252-232-6023)

Inspections

Original commercial building was converted to a single family residence. The building will require a change of occupancy and an appendix B building code summary will need to be prepared for the new USE by a design professional using the 2018 building code.

Fire

- The fire apparatus must be able to come within 150' of all exterior portions of the structures. 200' if the structure has NFPA 13 sprinkler system installed.
- Fire apparatus access must be at least 20' wide 13' 6" in height. Maximum slope shall not exceed 10%.
- All portions of the fire apparatus access must be capable of 75,000lbs under all weather conditions.

Currituck County Engineer (Eric Weatherly, 252-232-6035)

- Less than 5000 sf of additional coverage exempts from county stormwater requirements
- If fill being place on the lot, section UDO 7.3.4 is applicable
- Water service fees are applicable if the meter size is changed.

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

The Parcel ID number on the Use Permit application is incorrect. The correct Parcel ID Number is 0023-000-0010-0000.

Currituck Soil and Stormwater (Will Creef 252-232-3360)

Ensure expansion of impervious remains under 5,000 square feet. If 5,000 square foot mark is exceeded storm water management measures will be required.

Attachment: 4 TRC Comments (PB 19-11 Complete Auto Credit)

Currituck County Public Utilities, Wastewater (Glenn Vance, 252-6062)

Will washing of vehicles take place, and where will wastewater go? Any hydrocarbons, oils, grease, etc. stored onsite (where will spill go?)

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

Will existing building be used for a 4 bedroom dwelling and a used car lot?

Will owner repair septic tank system as instructed on repair permit (#234924) issued by ARHS/Currituck dated 3-01-2017 ?

Health dept. cannot approve of driving or parking any motor vehicle on any part of existing septic system if proposed.

Please have owner/operator consult with the health dept.

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans.
- 10 - 11"x17" copies of revised plans.
- 1- 8.5"x11" copy of all revised plans.
- 1- PDF digital copy of all revised documents and plans.

Attachment: 4 TRC Comments (PB 19-11 Complete Auto Credit)

March 22, 2019

Community Meeting for 1383 Caratoke Hwy Use Permit

Present were Marc Sisino, Joseph Sisino, Jason Litteral, and James Innes

The meeting took place at 6 pm on March 22, 2019 at 1383 Caratoke Hwy, Moyock, NC 27958

Mr. Innes stated that in the past, there were issues with vehicles being parked in the line of sight from pulling out of his property's driveway, but there have been very limited issues since Marc Sisino has been at the property. Mr. Innes further stated he had no issues with the automobile dealership at this location.

The meeting closed at 6:20 pm



CAMDEN

CHOWAN

CURRITUCK

DARE

GATES

HYDE

PASQUOTANK

PERQUIMANS

TYRRELL

WASHINGTON

COLUMBIA

CRESWELL

DUCK

EDENTON

ELIZABETH CITY

GATESVILLE

HERTFORD

KILL DEVIL HILLS

KITTY HAWK

MANTEO

NAGS HEAD

PLYMOUTH

ROPER

SOUTHERN SHORES

WINFALL

April 15, 2019

Ms. Leeann Walton, Currituck Co. Clerk
153 Courthouse Rd, Suite 204
Currituck, NC 27929

Dear Ms. Walton:

The Albemarle Commission Area Agency on Aging (AAA) is in need of **two** appointed representatives on our Regional Advisory Council (RAC). Ms. Joanne DiBello's term expired on 7/31/2018. Ms. DiBello has been a tremendous asset to this group and a great advocate for older adults in **Currituck County**. She has continued to participate in the quarterly RAC meetings. I would like to recommend that this individual be reappointed by your Board.

The RAC meets quarterly to give direction and guidance to the AAA's efforts in serving the senior population in **Currituck County**. The primary purpose of this council is to serve as advocates for older adults, their caregivers and their families living within the service area of the Albemarle Commission as specified by the Older American's Act. This group is primarily responsible for providing guidance and input in our 4-year area plan to serve older adults in Northeast North Carolina. As we begin evaluating needs for our new 4-year plan, having representation from **Currituck County** is essential.

Appointment length to this council can vary based on the county preference, but should be no less than a two-year term.

Should you have any questions or concerns, please feel free to contact me at 252-426-5753 ext. 222. I thank you in advance for your assistance.

Most Sincerely,

Jasmine S. Wilson, Aging Program & Contracts Specialist
Albemarle Commission Area Agency on Aging

512 South Church Street
Hertford, NC 27944

www.albemarlecommission.org

P: 252.426.5753
F: 252.426.8482

OCEAN SANDS WATER SEWER DISTRICT ADVISORY BOARD

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Braxton Hill			Coastland Corporation		
Martin Regan			Coastland-OSPOA	4/16/2018	
Barbara Marzetti			BOC	9/4/12	
Pat Riley (Resigned)			BOC	9/4/12	
Terry Anderson			BOC	11/5/12	
Must be replaced					

April 29, 2019

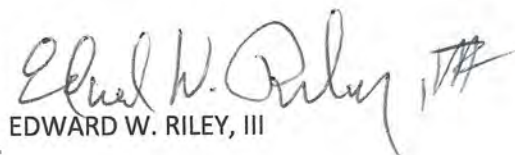
Edward W. Riley, III

763 Sunrise Court

Corolla, NC 27927

To whom it may concern,

I, Edward W. Riley, III (Pat Riley), hereby resign from the Ocean Sands Water and Sewer District Advisory Board effective immediately.


EDWARD W. RILEY, III

Attachment: P. Riley-Water Resignation (Board Appt-Ocean Sands Water & Sewer District Advisory)

SENIOR CITIZEN ADVISORY BOARD
2 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Cindy Scott	District 1		Bob White	3/4/2019	2nd 2/1/2021
Rita Ferebee	District 2		Selina Jarvis	8/6/2018	2nd 2/1/2020
Janet Lovell	District 3		Mike Payment	2/18/2019	2nd 2/1/2021
Michael Williams	District 4		Paul Beaumont	2/18/2019	1st 2/1/2021
Mary Ellen Maxwell	District 5		J. Owen Etheridge	4/3/2017	Unexp 2/1/2018
Betty Ann Fairchild	At-Large		Kevin McCord	8/20/2018	Unexp 2/1/2020
Alisa Hugdahl	At-Large		Kitty Etheridge	8/6/2018	Unexp 2/1/2020

Must be replaced

Commissioner Mary Etheridge Serves on this Board



CURRITUCK COUNTY NORTH CAROLINA

May 6, 2019

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 4:00 PM Code Enforcement

The Board of Commissioners met at 4 PM in the Historic Courthouse Conference Room for a work session to give direction to staff on a Planning issue and to discuss Code Enforcement policy and processes. Assistant County Manager, Ben Stikeleather, reviewed a request from Mr. Darryl Hood, President of the Carolina Club Home Owners Association (HOA), who wants to revise the recorded subdivision plat and relocate and reduce the reserve utility area. During discussion, Planning and Community Development Director, Laurie LoCicero, and County Attorney, Ike McRee, agreed an amendment could be accomplished only with consent of all property owners within the subdivision. Options were presented and the Board directed staff not to accept an application to amend the plat and to instead issue a letter of determination denying the request, with the knowledge the Carolina Club HOA may appeal to the Board of Adjustment.

Mr. Stikeleather discussed the county's current process and procedures for Code Enforcement. New state legislation that establishes time limits for reporting violations and the county's current code enforcement procedures were reviewed. Discussion among Commissioners and staff resulted in Board direction for staff to start a more proactive approach to identify violations on the North Carolina 168/158 highway corridor, followed by secondary roads, and respond in other areas as they are reported.

Mr. Stikeleather reviewed budget amendments included on the meeting agenda.

6:00 PM CALL TO ORDER

The Currituck County Board of Commissioners met at 6:00 PM for a regular meeting. The meeting was held in the Board Meeting Room of the Historic Currituck 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.

Communication: Minutes for May 6, 2019 (Approval Of Minutes for May 6, 2019)

A) Invocation & Pledge of Allegiance-Reverend Frank Custer, Mt. Zion United Methodist Church

Reverend Custer did not attend. Pastor Glenn McCranie was present to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Commissioner McCord amended the agenda as follows:

- Added New Business Item A, Consideration and Approval of Purchasing Policy.
- Added a presentation from Mike Hall, Member of the College of the Albemarle Board of Trustees, to Administrative Reports.
- A Budget Amendment concerning funding for the airport AWOS system was moved from Consent Agenda to New Business, Item C.

Commissioner Payment moved for approval of the agenda as amended. The motion was seconded by Commissioner Jarvis. The motion carried.

Approved agenda:

Work Session

4:00 PM Code Enforcement

6:00 PM Call to Order

A) Invocation & Pledge of Allegiance-Reverend Frank Custer,
Mt. Zion United Methodist Church

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

Administrative Reports

A) Presentation of FY 2018 Audit: Chris Burton, Carr, Riggs, Ingram LLC

B) Mobi Awards Presentation

- C) Amended Item-Presentation from Mike Hall, Member,
College of the Albemarle Board of Trustees

Public Hearings

- A) Public Hearing & Action on a Resolution Establishing
and Creating the Carova Beach Watershed
Improvement Service District
- B) Public Hearing & Action on a Resolution Extending
the Carova Beach Road Service District
- C) Public Hearing & Action on a Resolution Establishing
and Creating the Knotts Island Fire Protection Service
District
- D) Public Hearing & Action on a Resolution Extending
the Guinea Mill Watershed Improvement Service
District

Old Business

- A) Consideration and Action: Review and Adoption of
Ordinance for Conditional Zoning, PB 18-23-Fost Tract

New Business

- A) Amended Item-Consideration and Approval of Purchasing Policy
- B) Approval of Commissioner Travel: Commissioner M.
Etheridge and Commissioner Jarvis to Attend the
National Association of Counties Annual Conference in
Clark County, Las Vegas, Nevada
- C) Amended Item-AWOS System Budget Amendment
- D) Consent Agenda
1. Approval Of Minutes for April 15, 2019
 2. Budget Amendments
 3. Resolution Approving the Exhibition, Use and Discharge
of Pyrotechnics in Historic Corolla Park, Corolla, North
Carolina.
 4. Resolution to Surplus Engine 31 from Moyock Volunteer Fire
Department
 5. Resolution for Designation of Applicant Agent for FEMA Flood

Mitigation

6. Project Ordinance-Lottery Funds Distributions:
HVAC Upgrades for Jarvisburg Elementary and
Shawboro Elementary Schools
7. Approval of Audit Contract for FY 2019-Carr, Riggs & Ingram, LLC
8. NCDOT Road Addition Petition-Sound Woods
9. Approval of CenturyLink Easement Agreement-
Fiber Optic line, Cooperative Extension
10. Sprint 1st Amendment to License Agmt. for 734 Ocean Trail

E) County Manager's Report**Adjourn****Special Meeting of the Ocean Sands Water & Sewer District Board**

OSWSD-Budget Amendments

Adjourn Meeting of the Ocean Sands Water & Sewer District Board

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Selina S. Jarvis, 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

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.

Chairman White opened the Public Comment period.

Fred Whiteman, Sandy Fost and David Shepherd, Currituck County residents, and Engineer, Mark Bissell and Attorney, Jamie Schwedler, spoke in support of the Board of Commissioners hearing and moving forward with the Fost Tract agenda item.

Don Hufnagle, Carova, questioned the validity of survey responses to the Carova stormwater and road service districts being considered by Commissioners and discussed drainage, flooding, and roads in Carova Beach. He asked about funding sources for road maintenance and commented that roads in Carova were good.

Chairman White responded to Mr. Hufnagle's comments, and discussed a prior weather event in which pumps ran for ten days to alleviate flooding in Carova Beach. Chairman White provided information on funding for maintenance.

Woody Dreher, Carova, also talked about flooding and road conditions in Carova Beach. He opposes the tax service districts and doesn't believe there is public support.

No others wished to speak and the Public Comment period was closed.

COMMISSIONER'S REPORT

Chairman White talked about the county budget process and encouraged the public to attend budget work sessions. He addressed school funding requests and said the county is working with the school district and staff to provide additional school funding without impacting residents. He announced a recent trip to Raleigh with Assistant County Manager, Ben Stikeleather, to discuss sales tax legislation being considered at the state level that, if passed, would likely result in a loss of \$750,000 in revenue for Currituck County. He reported on a recent community meeting in Knotts Island to talk with residents about a fire service protection district.

Commissioner Mary Etheridge announced May is Small Business month, and she congratulated John Wright, owner of Sanctuary Vineyards, who won the northern region North Carolina Coast Host Tourism award. May is also National Foster Care Month and she encouraged those interested in becoming foster parents to contact the Department of Social Services.

Commissioner Beaumont attended a community meeting where Southern Environmental Law Center discussed their opposition to the construction of the Mid-county Bridge. He reported on their reasons to oppose the bridge, reviewed their alternate proposals, and said people in favor of the bridge need to be just as vocal as those opposed. Commissioner Beaumont said a community meeting with the North Carolina Department of Transportation is being planned.

Commissioner McCord congratulated high school baseball and softball teams for their conference wins. He talked about the summer traffic issues in Currituck County, and announced the upcoming budget work session, May 8th.

Commissioner J. Owen Etheridge discussed an earlier accident in which a school bus was involved, and said the notification processes in place should be left to the school system and asked the public to refrain from posting such incidents on social media. He reported no students were seriously injured.

Commissioner Jarvis announced National Teacher Appreciation Week, and thanked those involved in her son's education and encouraged others to do the same. She also thanked nurses in recognition of National Nurses Day.

Chairman White invited Meg Puckett, of the Corolla Wild Horse Fund, to come to the podium. Ms. Puckett announced a foal was named after County Manager, Daniel F. Scanlon, II, to acknowledge his upcoming retirement and to recognize his many years of service to the county and the Wild Horse Fund.

ADMINISTRATIVE REPORTS

Meg Pucket-Corolla Wild horse fund-recognition of service-CWHF April 26, foal, named after Dan.

Chairman White-thanks for all work done with WHF, herds, countless meetings.

A. Presentation of FY 2018 Audit: Chris Burton, Carr, Riggs, Ingram LLC

Mr. Chris Burton from accounting firm Carr Riggs & Ingram, LLC, presented the audit report to the Board of Commissioners. He said the audit was smoothly, the county is financially sound, and he highlighted a few specifics for Commissioners. He reported a collection rate of 99.08 percent. Mr. Burton presented one finding pertaining to overcharges to some sewer customers, and he reviewed the remedy to refund those affected. County Manager, Dan Scanlon, described the county's process for identifying and refunding overpayments.

B. Mobi Awards Presentation

Eileen Wirth, Project Coordinator, announced the North Carolina Department of Transportation awarded two MOBI awards to Currituck County to recognize multi-modal transportation projects constructed in Currituck County. A first place award was received in the Suburban Category for the Corolla Greenway Phase V project, and Currituck County tied with Raleigh for first place in the Innovative category for the Corolla Village Road Public Access Facility and Handicap Ramp project. Ms. Wirth thanked the Board and County Manager for the opportunity to work on the projects.

C. Amended Item-Presentation from Mike Hall, Member, College of the Albemarle Board of Trustees

Mike Hall, Member of the College of the Albemarle (COA) Board of Trustees, addressed Commissioners as a member of the COA Executive Committee and reported on various projects, expansions, modifications and achievements realized at many COA campuses during his tenure. He said enrollment is up at COA while other community college enrollments are down. He discussed the member makeup of the COA Board of Trustees and asked Commissioners to support a Resolution that would increase Currituck County's membership from one to two. Mr. Hall responded to Commissioner questions and said he has spoken to other members and no opposition was voiced.

PUBLIC HEARINGS

A. Public Hearing & Action on a Resolution Establishing and Creating the Carova Beach Watershed Improvement Service District

Ben Stikeleather, Assistant County Manager, began by addressing concerns expressed at public comment by briefly explaining how the setup of the district survey questions would not allow those who did not own property within a district to respond to questions relating to financial support.

Mr. Stikeleather presented information on the proposal for creating the Carova Beach Watershed Improvement Service District to address stormwater and flooding issues in the area. He reviewed potential uses of revenues and summarized stakeholder comments garnered from a community meeting and survey responses, of which 48% were in support of a district and 52% were opposed. Although tax rates had not been established, Mr. Stikeleather said a staff assessment suggests a .02 cent tax rate, with half going into a reserve for emergency pumping and the balance to ditching upgrades and maintenance. A .02 cent rate would cost \$40.00 per year for a home valued at \$200,000.

Mr. Stikeleather responded to Commissioners regarding community comments and

confirmed Occupancy Tax paid for emergency pumping on the off-road during the last storm event, at a cost of \$100,000. Other communities who pay for services through tax districts, such as Ocean Sands and Whalehead, were discussed, and Chairman White explained pumping in Swan Beach during last year's storm event was necessary because the community was inaccessible to emergency vehicles.

Chairman White opened the Public Hearing.

David Barham, a Knotts Island resident and Carova Beach property owner, spoke in opposition to the tax district.

No one else wished to speak and the Public Hearing was closed.

Commissioners discussed public safety for residents and visitors. County Attorney, Ike McRee, reiterated that historically the county has set up and used service districts to fund enhanced services in communities. Commissioner Beaumont recalled the earlier flooding event, and noted many were unable to get to their homes. He discussed other considerations, such as submerged septic systems and contaminated water.

There was no further discussion and Chairman White moved to approve the stormwater improvement district for Carova Beach. The motion was seconded by Commissioner Mary Etheridge. The motion passed. No tax rate was set.

RESOLUTION ESTABLISHING AND CREATING THE CAROVA BEACH WATERSHED IMPROVEMENT SERVICE DISTRICT

WHEREAS, Chapter 153A, Article 16 of the General Statutes of North Carolina, authorizes counties within North Carolina, to define service districts to finance, provide, or maintain for such districts one or more services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire county; and,

WHEREAS, said statutes further provide that the county may define a service district for the purpose of watershed and drainage improvements; and

WHEREAS, acting in response to a need for action in order to correct negative impacts of flooding during storm events including, but not limited to, reduced ingress and ingress to property, property damage and impediment to the optimum function of water and septic systems, and difficulty to respond to emergency situations, the Board of Commissioners for the County of Currituck has determined that the creation of a service district for watershed and drainage improvement will be for the benefit of those properties located within the service district boundaries; and

WHEREAS, the Board of Commissioners for the County of Currituck finds that the proposed district is in need of watershed and drainage improvements to a demonstrably greater extent than the remainder of the county to meet the needs and goals set forth above and that it is impracticable to provide the planned services within the service district created herein on a countywide basis; and

WHEREAS, it is economically feasible to provide the proposed services within the district created herein without an unreasonable or burdensome annual tax levy as the assessed valuation of property in the district is approximately \$286,500,000, the current county wide tax rate is 48 cents (\$0.48) cents per one hundred dollars of valuation and

improvements to drainage can be made with the district with a manageable and reasonable tax rate if necessary to provide revenue for district projects ; and

WHEREAS, there is a demonstrable demand and need for the services proposed within the district as set forth and incorporated into a report which has been available for public inspection in the office of the Clerk to the Board of Commissioners for four (4) weeks prior to the public hearing on the matter of the establishment of the service district which report is incorporated herein by reference, written and verbal communication received prior to the public hearing on the creation of the service district and comments received during the public hearing held on May 6, 2019; and

WHEREAS, the Board of Commissioners for the County of Currituck has caused a notice of such hearing to be duly published in The Coastland Times, a newspaper having general circulation in the County of Currituck, on April 24, 2019, and the Clerk to the Board of Commissioners has certified to the Board of Commissioners that the mailing of notice of hearing has been completed, all in conformity to N.C. Gen. Stat. §153A-302(c).

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

Section 1. The County of Currituck has fully complied with each and every requirement of Chapter 153A, Article 16 of the North Carolina General Statutes and the Currituck County Board of Commissioners determines and finds the same as a fact.

Section 2. The Carova Beach Watershed Improvement Service District is hereby established and created consisting of that area as more particularly shown on the map attached hereto as Exhibit A and incorporated herein by reference.

Section 3. The County of Currituck may levy property taxes within the service district in addition to those levied throughout the county in order to finance, provide or maintain within the district services provided therein in addition to or to a greater extent than those financed or maintained for the entire county.

Section 4. This resolution shall take effect at the beginning of Fiscal Year 2019-2020.

ADOPTED the _____ day of May, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
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

B. Public Hearing & Action on a Resolution Extending the Carova Beach Road Service District

County Manager, Ben Stikeleather, presented information on the proposed extension of the Carova Beach Road service district. He reviewed the expanded boundary and summarized comments received from the public. Many said Occupancy Tax should be used for road

maintenance because of the increased use, wear and tear during the summer season. The vast majority were opposed to financially contributing to road improvements at 67%.

County Attorney, Ike McRee, reviewed the county's limited ability to expend public funds on roads except in a service district, and said the community supported the creation of the service district in 2009 because it included only road right-of-ways and no tax was assessed. The use of unrestricted revenue was described as it relates to horse tour license fees, and use of Occupancy Tax were discussed.

Chairman White opened the Public Hearing.

Mike Hall, former Commissioner, talked about public safety and suggested using parking permit fees or Occupancy Tax for improvements to ramps and pedestrian walkways. Mr. McRee confirmed the roads are publicly dedicated for use but are privately owned. Commissioner J. Owen Etheridge described the original creation of the district provided that Occupancy Tax be used to improve Ocean Pearl Road but those funds were not intended for use in perpetuity.

Stan Zuba asked Commissioners to consider the uniqueness of Carova. He likes the challenges and asked that it not be made the same as everything else.

No others were signed up nor wished to speak and the Public Hearing was closed.

Chairman White said the majority of the road maintenance is in response to concerns over emergency access, and the need has existed for a long time but has been put off and Commissioners continued discussion of road maintenance and ownership. Mr. McRee suggested a sentence be added to the Resolution to have Section 3 read "the Resolution establishing and creating the Carova Beach Road Service District in September 8, 2009, is stricken". Section 3 would become Section 4.

With discussion concluded, Chairman White moved for approval. Commissioner Mary Etheridge seconded and the motion passed. No fee was established.

RESOLUTION EXTENDING THE CAROVA BEACH ROAD SERVICE DISTRICT

WHEREAS, Chapter 153A, Chapter 16 of the General Statutes of North Carolina authorizes counties to define service districts to finance, provide, or maintain for such districts one or more services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire county; and

WHEREAS, acting in response to a need for action in order to protect and maintain the public safety, address increasing traffic demands resulting from property development within Carova Beach Subdivision and to preserve and protect private property rights through the re-establishment of rights-of-way and ending travel across private property, the Currituck County Board of Commissioners established the Carova Beach Road Service District on September 8, 2009 that consisted of the road rights-of-way in Carova Beach Subdivision; and

WHEREAS, although improvement and maintenance to some roads has occurred, there is a need for additional work to remedy the road issues in Carova Beach and the Currituck County Board of Commissioners finds that the district and proposed extended area is in need of projects

and programs to the standards of N.C. Gen. Stat. §153A-301(b) and (c) to a demonstrably greater extent than the remainder of the county to meet the needs and goals set forth above, further, that a county is statutorily limited to establishing road projects and programs only within an area of the county having the characteristics of the proposed extended service district and it is therefore not possible to provide the planned services on a countywide basis; and

WHEREAS, as required by N.C. Gen. Stat. §153A-303 the area to be annexed into the Carova Beach Road Service District is contiguous to the boundary of the service district, with at least one eighth of the area's aggregate external boundary coincident with the existing service district boundary and the area to be annexed requires the services of the district; and

WHEREAS, a report required by N.C. Gen. Stat. §153A-303(d) was prepared, which report is incorporated herein by reference, and made available for public inspection in the office of the Clerk to the Board of Commissioners for four (4) consecutive weeks prior to the public hearing on the extension of the Carova Beach Road Service District; and

WHEREAS, the Currituck County Board of Commissioners has caused a notice of the May 6, 2019 public hearing to be duly published on April 21, 2019 in The Coastland Times, a newspaper having general circulation within the county, and the Clerk to the Board of Commissioners has certified that the mailing of notice of the public hearing has been completed, all in conformity with N.C. Gen. Stat. §153A-303(e).

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

Section 1. Currituck County had complied with the requirements of Chapter 153A, Article 16 of the General Statutes of North Carolina for the extension of Carova Beach Road Service District.

Section 2. Carova Beach Road Service District is extended and established as more particularly shown on the map attached to this resolution as Exhibit A and incorporated herein by reference.

Section 3. This resolution shall take effect at the beginning of Fiscal Year 2019-2020.

ADOPTED the ____ day of May, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
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

) Recess

Chairman White called a recess at 7:50 PM. The meeting was reconvened at 8:05 PM.

C. Public Hearing & Action on a Resolution Establishing and Creating the Knotts Island Fire Protection Service District

Assistant County Manager, Ben Stikeleather, presented information on the proposal to create the Knotts Island Fire Protection Service District. He said the need for a district is due to the volunteer service suspending fire response on Knotts Island. Mr. Stikeleather reviewed costs of the county services currently in place and suggested a tax of .05 cents would fund paid staff. He summarized comments gathered from a community meeting and survey results, with 87% of respondents pleased with the fire service provided by staff and 57% supporting a district.

County Manager, Dan Scanlon, explained that fire districts already exist in the county but have no tax assessed. Commissioners discussed Mutual Aid Agreements with Virginia Beach and Chairman White relayed comments from the community meeting and the enhanced services and safety with paid staff on Knotts Island.

Chairman White opened the Public Hearing.

Ms. Beasley spoke about the Knotts Island Fire district during the Carova Road Service District Expansion. She said she was opposed to a fire tax for Knotts Island, although she is pleased with the current service.

No one else was signed up nor wished to speak and the Public Hearing was Closed.

Commissioner Mary Etheridge said residents expressed concern that they would not be involved, and encouraged people to serve on district Advisory Boards that are created. Commissioner Beaumont announced monthly meetings of the Fire and Emergency Medical Services Advisory Board.

Chairman White moved to approve the Resolution Establishing and Creating the Knotts Island Fire Protection Service District. The motion was seconded by Commissioner Payment. The motion passed.

RESOLUTION ESTABLISHING AND CREATING THE KNOTTS ISLAND FIRE PROTECTION SERVICE DISTRICT

WHEREAS, Chapter 153A, Article 16 of the North Carolina General Statutes, authorizes counties within North Carolina, to define service districts to finance, provide, or maintain for such districts one or more services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire county; and

WHEREAS, said statutes further provide that the county may define a service district for the purpose of fire protection; and

WHEREAS, the Knotts Island Fire Protection Service District area is within an unincorporated community in the Fruitville Township area of Currituck County bordered on the east by Knotts Island Bay, on the west by North Landing River and on the south by the Currituck Sound. Knotts Island is accessible by a two-lane state road accessed through the Commonwealth of Virginia or by boat. The proposed Knotts Island Fire Protection Service District area contains a population of approximately 1,545 residents; and

WHEREAS, beginning in 1960 the non-profit and volunteer Knotts Island Fire and Rescue Squad, Inc., provided fire protection, suppression and response services funded and provided pursuant to a contract with the county. In November 2017, Knotts Island Fire and Rescue

Squad, Inc. did not renew its contract with the county and requested that the county provide fire suppression personnel to Knotts Island; and

WHEREAS, since November 2017 the county has provided personnel for fire suppression services augmented by some volunteer members and with mutual aid from Virginia Beach, Virginia area fire department; and

WHEREAS, the Board of Commissioners for the County of Currituck finds that for the foregoing reasons the proposed Knotts Island Fire Protection Service District area district is in need of fire protection services to a demonstrably greater extent than the remainder of the county and that it is impracticable to provide the planned fire protection services within the service district created herein on a countywide basis; and

WHEREAS, it is economically feasible to provide the proposed services within the district created herein without an unreasonable or burdensome annual tax levy because the estimated value of property subject to taxation in the proposed Knotts Island Fire Protection Service District is \$135,706,253, the countywide tax rate is 48 cents (\$0.48) per one hundred dollars of valuation and the desired level of fire protection services can be provided for an additional 5 cents (\$0.05) per one hundred dollars of valuation; and

WHEREAS, there is a demonstrable demand and need for fire protection services proposed within the district as set forth and incorporated into a report which has been available for public inspection in the office of the Clerk to the Board of Commissioners for four (4) weeks prior to the public hearing on the matter of the establishment of the service district which report is incorporated herein by reference, written and verbal communication received prior to the public hearing on the creation of the service district and comments received during the public hearing held on May 6, 2019; and

WHEREAS, the Board of Commissioners for the County of Currituck has caused a notice of such hearing to be duly published in The Coastland Times, a newspaper having general circulation in the County of Currituck, on May 13, 2018, and the Clerk to the Board of Commissioners has certified to the Board of Commissioners that the mailing of notice of hearing has been completed, all in conformity to N.C. Gen. Stat. §153A-302(c).

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

Section 1. The County of Currituck has fully complied with each and every requirement of Chapter 153A, Article 16 of the North Carolina General Statutes and the Currituck County Board of Commissioners determines and finds the same as a fact.

Section 2. The Knotts Island Fire Protection Service District is hereby established and created consisting of that area bordered on the east by Knotts Island Bay, on the west by North Landing River, on the south by the Currituck Sound and on the north by the Virginia and North Carolina state line as more particularly shown on the map attached hereto as Exhibit A and incorporated herein by reference.

Section 3. The County of Currituck may levy property taxes within the Knotts Island Fire Protection Service District in addition to those levied throughout the county in order to finance, provide or maintain within the district fire protection, response and suppression services provided therein in addition to or to a greater extent than those financed or maintained for the entire county.

Section 4. This resolution shall take effect at the beginning of Fiscal Year 2019-2020.

ADOPTED the ____ day of May, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Chairman
SECONDER:	Mike H. Payment, Vice 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

D. Public Hearing & Action on a Resolution Extending the Guinea Mill Watershed Improvement Service District

Assistant County Manager, Ben Stikeleather, presented information for consideration of the proposed expansion of the existing Guinea Mill Watershed Improvement Service District. He said the expanded boundaries were the result of their inclusion in a drainage study Army Corp of Engineers (ACOE) Study around Guinea Mill. He reported on attendance at a community meeting and survey responses, and although community input was light, 61% were supportive. Commissioners discussed the drainage area boundaries in the ACOE study and recommended improvements.

Chairman White opened the Public Hearing.

Dave Maly of Eagle Creek, Moyock, said he was unable to attend the community meeting and expressed concerns with trees along side of canal. He had questions about projects, landscape repair, and access.

Dale Hughes, Puddin Ridge Road, also questioned how a project may adversely affect his property and his outbuildings located along the canal.

Russell Thompson, Puddin Ridge Road, said he would like to see a better map of property locations that would be affected by Army Corp recommendations.

Sherry Motes, Summit Farms, described severe flooding events at her property. She spoke in favor of the district and said \$40 a year is nominal. She questioned the county's funding of Moyock Park if the funds could pay for a drainage project.

County Manager, Dan Scanlon, discussed capital project funds and said although no dollar value was included in the study the cost will be considerable, much more than the Moyock Park project. He responded to resident concerns pertaining to property along the canal, and said he believes those locations will be safe as far as Guinea Mill work is concerned. Mr. Scanlon confirmed the county has never pumped water on the mainland, and that pumping is probably not an option because there is nowhere to pump water to.

Susan Powers, Eagle Creek, expressed concern with the extension of the district and asked about the money already being collected.

Communication: Minutes for May 6, 2019 (Approval Of Minutes for May 6, 2019)

Mr. Scanlon said legally, revenues generated in a tax district must be used for the tax district. He said reserves are being created currently within the existing Guinea Mill district until there is enough to fund a project.

David Shepherd, Eagle Creek, said his subdivision is impacted by both Guinea Mill and Roland Creek and described community impacts from prior events and said it is important that Guinea Mill works well.

Sherry Dillard, Summit Farms Trail, described an October 2016 flooding event and her communications to Commissioners at that time. She described the backup of water at her home which reached 26 inches at a point, and said to do what needs to be done to move the water.

Larry Roby, Crown Point, said he attended the community meeting and would like to see some funds allocated to the Crown Point area.

There were no further comments and the Public Hearing was closed.

Commissioner J. Owen Etheridge moved to approve the Expansion of the Guinea Mill District, with a tax rate to be determined later. The motion was seconded by Commissioner McCord. The motion passed.

**RESOLUTION OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS
EXTENDING THE GUINEA MILL WATERSHED IMPROVEMENT SERVICE
DISTRICT**

WHEREAS, Chapter 153A, Article 16 of the North Carolina General Statutes, authorizes counties within North Carolina, to define service districts to finance, provide, or maintain for such districts one or more services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire county; and,

WHEREAS, said statutes further provide that the county may define and thereafter extend the service district upon finding the area to be annexed is (1) contiguous to the district with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district and (2) the area to be annexed requires the services of the district; and

WHEREAS, acting in response to a need for action in order to maintain adequate storm water drainage and correct negative impacts of flooding during storm events, including, but not limited to, reduced ingress and ingress to property, the Currituck County Board of Commissioners on February 21, 2000 enacted a resolution creating the Guinea Mill Watershed Improvement District after determining that the creation of a service district for watershed and drainage improvement would benefit properties located within the service district boundaries; and

WHEREAS, since creation of the Guinea Mill Watershed Improvement District, major land use within the district has changed from forestland and cropland to residential development and other areas within the Guinea Mill watershed are posed for further conversion of cropland to residential development and increased storm water drainage; and

WHEREAS, the Board of Commissioners for the County of Currituck finds that the proposed district is in need of watershed and drainage improvements to a demonstrably greater extent than the remainder of the county to meet the needs and goals set forth above and that it is impracticable to provide the planned services within the service district created herein on a

countywide basis, particularly as shown by a July, 2017 U.S. Army Corps of Engineers study establishing the need for (1) removal of vegetation and debris within existing primary drainage canals, (2) modification to existing culvert structures to increase hydraulic capacity and (3) modification to canal dimensions, side slopes channel bottom widths and grade to increase hydraulic efficiency; and

WHEREAS, it is economically feasible to provide the proposed services within the district created herein without an unreasonable or burdensome annual tax levy in that the assessed value of the extended district will be \$400,922,732, the current county-wide tax rate is 48 cents (\$.048) per one hundred dollars of assessed value and proposed improvements within the district can be made with a district tax rate in the amount of one and one-half cents (\$.015) per one hundred dollars of assessed value ; and

WHEREAS, there is a demonstrable demand and need for the services proposed within the district, in which approximately 3,240 persons reside, as set forth and incorporated into a report which has been available for public inspection in the office of the Clerk to the Board of Commissioners for four (4) weeks prior to the public hearing on the matter of the establishment of the service district which report is incorporated herein by reference, written and verbal communication received prior to the public hearing on the creation of the service district and comments received during the public hearing held on May 6, 2019; and

WHEREAS, the Board of Commissioners for the County of Currituck has caused a notice of such hearing to be duly published in The Daily Advance, a newspaper having general circulation in the County of Currituck, on April 24, 2019, and the Clerk to the Board of Commissioners has certified to the Board of Commissioners that the mailing of notice of hearing has been completed, all in conformity with N.C. Gen. Stat. §153A-302(c).

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

Section 1. The County of Currituck has fully complied with each and every requirement of Chapter 153A, Article 16 of the North Carolina General Statutes and the Currituck County Board of Commissioners determines and finds the same as a fact.

Section 2. The Guinea Mill Watershed Improvement Service District is hereby extended, established and created consisting of that area as more particularly shown on the map attached hereto as Exhibit A and incorporated herein by reference.

Section 3. The County of Currituck may levy property taxes within the service district in addition to those levied throughout the county in order to finance, provide or maintain within the district services provided therein in addition to or to a greater extent than those financed or maintained for the entire county.

Section 4. This resolution shall take effect at the beginning of Fiscal Year 2019-2020.

ADOPTED the ____ day of May, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	J. Owen Etheridge, Commissioner
SECONDER:	Kevin E. McCord, 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

RECESS

Chairman White called a brief recess. The meeting was reconvened at 8:58 PM.

OLD BUSINESS

A. Consideration and Action: Review and Adoption of Ordinance for Conditional Zoning, PB 18-23-Fost Tract

Assistant County Manager, Ben Stikeleather, presented a brief review of the rezoning request initially heard by the Board in February, 2019, and said the conditions set as a result of that hearing were not agreed to by the applicant. He explained the next step for the Board is to determine whether to entertain a different set of conditions or to hold to the original conditions. Mr. Stikeleather said if new conditions are not agreed to by both parties the property would revert back to its original zoning.

County Attorney, Ike McRee, confirmed the motion of February 4, 2019, is invalid because both parties do not agree to conditions. Chairman White opened the floor for more discussion and referred to a packet of information that had been provided by the applicant and distributed to Commissioners by Commissioner McCord. Commissioner Mary Etheridge said she does not believe she received the packet in time to make a decision. She also asked about a booklet that was distributed prior to February's public hearing, which she never received. During discussion, a statement was made claiming the county denied the applicant's request to forward the documents to Commissioners. This statement was objected to by Mr. McRee, who said Commissioners had received the documents, as they were attached to an email he received from the applicant's attorney, Jamie Schwedler, on which all members of the Board were copied.

Jamie Schwedler, attorney for the applicant, confirmed they do not agree with the conditions presented by staff and said the reasons for their objection was communicated to Mr. McRee. Ms. Schwedler said a video review of the public hearing showed readings of conditions with the "subject to" language included. Ms. Schwedler reviewed documents contained in the information packet distributed to Commissioners and reiterated she had requested the documents be included in the Board agenda packet. She began to summarize the presentation and discussion that took place at February's public hearing.

Mr. Stikeleather, during discussion, said there is no reason to continue discussion about the conditions because they are irrelevant and suggested moving the item forward. The County Attorney recommended going through a detailed review of the applicant's draft ordinance and conditions as submitted so the language included in the document can

be clarified.

Ms. Schwedler went through each of the suggested conditions presented in the document entitled Applicant's Alternate Draft Ordinance and noted changes and deletions from the original staff conditions. Mr. McRee made recommendations and clarified the meaning of language, as needed, and Allied Properties representative Justin Old and Engineer, Mark Bissell, provided additional comment to better define and explain the stated conditions. Additional discussion and clarification was presented on matters related to on and off-site drainage improvements, ditch maintenance, phasing, and transportation. Extensive discussion took place regarding off-site stormwater improvements, maintenance and permissions for off-site access to drainage areas. Mr. Old confirmed he has received two written and notarized authorizations granting access to off-site ditches. Mr. McRee said Commissioners should understand that permissions are not a guarantee that off-site improvements will happen. Ms. Schwedler said a bond requirement is in place should off-site authorizations not be achieved. The Board discussed the fact that what the public heard at the earlier hearing was that improvements would be done. Mr. Old suggested that if off-site work could not be done there would still be a benefit from on-site work performed along thousands of feet of Roland Creek.

Chairman White called for a brief recess at 10:56 PM. The meeting was reconvened at 11:00 PM.

Overall stormwater conditions were reviewed and there was discussion of fill required for the commercial area, which staff had included in the conditions based on language included in the applicant's master plan. Language related to flashboard risers was removed after County Engineer, Eric Weatherly, said they were not necessary with the pond size and ditching.

With review concluded, Mr. Stikeleather provided a recap of the changes to the Alternate Draft Ordinance. The applicant confirmed they were agreeable to the conditions as stated:

- Section 2, Subsection c: add to the last sentence "if improvements can be made to drainage systems on off-site properties."
- Section 4, Subsection a: add "Notwithstanding the foregoing, the first phase of development shall not exceed seventy (70) residential units."
- Section 4, Subsection c: strike "and in the Supplemental Report for the Master Plan"
- Section 3: Leave in language included in original condition reading "outside of Currituck station regardless of the availability of public and centralized sewer treatment and disposal."
- Section 4, Subsection h, vi: strike language reading "letter of credit or"
- Section 4, Subsection j, ii, strike last sentence contained in second to last paragraph reading "Implementation of this plan will improve drainage for neighboring properties compared to existing conditions."

Commissioner McCord moved for approval of PB 18-23: Fost Tract Conditional

Rezoning of 228.83 acres from Agricultural to Planned Development-Residential on property located in Moyock Township on the west side of Caratoke Highway and north of Ranchland Subdivision, PIN 0015-000-0086-0000, based on agreement between Commissioners and the applicant with conditions as agreed upon in the applicant's Alternate Draft Ordinance.

The motion was seconded by Commissioner Jarvis. The motion passed with a vote of 6-1. Commissioner Mary Etheridge was opposed.

RESULT:	MOTION PASSED-ITEM APPROVED [6 TO 1]
MOVER:	Kevin E. McCord, Commissioner
SECONDER:	Selina S. Jarvis, Commissioner
AYES:	Bob White, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, J. Owen Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner
NAYS:	Mary "Kitty" Etheridge, Commissioner

NEW BUSINESS

A. Amended Item-Consideration and Approval of Purchasing Policy

Assistant County Manager, Ben Stikeleather, reviewed the request for approval of the Purchasing Policy, which is needed to move forward with the purchase of Air Packs for emergency services through a Grant process. Commissioner J. Owen Etheridge moved for approval of the Purchasing Policy. Commissioner Payment seconded the motion and the motion passed.

COUNTY OF CURRITUCK NORTH CAROLINA PURCHASING POLICY

I. Purpose

The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when County, State or federal funds are being used in whole or in part to pay for the cost of the contract. To the extent that other sections of procurement policies and procedures adopted by the COUNTY OF CURRITUCK are more restrictive than those contained in this policy, local policies and procedures shall be followed.

II. Policy

A. Application of Policy. This policy applies to contracts for purchases, services, and construction or repair work funded with County, State and/or federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- B. Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200.326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. The County of Currituck will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the County of Currituck have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- C. Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- D. No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. Contract Requirements.** All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.
- F. Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- G. Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

III. General Procurement Standards and Procedures:

Either the Legal Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- A. Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The Legal Department and/or the Requesting Department should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- C. Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal funding (if any) for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- D. Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable County, State and federal laws, regulations, executive orders, and terms and conditions of the funding award.
- E. Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances that utilize federal funds. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. When the contract utilizes federal funding, direct or pass-through, time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.
- F. Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.

- G. **Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. **Dividing Contract for M/WBE Participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- I. **Documentation.** Documentation must be maintained by the Legal Department and/or the Requesting Department detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.
- J. **Cost Estimate.** For all procurements costing \$250,000 or more, the Legal Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
- K. **Contract Requirements.** The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II.C of this Policy.
- L. **Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder's list.
- M. **Contractor Oversight.** The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
- N. **Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for "or equal" products, or other unnecessary requirements that have the effect of restricting competition.
- O. **Geographic Preference.** No contract shall be awarded on the basis of a geographic preference.

IV. Specific Procurement Procedures

Either the Legal Department or the Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

- A. **Service Contracts** (except for A/E professional services) and **Purchase Contracts costing less than \$10,000** shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)) as follows:
 - 1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
 - 2. To the extent practicable, purchases must be distributed among qualified suppliers.
- B. **Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$10,000 up to \$90,000** shall be procured using the Uniform Guidance "small purchase" procedure (2 C.F.R. § 200.320(b)) as follows:
 - 1. Obtain price or rate quotes from an "adequate number" of qualified sources (a federal grantor agency might issue guidance interpreting "adequate number," so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 - 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 - 3. Cost or price analysis is not required prior to soliciting bids.

4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
5. Award the contract to the lowest responsive, responsible bidder.

C. Service Contracts (except for A/E professional services) and **Purchase Contracts costing \$90,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance "sealed bid" procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Service Contracts that do not utilize any federal funding whatsoever are exempt from this section. All following procedures are required for all purchase contracts. The following procedures are also required for all service contracts that utilize any federal funds.
2. Cost or price analysis is required prior to soliciting bids.
3. Complete specifications or purchase description must be made available to all bidders.
4. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for "sound documented reasons."
5. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
6. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
7. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for "sound documented reasons."

D. Service Contracts (except for A/E professional services) **costing \$250,000 and above** may be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)) when the "sealed bid" procedure is not appropriate for the particular type of service being sought. The procedures are as follows:

1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an "adequate number" of qualified firms.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.
4. Consider all responses to the publicized RFP to the maximum extent practical.
5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. Governing board approval is not required.
7. Award the contract on a fixed-price or cost-reimbursement basis.

E. Construction and repair contracts costing less than \$10,000 shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, contracts must be distributed among qualified suppliers.

- F. Construction and repair contracts costing \$10,000 up to \$250,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:
1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
 4. Award the contract on a fixed-price or not-to-exceed basis.
 5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.
- G. Construction and repair contracts costing \$250,000 up to \$500,000** shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:
1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
 2. Complete specifications must be made available to all bidders.
 3. Publicly advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
 4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
 5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
 6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price is required of the winning bidder.
 7. Award the contract on a firm fixed-price basis.
 8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for “sound documented reasons.”
- H. Construction and repair contracts costing \$500,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:
1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
 2. Complete specifications must be made available to all bidders.
 3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
 4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
 5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.

6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
 7. Award the contract on a firm fixed-price basis.
 8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The governing board may reject and all bids only for "sound documented reasons."
- I. Construction or repair contracts involving a building costing \$300,000 and above** must comply with the following additional requirements under state law:
1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
 2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
 3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).
- J. Contracts for Architectural and Engineering Services costing under \$250,000** shall be procured using the state "Mini-Brooks Act" requirements (G.S. 143-64.31) as follows:
1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
 3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Legal and/or Requesting Department.
 4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
 5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
 6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.
- K. Contracts for Architectural and Engineering Services costing \$250,000 or more** shall be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)(5)) as follows:
1. Publicly advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
 3. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.
 4. Proposals must be solicited from an "adequate number of qualified sources" (an individual federal grantor agency may issue guidance interpreting "adequate number").
 5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
 6. Consider all responses to the publicized RFQ to the maximum extent practical.
 7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
 8. Price cannot be a factor in the initial selection of the most qualified firm.

9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

V. Exceptions

Non-competitive contracts are allowed **only** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. **Sole Source.** A contract may be awarded without competitive bidding when the item is available from only one source. The Legal Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
- B. **Public Exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. **Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. **Federal Contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
- E. **Awarding Agency Approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

W. Purchasing Procedures

In order to properly encumber all purchases, the County of Currituck requires the following procedures:

- A. Adequate budgeted funds must be available.
- B. Purchase orders must be approved by the Finance Director prior to making any purchase or receiving any services that exceed One Hundred Dollars (\$100). Exceptions: items purchased on County issued purchasing card or other County held credit card, monthly utilities, travel advance or reimbursement requests, payments made on behalf of Social Services clients from the client trust funds.
- C. Certificates of Insurance, naming the County of Currituck as an additional insured are required for all service contracts exceeding Three Thousand Dollars (\$3,000).
- D. Contracts are required for all services exceeding Three Thousand Dollars (\$3,000).
- E. Contracts are required for all purchases of goods exceeding Ten Thousand Dollars (\$10,000) if any part of the purchase utilizes federal funds.
- F. Contracts are required for all purchases of goods exceeding Ninety Thousand Dollars (\$90,000) that has no federal funds.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	J. Owen Etheridge, Commissioner
SECONDER:	Mike H. Payment, Vice 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

B. Approval of Commissioner Travel: Commissioner M. Etheridge and Commissioner Jarvis to Attend the National Association of Counties Annual Conference in Clark County, Las Vegas, Nevada

Commissioner Jarvis spoke to the travel request, stating she would like the opportunity to represent the County and the state of North Carolina at the National Association of Counties conference. Commissioner Payment moved for approval and the motion was seconded by Commissioner McCord. The motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Kevin E. McCord, 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

C. Amended Item-AWOS System Budget Amendment

Ben Stikeleather, Assistant County Manager, reviewed the budget amendment which would provide funding to clear trees and to allow operation of the Aviation Weather Observation System (AWOS) at the airport. He said the county has the funds but a grant will be available in January, 2020. Commissioner Beaumont said this has been an ongoing issue with the system.

After discussion a motion for approval was made by Commissioner J. Owen Etheridge. Commissioner McCord seconded the motion. The motion passed.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10550-545000	Contract Services	\$ 90,000	
10380-481000	Investment Earnings		\$ 30,000
10350-468000	Sales of Capital Assets		\$ 38,000
10350-464000	Rents		\$ 10,500
10320-411000	Article 39 Sales Tax		\$ 11,500
		\$ 90,000	\$ 90,000
Explanation: Airport (10550) - Increase appropriations to clear trees as required to make the AWOS equipment at the airport operational.			
Net Budget Effect: Operating Fund (10) - Increased by \$90,000			

RESULT: APPROVED [UNANIMOUS]
MOVER: J. Owen Etheridge, Commissioner
SECONDER: Kevin E. McCord, 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

D) Consent Agenda

Commissioner Beaumont moved for approval of the Consent Agenda. The motion was seconded by Commissioner Payment. The motion passed unanimously.

RESULT: APPROVED [UNANIMOUS]
MOVER: Paul M. Beaumont, Commissioner
SECONDER: Mike H. Payment, Vice 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

1) Approval Of Minutes for April 15, 2019

1. Minutes for April 15, 2019

2. Budget Amendments

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10800-590100	School Capital Outlay	\$ 200,000	
10390-495041	T F - School Capital Reserve		\$ 200,000
41990-587010	T T - Operating Fund	\$ 200,000	
41320-411001	Article 40 Supp Sales Tax		\$ 60,000
41320-411002	Article 42 Addtl Supp Sales Tax		\$ 140,000
		\$ 400,000	\$ 400,000
Explanation:	Education (10800) - Increase appropriations to the Currituck County Schools Capital Outlay to fix the brick-work around the Currituck County Middle School. This will be funded through School Capital Reserve funds.		
Net Budget Effect:	Operating Fund (10) - Increased by \$200,000. School Capital Reserve Fund (41) - Increased by \$200,000.		
		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10460-532160	Maintenance Supplies	\$ 3,200	
10460-526000	Advertising		\$ 1,700
10460-531400	Equipment Fuel		\$ 500
10460-536000	Uniforms		\$ 1,000
		\$ 3,200	\$ 3,200
Explanation:	Public Works (10460) - Transfer budgeted line items to maintenance supplies needed for operations for the remainder of this fiscal year.		
Net Budget Effect:	Operating Fund (10) - No change.		

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10330-445000	Emergency Management Grants		\$ 17,899
10531-514000	Travel	\$ 3,000	
10531-514500	Training	\$ 1,000	
10531-532000	Supplies	\$ 5,000	
10531-590000	Capital Outlay	\$ 5,000	
10531-545000	Contract Services	\$ 3,499	
10531-553000	Dues & Subscriptions	\$ 400	
		<u>\$ 17,899</u>	<u>\$ 17,899</u>

Explanation: Emergency Management (10531) - To record additional Emergency Management Planning Grant funds. The capital outlay will purchase a trailer for shelter supplies.

Net Budget Effect: Operating Fund (10) - Increased by \$17,899

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10790-545000	Contracted Services	\$ 800	
10790-514000	Travel		\$ 200
10790-514800	Fees Paid to Officials		\$ 600
		<u>\$ 800</u>	<u>\$ 800</u>

Explanation: Library (10790) - Transfer funds for increase in contracts during this fiscal year.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
Account Number	Account Description		
10511-513000	Utilities	\$ 6,000	
10511-516200	Vehicle Maintenance	\$ 500	
10511-531000	Fuel		\$ 500
10511-545000	Contracted Services	\$ 10,000	
10511-547000	Meals		\$ 6,000
10511-590000	Capital Outlay		\$ 10,000
		<u>\$ 16,500</u>	<u>\$ 16,500</u>

Explanation: Jail (10511) - Transfer budgeted funds for operations for the remainder of this fiscal year.

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

Communication: Minutes for May 6, 2019 (Approval Of Minutes for May 6, 2019)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10510-590000	Capital Outlay		\$ 6,000
10510-536000	Uniforms	\$ 6,000	
		\$ 6,000	\$ 6,000

Explanation: Sheriff (10510) - Transfer budgeted fund for Honor Guard uniforms.

Net Budget Effect: 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>		
12541-536103	Personal Protective Equipment - Moyock	\$ 10,000	
12543-514503	Travel, Training & Education		\$ 10,900
12543-545000	Contract Services	\$ 5,900	
12543-590000	Capital Outlay		\$ 5,000
		\$ 15,900	\$ 15,900

Explanation: Fire Services (12541); Moyock VFD (12543) - Transfer budgeted funds for additional Personal Protective Equipment purchased and for contract increases this fiscal year per request of Michael Hurt, Fire Chief - Moyock VFD.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
42450-587050	T T - Co Govt Facilities Fund		\$ 1,454,400
42450-587067	T T - Mainland Sewer Fund	\$ 1,454,400	
67390-495042	T F - Land Transfer Tax Capital Fund		\$ 1,454,400
67878-582200	Debt Service	\$ 1,440,000	
67878-561000	Professional Services	\$ 14,400	
		\$ 2,908,800	\$ 2,908,800

Explanation: Transfer Tax Capital Fund (42450); Mainland Sewer Operations (67878) - Reclassify transfer from Transfer Tax Capital fund in order to payoff the existing debt in the Mainland Sewer enterprise fund. There is a 1% prepayment penalty with the existing debt, which is \$14,400; however, the interest savings would be \$189,108 over the remaining eight years of the debt.

Net Budget Effect: Transfer Tax Capital Fund (42) - No change.
Mainland Central Sewer Fund (67) - Increased by \$1,454,400.

Communication: Minutes for May 6, 2019 (Approval Of Minutes for May 6, 2019)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10900-482400	Notes Payable	\$ 3,641	
10900-582000	Interest of Debt		\$ 3,641
		\$ 3,641	\$ 3,641

Explanation: Debt Service (10900) - To transfer funds for budgeted debt payments.

Net Budget Effect: 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>		
66868-532000	Supplies	\$ 10,000	
66868-533200	Lab Tests	\$ 2,000	
66868-516000	Maintenance/Repairs		\$ 2,200
66868-545000	Contracted Services		\$ 12,000
66868-516400	Maintenance/Repairs Equip	\$ 2,200	
		\$ 14,200	\$ 14,200

Explanation: Southern Outer Banks Water (66868) - Transfer funds for operations for the remainder of this fiscal year.

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

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
51848-592000	Griggs Elementary School HVAC		\$ 52,980
51848-590001	Jarvisburg Elementary School HVAC	\$ 32,250	
51848-596001	Shawboro Elementary School HVAC	\$ 18,225	
51380-425001	Lottery Funds	\$ 2,505	
		\$ 52,980	\$ 52,980

Explanation: School Capital Construction Fund (51848) - Close out Griggs Elementary School HVAC project and transfer unspent lottery proceeds to HVAC repairs at Jarvisburg and Shawboro Elementary Schools.

Net Budget Effect: School Capital Construction Fund (51) - Decreased by \$2,505.

Communication: Minutes for May 6, 2019 (Approval Of Minutes for May 6, 2019)

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
10510-511000	Telephone & Postage		\$ 1,000
10510-514000	Travel	\$ 3,500	
10510-531000	Fuel		\$ 3,500
10510-532000	Supplies	\$ 1,000	
10510-532001	Canine Supplies	\$ 500	
10510-536000	Uniforms	\$ 1,500	
10510-561000	Professional Services		\$ 500
10510-590000	Capital Outlay		\$ 1,500
		\$ 6,500	\$ 6,500
Explanation:	Sheriff (10510) - Transfer budgeted funds for operations for the remainder of this fiscal year.		
Net Budget Effect:	Operating Fund (10) - No change.		

3. Resolution Approving the Exhibition, Use and Discharge of Pyrotechnics in Historic Corolla Park, Corolla, North Carolina.

RESOLUTION APPROVING THE EXHIBITION, USE AND DISCHARGE OF PYROTECHNICS AT WHALEHEAD IN HISTORIC COROLLA COROLLA, NORTH CAROLINA

WHEREAS, pursuant to N.C. Gen. Stat. §14-410 and §14-413, a display operator that will exhibit, use or discharge pyrotechnics at a public exhibition must receive written authority for such public exhibition from the Board of Commissioners for a county; and

WHEREAS, a display operator must provide proof of insurance in the amount of at least \$500,000.00; and

WHEREAS, Dominion Fireworks, Inc. is under contract with Currituck County to provide an exhibition of fireworks at the county's property known as Whalehead in Historic Corolla, Corolla, North Carolina, on Wednesday, July 4, 2019, which will be a public exhibition, and Dominion Fireworks, Inc. has provided a certificate of insurance evidencing insurance coverage in an amount in excess of \$500,000.00.

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

Section 1. Dominion Fireworks, Inc., is authorized to exhibit, use or discharge pyrotechnics for public exhibition at that property known as Whalehead in Historic Corolla, 1100 Club Road, Corolla, North Carolina on Wednesday, July 4, 2019.

Section 2. This resolution shall be effective upon adoption.

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 projects authorized are HVAC upgrades to the Jarvisburg and Shawboro elementary schools.

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

Shawboro Elementary School HVAC Upgrade May 2019	\$ 18,225
Jarvisburg Elementary School HVAC Upgrade May 2019	\$ 32,250
	<u>\$ 50,475</u>

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

State Lottery Proceeds	\$ 50,475
	<u>\$ 50,475</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 6th day of May 2018.

Bob White, Chairman Board of
Commissioners

ATTEST:

Leeann Walton Clerk to the Board

7. Approval of Audit Contract for FY 2019-Carr, Riggs & Ingram, LLC

8. NCDOT Road Addition Petition-Sound Woods

9. Approval of CenturyLink Easement Agreement-Fiber Optic line, Cooperative Extension

10. Sprint 1st Amendment to License Agmt. for 734 Ocean Trail

E) County Manager's Report

Assistant County Manager, Ben Stikeleather, reported on the following:

- Walnut Island wastewater system smoke testing revealed 40 areas needing repair.
- Update on the Ocean Sands Wastewater Plant construction
- Upcoming Tourism Spring Forum meeting
- The closing and recording of the county Land Swap with US Fish and Wildlife
- Submittal of a Parks and Recreation Trust Fund (PARTF) grant application for Moyock Park in the amount of \$500,000
- Submittals received for a three year Shoreline Study of sand activity on the county's beach
- Bid opening for the Historic Boat Museum

He discussed meeting with North Carolina State Representative Hanig on Senate Bill 650, the Sales Tax Bill, and encouraged people to contact their local legislators to oppose the legislation.

Communication: Minutes for May 6, 2019 (Approval Of Minutes for May 6, 2019)

ADJOURN**Motion to Adjourn Meeting**

There was no further business and Commissioner Beaumont moved for adjournment. The motion was seconded by Commissioner J. Owen Etheridge. The motion carried and the regular meeting of the Board of Commissioners adjourned at 11:36 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	J. Owen 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 OF THE OCEAN SANDS WATER & SEWER DISTRICT BOARD

The Currituck County Board of Commissioners held a Special Meeting sitting as the Ocean Sands Water & Sewer District Board immediately following adjournment of the May 6, 2019, regular meeting. The meeting was held in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, for the purpose of considering budget amendments.

F. OSWSD-Budget Amendments

The Budget Amendment was reviewed by Assistant County Manager, Ben Stikeleather. There was no discussion and Commissioner Payment moved for approval. The motion was seconded by Chairman White. The motion carried.

		Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
<u>Account Number</u>	<u>Account Description</u>		
59808-594500	Contract Services	\$ 322,319	
59808-588000	Contingency		\$ 322,319
		<u>\$ 322,319</u>	<u>\$ 322,319</u>
Explanation:	Ocean Sands Water and Sewer Construction (59808) - The Ocean Sands 400,000 gpd wastewater treatment plant replacement project is nearing completion. Funds were reserved in a contingency fund that will be used at this time to complete the project. The funds will be used for odor control equipment, roadway improvements in the facility and perimeter landscaping. Attached is an itemized breakdown of the items in this budget amendment		
Net Budget Effect:	Ocean Sands Water and Sewer Construction Fund (59) - No change.		

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
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 MEETING OF THE OCEAN SANDS WATER & SEWER DISTRICT BOARD

There was no further business. Commissioner Jarvis moved for adjournment. Commissioner Beaumont seconded the motion. The motion carried and the meeting of the Ocean Sands Water & Sewer District Board was adjourned at 11:28 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Paul M. Beaumont, 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

Number 2019124

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of May 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>
10480-557300	Excise Tax on Deeds	\$ 75,000	
10320-410000	Deed Stamp Excise Tax		\$ 150,000
10390-499900	Appropriated Fund Balance	\$ 75,000	
		<u>\$ 150,000</u>	<u>\$ 150,000</u>

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.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: May 20_General Meeting-BAs (Budget Amendments)

Number

2019125

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of May 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>
10410-511000	Telephone & Postage	\$ 3,500	
10410-526000	Advertising	\$ 500	
10410-532000	Supplies	\$ 1,800	
10410-506000	Health Insurance Expense		\$ 5,800
		<u>\$ 5,800</u>	<u>\$ 5,800</u>

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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Clerk to the Board

Attachment: May 20_General Meeting-BAs (Budget Amendments)

Number

2019126

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of May 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>
10795-545100	Credit Card Fees	\$ 560	\$ -
10795-576003	Flag Football		\$ 280
10795-576010	Cheerleading		\$ 280
		<u>\$ 560</u>	<u>\$ 560</u>

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

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

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Clerk to the Board

Attachment: May 20_General Meeting-BAs (Budget Amendments)

Number

2019127

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of May 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>	
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
		<u>\$</u>	<u>54,312</u>	<u>\$</u>	<u>54,312</u>

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.

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Journal # _____

Clerk to the Board

Attachment: May 20_General Meeting-BAs (Budget Amendments)

Number 2019128

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of May 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>
10460-545000	Contract Services	\$ 20,000	
10460-590000	Capital Outlay		\$ 20,000
		<u>\$ 20,000</u>	<u>\$ 20,000</u>

Explanation: Public Works (10460) - Transfer funds for moisture remediation in County facilities and tree removal.

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

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Clerk to the Board

Attachment: May 20_General Meeting-BAs (Budget Amendments)

Number

2019129

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 20th day of May 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>
10415-514000	Travel		\$ 400
10415-514500	Training and Education	\$ 400	
		<u>\$ 400</u>	<u>\$ 400</u>

Explanation: Legal (10415) - Transfer budget funds for increased registration costs.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: May 20_General Meeting-BAs (Budget Amendments)

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 Control's Community Guide on Excessive Alcohol Use](#) 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 20th day of May, 2019

By: _____
Bob White, Chairman

Attest:

Clerk to the Board of Commissioners

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. 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 20th day of May, 2019.

Bob White, Chairman

ATTEST:

Leeann Walton, Clerk to the Board

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 20th day of May, 2019.

Bob White, Chairman

ATTEST:

Clerk to the Board of Commissioners



CURRITUCK COUNTY JOB DESCRIPTION

JOB TITLE: INFORMATION TECHNOLOGY COORDINATOR INFORMATION TECHNOLOGY SERVICES

GENERAL STATEMENT OF JOB

Under general supervision, this position is responsible for assisting in the administration, planning and direction of the activities of the Information Technology Services department. Reports to the IT Director.

SPECIFIC DUTIES AND RESPONSIBILITIES

ESSENTIAL JOB FUNCTIONS

Establishes priorities and reviews schedules to ensure that schedules are met.

Assists in the evaluation and recommendations on the selection of new hardware and software.

Assists in the preparation of technology related budget estimates for all departments and controls expenditures.

Assists in the review of major new system work for adequacy of concept and design.

Assists in the reviews of specifications for equipment and supplies.

Assists as technical advisor on automation to the County Manager and other departments.

Assists in the research of new technologies and determines feasibility.

Works with County staff, outside vendors, and other community groups.

Assists in the negotiation of contracts for IT software, equipment, and professional services.

Assists in the configuration of servers, firewalls, e-mail and telephone systems.

Assists in the design of network and cabling systems for new construction and renovation projects.

Reads manuals, literature and brochures and attends classes to stay abreast of the latest trends and developments in the computer industry.

ADDITIONAL JOB FUNCTIONS

Performs duties as assigned by the IT Director or their designees during a State of Emergency or other disaster.

Performs other related work as required.

INFORMATION TECHNOLOGY COORDINATOR

MINIMUM TRAINING AND EXPERIENCE

Graduation from a four year college with a degree in computer science, business administration or related field; and at least two years of progressively responsible computer systems experience. An equivalent combination of education and experience may be considered.

MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS

Physical Requirements: Must be physically able to operate a variety of computers and their peripheral equipment; hand tools, such as screwdrivers, pliers, soldering irons, and electronic test instruments; as well as common office machines such as typewriters, telephones, etc. Must be able to exert up to 50 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects. Physical demands are in excess of those for Sedentary work. Light Work usually involves walking or standing for periods of time.

Data Conception: Requires the ability to compare and/or judge the readily observable, functional, structural, or compositional characteristics (whether similar to or divergent from obvious standards) of data, people or things.

Interpersonal Communication: Requires the ability of speaking and/or signaling people to convey or exchange information. Includes giving instructions, assignments and/or directions to subordinates or assistants.

Language Ability: Requires the ability to read a variety of reports and records, invoices, purchase orders, budgets, blue prints and engineering schematics, etc. Requires the ability to prepare a variety of correspondence, reports, forms, charts, requests for bids and bid specifications, purchase orders, etc., using prescribed formats and conforming to all rules of punctuation, grammar, diction and style. Requires the ability to speak to people with poise, voice control and confidence.

Intelligence: Requires the ability to apply principles of logical or scientific thinking to define problems, collect data, establish facts and draw valid conclusions; to interpret an extensive variety of technical instructions in mathematical or diagrammatical form; and to deal with several abstract and concrete variables.

Verbal Aptitude: Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages including computer and electrical terminology.

Numerical Aptitude: Requires the ability to utilize mathematical formulas; to add and subtract totals; to multiply and divide; and to determine percentages and decimals; understand and apply the theories of algebra.

Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape.

Motor Coordination: Requires the ability to coordinate hands and eyes rapidly and accurately in using computer equipment.

Manual Dexterity: Requires the ability to handle a variety of office equipment, control knobs, switches, etc. Must have minimal levels of eye/hand/foot coordination.

Color Discrimination: Requires the ability to differentiate between colors and shades of color.

Interpersonal Temperament: Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under minimal levels of stress when confronted with persons acting under stress.

INFORMATION TECHNOLOGY COORDINATOR

Physical Communication: Requires the ability to talk and/or hear: (talking: expressing or exchanging ideas by means of spoken words; hearing: perceiving nature of sounds by ear).

KNOWLEDGE, SKILLS AND ABILITIES

Thorough knowledge of the capabilities of various kinds of servers, computers and software products.

Knowledge of principles and practices used in the automation of business processes.

Thorough knowledge of County policies and procedures affecting operations.

Ability to assist in the preparation and administration of a budget.

Ability to communicate ideas effectively in both oral and written form.

Ability to detect and correct system failures and report programming failures.

Ability to exercise independent judgment in making technical decisions.

Ability to follow complex oral and written instructions.

Ability to explain computer program functions and operating procedures.

Ability to establish and maintain effective working relationships as necessitated by work assignments.

Skill in the operation of computers and other standard office equipment.

Skill in planning, organization, and decision making.

Skill in public speaking and public relations.

Skill in oral and written communication.

ED: 5/20/2019 (BOC)

**CURRITUCK COUNTY
CLASSIFICATION BY SALARY GRADE
FOR THE FISCAL YEAR ENDING JUNE 30, 2019**

7.B.6.b

SALARY GRADE	SALARY RANGE	CLASSIFICATION
50	\$24,290-\$33,293	Custodian
50.5	\$25,666-\$35,831	Senior Center Assistant Coordinator
51	\$26,261-\$36,053	Maintenance Helper Park Attendant Rural Attendant
52	\$28,232-38,852	Accounting Clerk I Animal Care Technician Community Social Services Assistant DSS DCI CP/Clerk Deputy Register of Deeds Library Assistant I Meter Reader Permit Officer I Processing Assistant IV Public Information Assistant IV Recreation Assistant Secretary I Tax Clerk I Visitor Relations Coordinator

Attachment: Classification_Chart_2878 (Job Description-IT Coordinator and Classification Chart)

53	\$30,204-41,575	Line Maintenance Mechanic Helper Library Assistant II Maintenance/Repair Worker EMT Basic/Firefighter Firefighter EMT/Basic Lineman - Airport Tax Clerk II Utilities Customer Service Representative
53.5	\$30,773-\$42,615	Detention Officer
54	\$32,175-\$44,333	4H Program Assistant Animal Control Officer Assistant Register of Deeds Deputy Director of Elections District Administrator F&C Sciences Associate Income Maintenance Caseworker I Library Associate I Permit Officer II Public Information Assistant V Accounting Clerk II Rural Center Manager Shelter Manager Telecommunicator Trainee Visitor Relations Specialist
54.5	\$32,783-\$45,442	Intake Officer

55	\$34,147-\$47,096	Accounting Clerk III Administrative Assistant I Athletic Grounds Manager Deputy Tax Collector Library Associate II Line Maintenance Mechanic Maintenance/Repair Worker Electrician Maintenance/Repair Worker HVAC Park Superintendent Public Relations Coordinator Recreation Specialist Sales & Marketing Associate Supervisor Visitor Center Telecommunicator I Tourism Promo & Event Coordinator Utilities Customer Service Supervisor
55.5	\$34,795-\$48,274	Firefighter EMT/Advanced EMT Intermediate/Firefighter
56	\$36,120-49,859	Deputy Trainee Evidence Technician Income Maintenance Caseworker II Permit Officer III Social Worker I Support Technician Telecommunicator II Wastewater ORC Trainee Water Plant Operator Trainee
56.5	\$37,506-\$52,646	Sergeant Detention Officer

57	\$38,091-\$52,617	Administrative Assistant II Building Inspector I Code Enforcement Officer Deputy Sheriff I Human Resources Assistant Maintenance Supervisor Rural Center Director Wastewater Operator Water Plant Operator Water Plant Operator/Lab Technician
58	\$40,062-\$55,379	Deputy Sheriff II Income Maintenance Caseworker III Income Maintenance Investigator II Training Officer
59	\$42,034-\$58,139	Accounting Technician Building Inspector II probationary/ FQ Inspect I Deputy Sheriff III Development Technician Detective I Firefighter/EMT Paramedic EMT Paramedic/Firefighter Planner I Tax Appraiser

60	\$44,007-\$60,901	*Administrative Officer I *Communications Supervisor Deputy Emergency Management Coordinator EMS Training Officer Fire Training Officer/Recruitment Coordinator Fire Lieutenant *Income Maintenance Supervisor II *Lieutenant Detention Officer Fire Marshal Lieutenant - EMS *Operations Director Risk Manager Social Worker II Soil & Stormwater Technician Water Distribution Supervisor Trainee
60.5	\$44,850-\$62,423	*Senior Center Coordinator
61	\$45,978-\$63,662	Building Inspector III probationary/FQ BI II Creative Director Detective II GIS Specialist GIS Coordinator IT Coordinator Paralegal Planner II Marketing Director Public Information Officer Video Production Specialist

61	\$45,978-\$63,662	Wastewater Supervisor ORC Water Distribution Supervisor Web/AV Specialist
62	\$47,950-\$66,423	*Airport Manager *Building Superintendent/Solid Waste Fiscal and Budget Assistant Sergeant Site Manager/Curator Social Worker III Social Worker Invest/Assess Treatment
63	\$49,920-\$69,182	Building Inspector III FQ *Director of Elections Engineering Technician *Social Work Supervisor II *Water Treatment Plant Supervisor
64	\$51,893-\$71,944	Senior Planner *Jail Superintendent
65	\$54,287-\$75,297	*Administrative Assistant/Clerk to Board *Captain - EMS *Fire and EMT Captain *Project Coordinator
66	\$55,837-\$77,467	*Chief Building Inspector *Public Utilities Superintendent *Social Worker Supervisor III *Wastewater Superintendent *Water Superintendent
67	\$57,806-\$80,224	*Emergency Management Director *Lieutenant - Sheriff *Recreation Director

68	\$59,778-\$82,984	*Assistant Finance Director *Human Resources Director *IT Director *Tax Administrator
69	\$61,749-\$85,746	
70	\$63,781-\$88,590	
71	\$65,693-\$91,267	*Captain- Sheriff *Chief Deputy - Fire/EMS *Tourism Director
72	\$67,665-\$94,030	*Assistant Planning Director
73	\$69,636-\$96,788	*Assistant Public Services Director/ Assistant County Engineer *Chief Deputy - Sheriff *Economic Development Director
74	\$71,608-\$99,550	
75	\$73,579-\$102,310	*Chief of EMS
76	\$75,552-\$105,071	*Director of Social Services *Finance Director *Public Utilities Director
77	\$77,522-\$107,830	
78	\$79,495-\$110,593	
79	\$81,466-\$113,354	
80	\$83,196-\$115,775	
81	\$85,276-\$129,141	
82	\$87,408-\$132,370	

83	\$89,593-\$135,679	*Assistant County Manager *Planning Director
84	\$91,833-\$139,071	
85	\$94,129-\$142,548	
86	\$96,482-\$146,111	
87	\$98,750-\$149,546	
88	\$99,729-\$151,029	*Senior Planning Director
89	\$102,222-\$154,805	
90	\$104,778-\$158,675	*County Manager
91	\$107,397-\$162,642	
92	\$109,673-\$166,088	*Public Services Director/County Engineer
93	\$112,415-\$170,240	
94	\$115,225-\$174,496	
95	\$118,106-\$178,859	
96	\$121,059-\$183,330	
97	\$124,085-\$187,913	
98	\$127,187-\$192,611	
99	\$130,367-\$197,426	
100	\$133,626-\$202,362	
101	\$136,967-\$207,421	
102	\$140,391-\$212,607	
103	\$143,901-\$217,922	
104	\$147,498-\$223,370	
105	\$151,186-\$228,954	
106	\$154,965-\$234,678	
107	\$158,839-\$240,545	
108	\$162,810-\$246,559	
109	\$166,881-\$252,723	
110	\$171,053-\$259,041	

111	\$175,318-\$265,501	*Attorney
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* indicates exempt status

- | | |
|------------------|----------------------------|
| Board determined | *County Manager's salary |
| Board determined | *Sheriff's salary |
| Board determined | *Register of Deeds' salary |
| Board determined | *Attorney's salary |

**North Carolina Department of Transportation
Division of Highways
Petition for Road Addition**

ROADWAY INFORMATION: (Please Print/Type)

County: Currituck Road Name: Green Lake Road
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Lake View at Currituck Length (miles): 0.18

Number of occupied homes having street frontage: 24 Located (miles): 0.24

miles N ☐ S ☒ E ☒ W ☐ of the intersection of Route 1215 and Route 168.
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Lake View at Currituck in
Currituck County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: Daniel F. Scanlon, II, County Manager Phone Number: (252) 435-2718

Street Address: 153 Courthouse Road, Currituck, NC 27929

Mailing Address: P.O. Box 39, Currituck, NC 27929

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Robert I & Pamela F Brady	140 Green Lake Road, Moyock, NC 27958	
Anthony & Simone Dickerson	139 Green Lake Road, Moyock, NC 27958	
Eduardo & Alexis Martinez	138 Green Lake Road, Moyock, NC 27958	
Nicholas R. Mercer	137 Green Lake Road, Moyock, NC 27958	
Rodolfo Diaz	136 Green Lake Road, Moyock, NC 27958	
Kyle G. & Jennifer H. Beach	135 Green Lake Road, Moyock, NC 27958	
Timothy Reutter & Esther S. Ahn	134 Green Lake Road, Moyock, NC 27958	
Calvin & Linda Holland	133 Green Lake Road, Moyock, NC 27958	

Jerry & Mary Jane Baughn, Jr.	132 Green Lake Road, Moyock, NC 27958
Shannyn Peterson	131 Green Lake Road, Moyock, NC 27958
Dylan & Brandee Turner	130 Green Lake Road, Moyock, NC 27958
Jason Jean & Kelly Bradshaw-Jean	129 Green Lake Road, Moyock, NC 27958
Madalyn & Austin Schilling	144 Green Lake Road, Moyock, NC 27958
Ryan & Melissa LaPorte	145 Green Lake Road, Moyock, NC 27958
Brandon & Kendra H. Campbell	146 Green Lake Road, Moyock, NC 27958
Corey & Amanda Honeyman	1 Green Lake Road, Moyock, NC 27958
Donnie & Alexandra Ng	2 Green Lake Road, Moyock, NC 27958
Steven & Teela Rindfleisch	3 Green Lake Road, Moyock, NC 27958
Sidney Key	4 Green Lake Road, Moyock, NC 27958
Kristina Moore	5 Green Lake Road, Moyock, NC 27958
Hunter & Jamie McCann	6 Green Lake Road, Moyock, NC 27958
Joshua & Elisa Peelman	7 Green Lake Road, Moyock, NC 27958
Christopher Mayers	8 Green Lake Road, Moyock, NC 27958
Michael E. Rush	9 Green Lake Road, Moyock, NC 27958
Tamesha McKinnon	10 Green Lake Road, Moyock, NC 27958

INSTRUCTIONS FOR COMPLETING PETITION:

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

FOR NCDOT USE ONLY: Please check the appropriate block

☐ Rural Road ☐ Subdivision platted prior to October 1, 1975 ☐ Subdivision platted after September 30, 1975

REQUIREMENTS FOR ADDITION

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

**North Carolina Department of Transportation
Division of Highways
Petition for Road Addition**

ROADWAY INFORMATION: (Please Print/Type)

County: Currituck Road Name: Lake Point Way
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Lake View at Currituck Length (miles): 0.12

Number of occupied homes having street frontage: _____ Located (miles): 0.24

miles N ☐ S ☒ E ☐ W ☐ of the intersection of Route 1215 and Route 168.
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Lake View at Currituck in
Currituck County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: Daniel F. Scanlon, II, County Manager Phone Number: (252) 435-2718

Street Address: 153 Courthouse Road, Currituck, NC 27929

Mailing Address: P.O. Box 39, Currituck, NC 27929

PROPERTY OWNERS

Name

Mailing Address

Telephone

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
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6. Submit to District Engineer's Office.

☐ Rural Road ☐ Subdivision platted prior to October 1, 1975 ☐ Subdivision platted after September 30, 1975

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

[illegible]

**North Carolina Department of Transportation
Division of Highways
Petition for Road Addition**

ROADWAY INFORMATION: (Please Print/Type)

County: Currituck Road Name: Sunny Lake Road
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Lake View at Currituck Length (miles): 0.17

Number of occupied homes having street frontage: 18 Located (miles): 0.24

miles N ☐ S ☒ E ☒ W ☐ of the intersection of Route 1215 and Route 168.
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Lake View at Currituck in
Currituck County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: Daniel F. Scanlon, II, County Manager Phone Number: (252) 435-2718

Street Address: 153 Courthouse Road, Currituck, NC 27929

Mailing Address: P.O. Box 39, Currituck, NC 27929

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Matthew McCoy	77 Sunny Lake Road, Moyock, NC 27958	
Matthew Tomesch	76 Sunny Lake Road, Moyock, NC 27958	
David Rapp & Shanie Molmer	75 Sunny Lake Road, Moyock, NC 27958	
Gregory & Lorene Thomas	74 Sunny Lake Road, Moyock, NC 27958	
Timothy Thomas	73 Sunny Lake Road, Moyock, NC 27958	
Miguel & Tonia Lopez	72 Sunny Lake Road, Moyock, NC 27958	
Roger & Julia Whitaker	71 Sunny Lake Road, Moyock, NC 27958	
Clinton & Diana Johnson	70 Sunny Lake Road, Moyock, NC 27958	

Stacy Vinson	69 Sunny Lake Road, Moyock, NC 27958
Keith Carl & Clara Louise Lohse	68 Sunny Lake Road, Moyock, NC 27958
Regina Martin -McCaskill & Marcus McCaskill	81 Sunny Lake Road, Moyock, NC 27958
Clebin & Marqueta T. Walker	82 Sunny Lake Road, Moyock, NC 27958
Michael & Erica Porter	83 Sunny Lake Road, Moyock, NC 27958
David & Erin Lucier	84 Sunny Lake Road, Moyock, NC 27958
Christina & Abrose III Haney	85 Sunny Lake Road, Moyock, NC 27958
Jerad & Amber Albaugh	86 Sunny Lake Road, Moyock, NC 27958
Deondre & Allison Norton	87 Sunny Lake Road, Moyock, NC 27958
Kirk & Antoinette Smith	88 Sunny Lake Road, Moyock, NC 27958

INSTRUCTIONS FOR COMPLETING PETITION:

1. Complete Information Section
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6. Submit to District Engineer's Office.

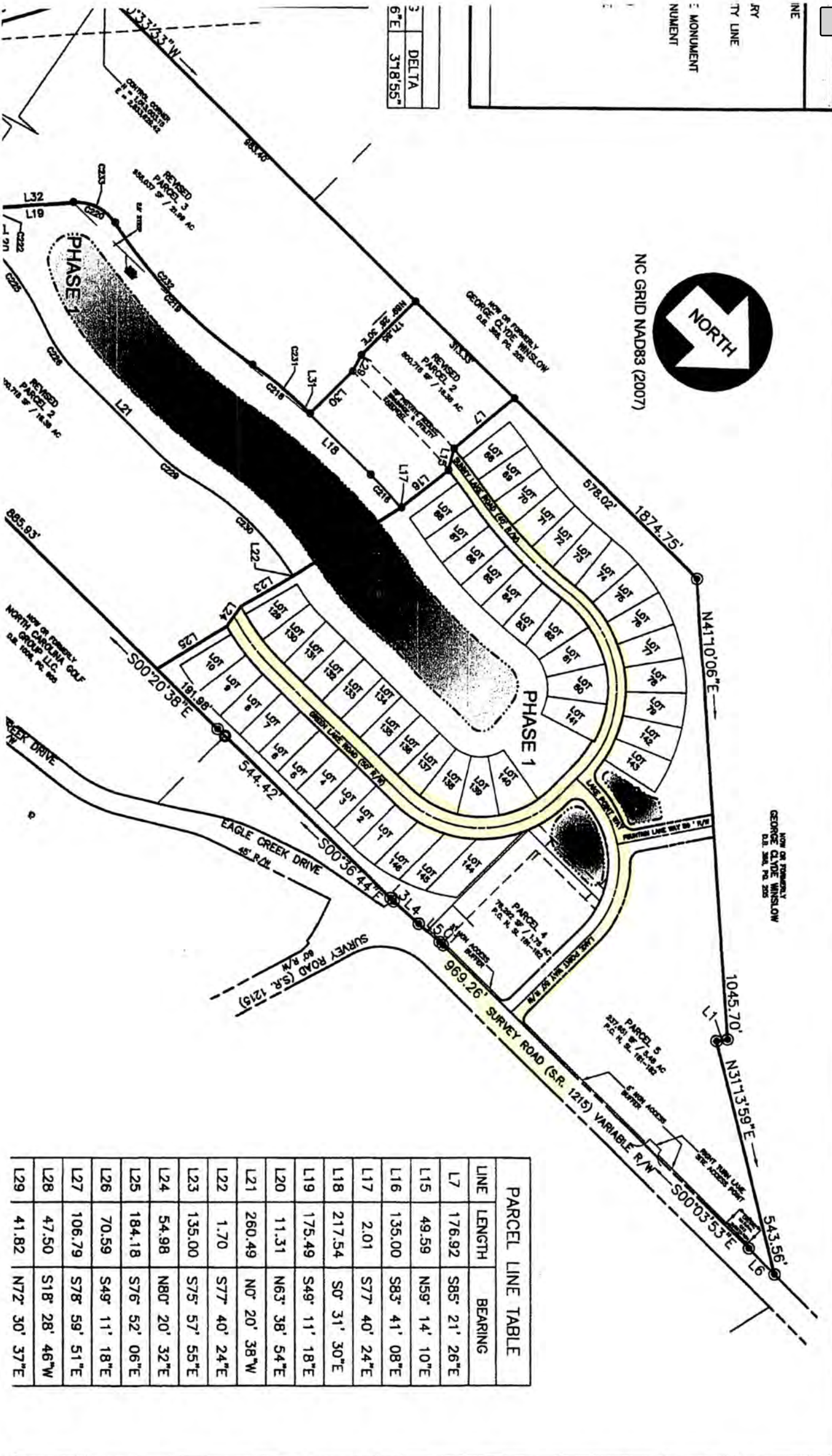
FOR NCDOT USE ONLY: Please check the appropriate block

☐ Rural Road ☐ Subdivision platted prior to October 1, 1975 ☐ Subdivision platted after September 30, 1975

REQUIREMENTS FOR ADDITION

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General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.



LAKE VIEW AT CURRITUCK
OVERVIEW



Bissell Professional Group
Firm License # C-958
3512 North Gorton
P.O. Box 1088
Kitty Hawk, North Carolina 28519
(252) 981-1088

**North Carolina Department of Transportation
Division of Highways
Petition for Road Addition**

ROADWAY INFORMATION: (Please Print/Type)

County: Currituck Road Name: Wren Drive
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: West Point Estates Length (miles): 0.18

Number of occupied homes having street frontage: 4 Located (miles): 0.37

miles N ☐ S ☐ E ☒ W ☐ of the intersection of Route 1391 and Route 1222.
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of West Point Estates in Currituck County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: Daniel F. Scanlon, II, County Manager Phone Number: (252) 435-2718

Street Address: 153 Courthouse Road, Currituck, NC 27929

Mailing Address: P.O. Box 39, Currituck, NC 27929

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
James T. & Betty H. Ayers, Sr.	4 Wrenn Dr., Moyock, NC 27958	
Robert W. & Allyson D. Jennings, II	3 Wrenn Dr., Moyock, NC 27958	
Jeffrey N. & Janet M. Tobey	2 Wrenn Dr., Moyock, NC 27958	
Jeffrey P. Friesz & Jerilynn Black-Friesz	11 Wrenn Dr., Moyock, NC 27958	

**North Carolina Department of Transportation
Division of Highways
Petition for Road Addition**

ROADWAY INFORMATION: (Please Print/Type)

County: Currituck Road Name: Chickadee Street
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: West Point Estates Length (miles): 0.18

Number of occupied homes having street frontage: 9 Located (miles): 0.37

miles N ☐ S ☐ E ☒ W ☐ of the intersection of Route 1391 and Route 1222.
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of West Point Estates in Currituck County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: Daniel F. Scanlon, II, County Manager Phone Number: (252) 435-2718

Street Address: 153 Courthouse Road, Currituck, NC 27929

Mailing Address: P.O. Box 39, Currituck, NC 27929

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
Michael M. & Marlana R. Lynam	6 Chickadee Street, Moyock, NC 27958	
James A. & Dawn M. Trent	7 Chickadee Street, Moyock, NC 27958	
Vanessa S. Dorsett	8 Chickadee Street, Moyock, NC 27958	
Adam & Abigail Kulik	9 Chickadee Street, Moyock, NC 27958	
Mark F. & Bobbie E. Bayly	10 Chickadee Street, Moyock, NC 27958	
Keith E. & Kelly G. Whitt	15 Chickadee Street, Moyock, NC 27958	
David A. & Heather D. Murphy, II	14 Chickadee Street, Moyock, NC 27958	
Howard Grogan	13 Chickadee Street, Moyock, NC 27958	

Kenneth E. & Claudine S. Beaman

12 Chickadee Street, Moyock, NC 27958

INSTRUCTIONS FOR COMPLETING PETITION:

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

FOR NCDOT USE ONLY: Please check the appropriate block
☐ Rural Road ☐ Subdivision platted prior to October 1, 1975 ☐ Subdivision platted after September 30, 1975
REQUIREMENTS FOR ADDITION

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.



DATE	DRAWN	AMENDMENT 1 LOT 2 ACRES
08-15-07	JMS	
CHECKED	APPROVED	
KMS	KMS	
SCALE	INCHES TO FEET	
1"=100'	040585	
DRAWING #		
040585-FP Amended		
SHEET #		
1 OF 1		

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 County**, this 20th day of May, 2019.

Leeann Walton, Clerk to the Board
County of Currituck Board of Commissioners

AGREEMENT ESTABLISHING LOCAL GOVERNMENT OTHER POST-EMPLOYMENT BENEFITS TRUST

This **Trust Agreement** is entered into as of the 20th day of May, 2019 (hereinafter “**Effective Date**”), by and between County of Currituck, North Carolina (hereinafter the “**Employer**”) and County of Currituck OPEB Trust (the “**Trustee**”);

R E C I T A L S :

WHEREAS, the governing body of the Employer adopted a resolution dated May 20, 2019 adopting this trust agreement;

WHEREAS, the Employer wishes to establish a trust pursuant to Section 159-30.1 of the North Carolina General Statutes, to be known as the “Local Government Other-Post Employment Benefits Trust” (hereinafter the “**Trust**”), for the purpose of funding its obligation to provide post-employment benefits other than pension benefits, as required to be reported under GASB 45;

WHEREAS, this Trust is established by the Employer with the intention that the Trust qualify as an irrevocable tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Code and the Regulations issued thereunder and as a tax-exempt trust under the provisions of the applicable laws of the State of North Carolina; and

WHEREAS, Employer has appointed the Trustee as trustee of the Trust, and the Trustee has accepted such appointment pursuant to the terms and conditions set forth in this Trust Agreement; and

NOW THEREFORE, for good and valuable consideration, the parties hereto agree as follows:

ARTICLE I DEFINITIONS

- 1.1 “**Assets**” shall mean all contributions and transfers of assets received into the Trust on behalf of the Employer, together with the income and earnings from such contributions and transfers and any increments accruing to them, net of any investment losses, benefits, expenses or other costs.
- 1.2 “**Code**” shall mean the Internal Revenue Code of 1986, as amended from time to time.
- 1.3 “**Employer’s Agent**” shall mean an individual or entity appointed by the Employer to act in such matters as are specified in the appointment.
- 1.4 “**Effective Date**” shall mean the date as of which the Trust is established, as set forth above.
- 1.5 “**Employer**” shall mean the County of Currituck, North Carolina.
- 1.6 “**GASB**” shall mean the Governmental Accounting Standards Board.
- 1.7 “**GASB 45**” shall mean Statement Number 45 issued by GASB requiring public agencies to report OPEB Obligations on their balance sheets effective after December 31, 2006.
- 1.8 “**GASB 45 Investment Policy**” shall mean the written investment policy for the Trust

which shall be adopted by the Employer and delivered to the Trustee.

- 1.9 “Investment Advisory Committee”** shall mean a group of qualified private and public sector employees selected by the Employer that will be responsible for establishing and maintaining broad policies and objectives for all aspects of the Trust investments. The committee will review and approve the development or revision of all matters concerning Trust investments. Investment matters addressed by the Investment Advisory Committee shall be communicated to the Employer, and the Employer shall communicate in writing to the Trustee any such investment matters necessary for the Trustee to fulfill its duties hereunder.
- 1.10 “OPEB”** shall mean “other post-employment benefits,” such as medical, dental, vision, life insurance, long-term care and other similar benefits, provided to retirees, other than pension benefits.
- 1.11 “OPEB Obligation”** shall mean an Employer’s obligation to provide post-employment health care and welfare benefits to its “eligible employees” as specified in such Employer’s written policies, the Plan and/or applicable collective bargaining agreements.
- 1.12 “Plan”** shall mean the plan document adopted by the Employer for the purpose of documenting the Employer’s OPEB Obligations and governing the Employer’s satisfaction thereof, a copy of which is attached here as Exhibit A.
- 1.13 “Plan Administrator”** shall mean the individual designated by position of employment at the Employer to act on its behalf in all matters relating to the Plan and Trust.
- 1.14 “Qualified Investments”** shall mean all investments authorized under Section 159-30.1(b) of the North Carolina General Statutes, including the following:
- (1) Obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States.
 - (2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service.
 - (3) Obligations of the State of North Carolina.
 - (4) Bonds and notes of any North Carolina local government or public authority, to the extent permitted in Section 159.30(c)(4) of the North Carolina General Statutes.
 - (5) Savings certificates issued by any savings and loan association organized under the laws of the State of North Carolina or by any federal savings and loan association having its principal office in North Carolina; provided, that any principal amount of such certificate in excess of the amount insured by the federal government or any agency thereof, or by a mutual deposit guaranty association authorized by the Commissioner of Banks of the Department of

Commerce of the State of North Carolina, be fully collateralized.

- (6) Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates of particular obligation.
- (7) Bills of exchange or time drafts drawn on and accepted by a commercial bank and eligible for use as collateral by member banks in borrowing from a federal reserve bank, provided that the accepting bank or its holding company is either (i) incorporated in the State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.
- (8) Participating shares in a mutual fund for local government investment; provided, that the investments of the fund are limited to Qualified Investments hereunder, and the fund is certified by the Local Government Commission. The Local Government Commission shall have the authority to issue rules and regulations concerning the establishment and qualifications of any mutual fund for local government investment.
- (9) A commingled investment pool established and administered by the State Treasurer pursuant to Section 147-69.3 of the North Carolina General Statutes.
- (10) A commingled investment pool established by interlocal agreement by two or more units of local government pursuant to Sections 160A-460 through 160A-464 of the General Statutes of North Carolina, if the investments of the pool are limited to those qualifying for investment under Section 159.30(c)(4) of the North Carolina General Statutes.
- (11) Evidences of ownership of, or fractional undivided interests in, future interest and principal payments on either direct obligations of the United States government or obligations the principal of and the interest on which are guaranteed by the United States, which obligations are held by a bank or trust company organized and existing under the laws of the United States or any state in the capacity of custodian.
- (12) Repurchase agreements with respect to either direct obligations of the United States or obligations the principal of and the interest on which are guaranteed by the United States if entered into with a broker or dealer, as defined by the Securities Exchange Act of 1934, which is a dealer recognized as a primary dealer by a Federal Reserve Bank, or any commercial bank, trust company or national banking association, the deposits of which are insured by the Federal Deposit Insurance Corporation or any successor thereof if:
 - (a) Such obligations that are subject to such repurchase agreement are delivered (in physical or in book entry form) to the local government or public authority, or any financial institution serving either as trustee for the local government or public authority or as fiscal agent for the local government or public authority or are supported by a safekeeping receipt issued by a depository satisfactory to the local government or public

authority, provided that such repurchase agreement must provide that the value of the underlying obligations shall be maintained at a current market value, calculated at least daily, of not less than one hundred percent (100%) of the repurchase price, and, provided further, that the financial institution serving either as trustee or as fiscal agent for the local government or public authority holding the obligations subject to the repurchase agreement hereunder or the depository issuing the safekeeping receipt shall not be the provider of the repurchase agreement;

- (b) A valid and perfected first security interest in the obligations which are the subject of such repurchase agreement has been granted to the local government or public authority or its assignee or book entry procedures, conforming, to the extent practicable, with federal regulations and satisfactory to the local government or public authority have been established for the benefit of the local government or public authority or its assignee;
 - (c) Such securities are free and clear of any adverse third party claims; and
 - (d) Such repurchase agreement is in a form satisfactory to the local government or public authority.
- (13) In connection with funds subject to the arbitrage and rebate provisions of the Code, participating shares in tax-exempt mutual funds, to the extent such participation, in whole or in part, is not subject to such rebate provisions, and taxable mutual funds, to the extent such fund provides services in connection with the calculation of arbitrage rebate requirements under federal income tax law; provided, the investments of any such fund are limited to those bearing one of the two highest ratings of at least one nationally recognized rating service and not bearing a rating below one of the two highest ratings by any nationally recognized rating service which rates the particular fund.
- (14) Investments of the State Treasurer authorized pursuant to Section 147-69.2(b4) of the North Carolina General Statutes.

- 1.15 “Registered Investment Advisor”** shall mean shall mean any Registered Investment Advisor as defined by Securities and Exchange Commission regulations appointed by the Employer or Plan Administrator who has entered into a consulting or management agreement with the Employer for investing the Assets of the Trust.

ARTICLE II THE TRUST

2.1 Purpose

The purpose of the Trust is to hold assets from which to satisfy the Employer’s commitment to provide post-employment benefits (other than pension benefits), as offered by the Employer to its employees in accordance with the Employer’s policies and/or applicable collective bargaining agreements.

2.2 Trustee Accounting

The Trustee shall be responsible only for maintaining records and maintaining accounts for the Assets of the Trust. The Employer shall be responsible for Plan-level accounting for OPEB.

2.3 No Diversion of Assets

The Assets in the Trust shall be held in trust for the exclusive purpose of providing OPEB to eligible employees of the Employer and defraying the reasonable administrative and actuarial expenses of the Trust. The Assets in the Trust shall not be used for or diverted to any other purpose, except as expressly provided herein.

2.4 Type and Nature of Trust

Neither the full faith and credit nor the taxing power of the Employer is pledged to the distribution of benefits hereunder. Except for contributions and other amounts hereunder, no other amounts are pledged to the distribution of benefits hereunder. Distributions of benefits are neither general nor special obligations of any Employer, but are payable solely from the Assets of the Trust, as more fully described herein. No employee of any Employer or beneficiary may compel the exercise of the taxing power by any Employer.

Distributions of Assets under the Trust are not debts of any Employer within the meaning of any constitutional or statutory limitation or restriction. Such distributions are not legal or equitable pledges, charges, liens or encumbrances, upon any of the Employer's property, or upon any of its income, receipts, or revenues, except amounts in the accounts which are, under the terms of the Plan and Trust set aside for distributions. Neither the members of the governing body of the Employer nor its officers, employees, agents or volunteers are liable hereunder.

ARTICLE III ADMINISTRATIVE MATTERS

3.1 Certification to Trustee

The governing body of the Employer, or other duly authorized official, shall certify in writing to the Trustee the names and specimen signatures of the Plan Administrator and Employer's Agent, if any, and all others authorized to act on behalf of the Employer whose names and specimen signatures shall be kept accurate by the Employer acting through a duly authorized official or governing body of the Employer. The Trustee shall have no liability if it acts upon the direction of a Plan Administrator or the Employer's Agent that has been duly authorized hereunder even if that the Plan Administrator or the Employer's Agent is no longer authorized to act, unless the Employer has informed the Trustee of such change in writing.

3.2 Removal of Trustee

The Employer may remove the Trustee. Such action must be in writing and delivered to the Trustee by giving at least ninety (90) days' prior written notice to the Trustee.

3.3 Resignation of Trustee

The Trustee may resign as trustee of the Trust at any time by giving at least ninety (90) days' prior written notice to the Employer and the Plan Administrator. The Employer's appointment of a successor trustee to the Trust will vest the successor trustee with title to the Assets of its Trust upon the successor trustee's acceptance of such appointment.

3.4 Plan Administrator

The governing body of the Employer shall have plenary authority for the administration and investment of the Trust pursuant to applicable state law and applicable federal laws and regulations. The Employer shall by resolution designate a Plan Administrator. Unless otherwise specified in the instrument the Plan Administrator shall be deemed to have authority to act on behalf of the Employer in all matters pertaining to the Trust. Such appointment of a Plan Administrator shall be effective upon receipt and acknowledgment by the Trustee and shall be effective until the Trustee is furnished with a resolution of the Employer that the appointment has been modified or terminated.

3.5 Failure to Appoint Plan Administrator

If the Employer does not appoint a Plan Administrator, or if such appointment lapses, the Employer shall be deemed to be the Plan Administrator.

3.6 Employer's Agent

The Plan Administrator, acting on behalf of the Employer, may delegate certain authority, powers and duties to Employer's Agent to act in those matters specified in the delegation. Any such delegation must be in writing that names and identifies the Employer's Agent, states the effective date of the delegation, specifies the authority and duties delegated, is executed by the Plan Administrator and is acknowledged in writing by the Employer's Agent and certified as required in Section 3.1.

3.7 Notice

Effective notice hereunder shall be delivered via United States Mail or other reliable means of delivery, including via telecopy, electronic mail or overnight delivery service, to the following:

EMPLOYER:

County of Currituck
153 Courthouse Rd
Currituck, North Carolina 27929

Attention: Sandra Hill, Chief Financial Officer

PLAN ADMINISTRATOR:

Finance Director
 County of Currituck
 153 Courthouse Rd
 Currituck, North Carolina 27929

TRUSTEE:

County Manager
 County Attorney

ARTICLE IV THE TRUSTEE

4.1 Powers and Duties of the Trustee

Except as otherwise provided in Article V, and subject to the provisions of Article VI, the Trustee shall have full power and authority with respect to property held in the Trust to perform all acts, take all proceedings, and exercise all rights and privileges, whether specifically referred to or not in this document, as could be done, taken or exercised by the absolute owner, including, without limitation, the following:

- (a) To invest and reinvest the Assets or any part hereof in Qualified Investments pursuant to this Trust and applicable state law.
- (b) To place uninvested cash and cash awaiting distribution in any type of interest-bearing account including, without limitation, time certificates of deposit or interest-bearing accounts issued by a commercial bank or savings and loan association organized under the laws of the State of North Carolina or having its principal office in North Carolina;
- (c) To borrow money for the purposes of the Trust from any source with or without giving security; to pay interest; to issue promissory notes and to secure the repayment thereof by pledging all or any part of the Assets;
- (d) To take all of the following actions: to vote proxies of any stocks, bonds or other securities; to give general or special proxies or powers of attorney with or without power of substitution; to exercise any conversion privileges, subscription rights or other options, and to make any payments incidental thereto; to consent to or otherwise participate in corporate reorganizations or other changes affecting corporate securities and to delegate discretionary powers and to pay any assessments or charges in connection therewith; and generally to exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held in the Trust;
- (e) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(h) To exercise all the further rights, powers, options and privileges granted, provided for, or vested in trustees generally under applicable federal or state laws as amended from time to time, it being intended that, except as herein otherwise provided, the powers conferred upon the Trustee herein shall not be construed as being in limitation of any authority conferred by law, but shall be construed as consistent or in addition thereto.

4.2 Additional Trustee Powers

In addition to the other powers enumerated above, the Trustee in any and all events is authorized and empowered:

- (a) To pay administrative fees as directed by the Plan Administrator;
- (b) To invest funds pending required directions in a designated account as directed by the Investment Advisory Committee or if there is no designated account, any type of interest-bearing account including without limitation, time certificates of deposit or interest-bearing accounts issued by a commercial bank or savings and loan association organized under the laws of the State of North Carolina or having its principal office in North Carolina Trustee or any affiliate thereof;
- (c) To cause all or any part of the Trust to be held in the name of the Trustee (which in such instance need not disclose its fiduciary capacity) or, as permitted by law, in the name of any nominee, and to acquire for the Trust any investment in bearer form, but the books and records of the Trust shall at all times show that all such investments are a part of the Trust and the Trustee shall hold evidences of title to all such investments;
- (d) To appoint a custodian with respect to the Trust Assets;
- (e) To employ such agents and counsel as may be reasonably necessary in managing and protecting the Assets and to pay them reasonable compensation from the Trust; to employ any broker-dealer, including a broker-dealer affiliated with the Trustee, and pay to such broker-dealer at the expense of the Trust, its standard commissions; to settle, compromise or abandon all claims and demands in favor of or against the Trust; and to charge any premium on bonds purchased at par value to the principal of the Trust without amortization from the Trust, regardless of any law relating thereto;
- (f) To abandon, compromise, contest, arbitrate or settle claims or demands; to prosecute, compromise and defend lawsuits, but without obligation to do so, all at the risk and expense of the Trust;
- (g) To exercise and perform any and all of the other powers and duties specified in this Trust Agreement or the Plan;
- (h) To permit such inspections of documents at the principal office of the Trustee as are required by law, subpoena or demand by a United States agency;
- (i) To comply with all requirements imposed by applicable provisions of law;
- (j) To seek written instructions from the Plan Administrator or other fiduciary on any matter and await their written instructions without incurring any liability. If at any

time the Plan Administrator or the fiduciary should fail to give directions to the Trustee, the Trustee may act in the manner that in its discretion seems advisable under the circumstances for carrying out the purposes of the Trust;

(k) To compensate such executive, consultant, actuarial, accounting, investment, appraisal, administrative, clerical, secretarial, medical, custodial, depository and legal firms, personnel and other employees or assistants as are engaged by the Plan Administrator in connection with the administration of the Plan and to pay from the Trust the necessary expenses of such firms, personnel and assistants, to the extent not paid by the Plan Administrator;

(l) To act upon proper written directions of the Employer, Plan Administrator or Employer's Agent;

(m) To pay from the Trust the expenses reasonably incurred in the administration thereof, as provided in the Plan;

(n) To hold uninvested reasonable amounts of cash whenever it is deemed advisable to do so to facilitate disbursements or for other operational reasons,

(o) To have and to exercise such other additional powers as may be advisable for the effective and economical administration of the Trust.

ARTICLE V INVESTMENTS

5.1 Trust Investments

The Employer and the Investment Advisory Committee, if any, shall have responsibility to select Qualified Investments for the Trust Assets. The Employer and the Investment Advisory Committee, if any, may appoint a Registered Investment Advisor to the Trust by executing a written consulting or management agreement with said Registered Investment Advisor.

5.2 Trustee Fees

As may be agreed upon, in writing, between the Employer and Trustee, the Trustee will be paid reasonable compensation for services rendered or reimbursed for expenses properly and actually incurred in the performance of duties with respect to the Trust. The Trustee shall be entitled to receive its fees and expenses when due directly from the Trust. Notwithstanding the foregoing, any Trustee who is an employee of the Employer shall receive no fee for service as a Trustee hereunder.

5.3 Contributions

Eligible Employees may be permitted to make contributions to the Trust, subject to approval of the Plan Administrator. The Plan Administrator shall, on behalf of the Employer, make all contributions to the Trust. Such contributions shall be in cash, unless the Trustee agrees to accept a contribution that is not in cash. All contributions shall be paid to the Trustee for investment and reinvestment pursuant to the terms of this Trust Agreement. The Trustee shall not have any duty to determine or inquire whether

any contributions to the Trust made to the Trustee by the Plan Administrator are in compliance with the Employer's policies and/or collective bargaining agreements applicable state law, nor shall the Trustee have any duty or authority to compute any amount to be paid to the Trustee by the Plan Administrator; nor shall the Trustee be responsible for the collection or adequacy of the contributions to meet the Employer's OPEB Obligation, as may be determined under GASB 45. The contributions received by the Trustee from the Employer shall be held and administered pursuant to the terms hereof without distinction between income and principal.

5.4 Records

(a) The Trustee shall maintain accurate records and detailed accounts of all investments, receipts, disbursements and other transactions hereunder. Such records shall be available at all reasonable times for inspection by the Employer and Plan Administrator. The Trustee shall, at the direction of the Plan Administrator, submit such valuations, reports or other information as the Plan Administrator may reasonably require.

(b) The Assets of the Trust shall be valued at their fair market value on the date of valuation, as determined by the Trustee based upon such sources of information as it may deem reliable; provided, however, that the Plan Administrator shall instruct the Trustee as to valuation of assets which are not readily determinable on an established market. The Trustee may rely conclusively on such valuations provided by the Plan Administrator and shall be indemnified and held harmless by the Employer with respect to such reliance. If the Plan Administrator fails to provide such values, the Trustee may take whatever action it deems reasonable, including employment of attorneys, appraisers or other professionals, the expense of which will be an expense of administration of the Trust. Transactions in the account involving such hard to value assets may be postponed until appropriate valuations have been received and Trustee shall have no liability therefore.

5.5 Statements

(a) Periodically as specified, and within sixty (60) days after December 31, or the end of the Trust's fiscal year if different, Trustee shall render to the Plan Administrator as directed, a written account showing in reasonable summary the investments, receipts, disbursements and other transactions engaged in by the Trustee during the preceding fiscal year or period with respect to the Trust. Such account shall set forth the assets and liabilities of the Trust valued as of the end of the accounting period.

(b) The Plan Administrator may approve such statements either by written notice or by failure to express objections to such statements by written notice delivered to the Trustee within ninety (90) days from the date the statement is delivered to the Plan Administrator. Upon approval, the Trustee shall be released and discharged as to all matters and items set forth in such statement as if such account had been settled and allowed by a decree from a court of competent jurisdiction.

5.6 Exclusive Benefit

The Assets of the Trust shall be held in trust for the exclusive purpose of providing OPEB to the Eligible Employees of the Employer pursuant to the Employer's policies and/or applicable collective bargaining agreements, and defraying the reasonable

expenses associated with the providing of such benefits, and shall not be used for or diverted to any other purpose.

ARTICLE VI FIDUCIARY RESPONSIBILITIES

6.1 More Than One Fiduciary Capacity

Any one or more of the fiduciaries with respect to the Trust Agreement or the Trust may, to the extent required thereby or as directed by the Plan Administrator pursuant to this Trust Agreement, serve in more than one fiduciary capacity with respect to the Trust Agreement and the Trust.

6.2 Fiduciary Discharge of Duties

Except as otherwise provided by applicable law, each fiduciary shall discharge such fiduciary's duties with respect to the Trust Agreement and the Trust:

- (a) solely in the interest of the Eligible Employees and for the exclusive purpose of providing OPEB to Eligible Employees, and defraying reasonable administrative and actuarial expenses associated with providing such benefits; and
- (b) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims.

6.3 Limitations on Fiduciary Responsibility

To the extent allowed by the state law applicable to this Trust Agreement:

- (a) No fiduciary shall be liable with respect to a breach of fiduciary duty by any other fiduciary if such breach was committed before such party became a fiduciary or after such party ceased to be a fiduciary.
- (b) No fiduciary shall be liable for a breach by another fiduciary except as provided by law.
- (c) No fiduciary shall be liable for carrying out a proper direction from another fiduciary, including refraining from taking an action in the absence of a proper direction from the other fiduciary possessing the authority and responsibility to make such a direction, which direction the fiduciary in good faith believes to be authorized and appropriate.

6.4 Indemnification

The Trustee shall not be liable for, and the Employer shall indemnify, defend and hold the Trustee harmless from and against any claims, demands, loss, costs, expense or liability in connection with this Trust Agreement, including reasonable attorneys' fees and costs incurred by the Trustee, arising as a result of Employer's active or passive negligent act or omission or willful misconduct in the execution or performance of the Employer's duties under this Trust Agreement.

In addition, the Trustee shall not be liable for, and Employer shall indemnify and hold the Trustee harmless from and against any claims, demands, loss, costs, expense or liability arising out of or in connection with this Trust Agreement, including reasonable attorneys' fees and costs incurred by the Trustee, in the event that the Trust loses or fails to qualify for tax exempt status under Section 115 of the Code and the Regulations issued or as a tax-exempt trust under the provisions of North Carolina law, unless such results directly or indirectly from the active or passive negligent act or omission of the Trustee or an employee or agent thereof.

This section shall survive the termination of this Trust Agreement.

ARTICLE VII AMENDMENT, TERMINATION AND MERGER

7.1 No Obligation to Continue Trust

Continuance of the Trust and continuation of the Employer's policies and/or applicable collective bargaining agreements that provide OPEB are not assumed as a contractual obligation of the Employer.

7.2 Amendments

(a) The Trust Agreement may only be amended or terminated as provided herein. The Employer shall have the right to amend this Trust Agreement from time to time, and to similarly amend or cancel any amendments. A copy of all amendments shall be delivered to the Trustee and Plan Administrators promptly as each is made.

(b) Such amendments shall be set forth in an instrument in writing executed by the Employer and the Trustee. Any amendment may be current, retroactive or prospective, provided, however, that no amendment shall:

- (1) Cause the Assets of any Trust to be used for or diverted to purposes other than for the exclusive benefit of Eligible Employees of the Employer or for the purpose of defraying the reasonable expenses of administering such Trust.
- (2) Have any retroactive effect so as to reduce the benefits of any Eligible Employees as of the date the amendment is adopted, except that such changes may be made as may be required to permit this Trust Agreement to meet the requirements of applicable law.
- (3) Change or modify the duties, powers or liabilities of the Trustee hereunder without its consent.

7.3 Termination of the Plan

A termination of the Employer's obligation to provide OPEB pursuant to the Employer's policies and/or applicable collective bargaining agreements for which the Trust was established shall not, in itself, effect a termination of the Trust. Upon any termination of the Employer's obligation to provide OPEB pursuant to the Employer's policies and/or applicable collective bargaining agreements, the Assets of the Trust shall be distributed by the Trustee when directed by the Plan Administrator. From and after the date of such

termination and until final distribution of the Assets the Trustee shall continue to have all the powers provided herein as are necessary or expedient for the orderly liquidation and distribution of such assets and the Trust shall continue until the Assets have been completely distributed in accordance with the Employer's policies and/or applicable collective bargaining agreements.

7.4 Fund Recovery Based on Mistake of Fact

Except as hereinafter provided, the Assets of the Trust shall never inure to the benefit of the Employer. The Assets shall be held for the exclusive purposes of providing post-employment health care and welfare benefits to Eligible Employees and defraying reasonable expenses of administering the Trust. However, in the case of a contribution which is made by an Employer because of a mistake of fact, that portion of the contribution relating to the mistake of fact (exclusive of any earnings or losses attributable thereto) may be returned to the Employer, provided such return occurs within two (2) years after discovery by the Employer of the mistake. If any repayment is payable to the Employer, then, as a condition precedent to such repayment, the Employer shall execute, acknowledge and deliver to the Trustee its written undertaking, in a form satisfactory to the Trustee, to indemnify, defend and hold the Trustee harmless from all claims, actions, demands or liabilities arising in connection with such repayment.

7.5 Termination

The Trust may be terminated only by the Employer. Such action must be in writing and delivered to the Trustee in accordance with the terms of this Trust Agreement.

ARTICLE VIII MISCELLANEOUS PROVISIONS

8.1 Nonalienation

Eligible Employees do not have an interest in the Trust. Accordingly, the Trust shall not in any way be liable to attachment, garnishment, assignment or other process, or be seized, taken, appropriated or applied by any legal or equitable process, to pay any debt or liability of an Eligible Employee or any other party. Trust Assets shall not be subject to the claims of the Employer or the claims of its creditors.

8.2 Saving Clause

In the event any provision of this Trust Agreement and each Trust are held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of the Trust Agreement and/or Trust, but this instrument shall be construed and enforced as if said provision had never been included.

8.3 Applicable Law

This Trust Agreement shall be construed, administered and governed under the Code and the law of the State of North Carolina. To the extent any of the provisions of this Trust Agreement are inconsistent with the Code or applicable state law, the provisions of the Code or state law shall control. In the event, however, that any provision is susceptible to

more than one interpretation, such interpretation shall be given thereto as is consistent with the Trust Agreement being a tax-exempt trust within the meaning of the Code.

8.4 Employment of Counsel

The Trustee may consult with legal counsel (who may be counsel for the Trustee or the Employer) and charge the Trust. The Trustee shall be fully protected in relying on advice of such counsel.

8.5 Gender and Number

Words used in the masculine, feminine or neuter gender shall each be deemed to refer to the other whenever the context so requires; and words used in the singular or plural number shall each be deemed to refer to the other whenever the context so requires.

8.6 Headings

Headings used in this Trust Agreement are inserted for convenience of reference only and any conflict between such headings and the text shall be resolved in favor of the text.

8.7 Counterparts

This Trust Agreement may be executed in an original and any number of counterparts by the Employer and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

AGREED TO AND ACCEPTED this 20th day of May, 2019.

TRUSTEE

EMPLOYER

**COUNTY OF CURRITUCK,
NORTH CAROLINA**

By: _____

Title: _____

Attachment: OPEB Trust Agreement - AGPIP (Approval of OPEB Trust)

EXHIBIT A

Other Post-Employment Retirement Benefits

All employees with a hire date through September 1, 2007 who are covered under the County's Group Health Plan and retiring from the County with at least ten years continuous creditable service with Currituck County and eligible for retirement benefits from the North Carolina Local Government Retirement System, are eligible for coverage under the County's Group Health Plan. Employees who have left full-time employment with Currituck County and returned to full-time County service with no longer than a ten (10) day break in service are eligible to contribute accumulated vacation time to account for the break in service. This accumulated vacation time contribution will be based on an hour-for-hour basis not to exceed eighty hours. The County will pay a pro rata share, according to the following schedule, of a retiree's individual coverage but in no instance shall the benefit cost exceed that of an active employee:

NUMBER OF YEARS OF CREDITABLE CURRITUCK COUNTY SERVICE	PERCENTAGE OF COUNTY'S PARTICIPATION IN THE PLAN
10 yrs. but less than 15 yrs	50% of active employee rate
15 yrs. but less than 20 yrs	75% of active employee rate
20 yrs. or more	100% of active employee rate

All employees hired after September 1, 2007 and before January 1, 2017 who are covered under the County's Group Health Plan and retiring from the County with at least twenty (20) years of continuous creditable service with Currituck County and eligible for retirement benefits from the North Carolina Local Government Retirement System, are eligible for coverage under the County's Group Health Plan at a County participation rate of one hundred (100) percent of the active employee rate. Employees hired on or after January 1, 2017 will not be eligible for County-paid insurance at retirement.

Retirees must accept or decline the County's Group Health Plan coverage within sixty (60) days of the day of retirement. Re-enrollment in the County's Group Health Plan after this time period is not optional.

Employee status of coverage will change when a retiree becomes eligible for Medicare. When this occurs, the County's Group Health Plan becomes secondary coverage to Medicare. Coverage will also be affected by a Health Plan provision in which retiree eligibility is amended.

Contract # _____	7.B.11.a
Original Contract # _____	
Requisition # _____	
Original PO# _____	

FIRST AMENDMENT TO LEASE AGREEMENT BY AND BETWEEN COUNTY OF
CURRITUCK AND CURRITUCK COUNTY ABC BOARD

THIS FIRST AMENDMENT to Lease Agreement Contract made and entered into this ____ day of May, 2019 by and between the County of Currituck, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina! (the "County") and Currituck County ABC Board, a North Carolina corporation existing and organized pursuant to the laws of the State of North Carolina, (the "Contractor").

WITNESSETH:

WHEREAS, County and Contractor entered into an agreement effective June 19th, 2014 (the "Contract"), for the Contractor to provide certain services related to the Leasing of property at 500 Hunt Club Drive, Corolla, NC; and

WHEREAS, County and Contractor have determined that modification of the Lease Agreement is desirable;

NOW, THEREFORE it is mutually agreed as follow

1 Section 1 of the Contract is rewritten to read as follows:

1. **Term.** The term of this lease will extend from June 1, 2019 through May 31, 2021 or upon relocation to Corolla Landing Phase 1 construction at 998 Ocean Trail for a new commercial building to house the ABC store, whichever first occurs.

2. Except as amended herein, the terms and conditions of the Agreement shall remain in effect.

In Testimony Whereof, the parties have executed this First Amendment to Lease Agreement by and between the COUNTY OF CURRITUCK and the CURRITUCK COUNTY ABC BOARD in duplicate originals this the _____ day of _____, 2019.

Attachment: ABC Board amendment 2019 (First Amendment to Lease Agreement with ABC Board)

ATTEST:

COUNTY OF CURRITUCK

By: _____

Leeann Walton, Clerk to the Board
Of Commissioners

By: _____ (SEAL)

Robert M. White, Chairman

STATE OF NORTH CAROLINA

COUNTY OF CURRITUCK

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged that he is the Chairman of the Board of Commissioners for Currituck County, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina and that he is Chairman, being authorized to do so, executed the foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, 2019.

Notary Public signature

(SEAL)

Printed Name

My Commission Expires: _____

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

Sandra Hill
Finance Officer

Attachment: ABC Board amendment 2019 (First Amendment to Lease Agreement with ABC Board)

ATTEST:

CURRITUCK COUNTY ABC BOARD

By: _____

By: _____ (SEAL)

STATE OF NORTH CAROLINA

COUNTY OF CURRITUCK

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged that he is the Chairman of the Currituck County ABC Board for Currituck County, North Carolina, a body corporate and politic existing pursuant to the laws of the State of North Carolina and that he as Chairman, being authorized to do so, executed the foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, 2019.

Notary Public signature

(SEAL)

Printed Name

My Commission Expires: _____

Attachment: ABC Board amendment 2019 (First Amendment to Lease Agreement with ABC Board)

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 **County of Currituck**, this 20th day of May, 2019.

Leeann Walton, Clerk to the Board

**AGREEMENT ESTABLISHING
LAW ENFORCEMENT OFFICERS SPECIAL SEPARATION ALLOWANCE (LEOSSA)
TRUST**

This **Trust Agreement** is entered into as of the 20th day of May, 2019 (hereinafter “**Effective Date**”), by and between County of Currituck, North Carolina (hereinafter the “**Employer**”) and County of Currituck LEOSSA Trust (the “**Trustee**”);

RECITALS:

WHEREAS, the governing body of the Employer adopted a resolution dated May 20, 2019 adopting this trust agreement;

WHEREAS, the Employer wishes to establish a trust pursuant to Section 159-30.1 of the North Carolina General Statutes, to be known as the “Local Government Other-Post Employment Benefits Trust” (hereinafter the “**Trust**”), for the purpose of funding its obligation to provide post-employment benefits other than pension benefits, as required to be reported under GASB 45;

WHEREAS, this Trust is established by the Employer with the intention that the Trust qualify as an irrevocable tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Code and the Regulations issued thereunder and as a tax-exempt trust under the provisions of the applicable laws of the State of North Carolina; and

WHEREAS, Employer has appointed the Trustee as trustee of the Trust, and the Trustee has accepted such appointment pursuant to the terms and conditions set forth in this Trust Agreement; and

NOW THEREFORE, for good and valuable consideration, the parties hereto agree as follows:

**ARTICLE I
DEFINITIONS**

- 1.1 “**Assets**” shall mean all contributions and transfers of assets received into the Trust on behalf of the Employer, together with the income and earnings from such contributions and transfers and any increments accruing to them, net of any investment losses, benefits, expenses or other costs.
- 1.2 “**Code**” shall mean the Internal Revenue Code of 1986, as amended from time to time.
- 1.3 “**Employer’s Agent**” shall mean an individual or entity appointed by the Employer to act in such matters as are specified in the appointment.
- 1.4 “**Effective Date**” shall mean the date as of which the Trust is established, as set forth above.
- 1.5 “**Employer**” shall mean the County of Currituck, North Carolina.
- 1.6 “**GASB**” shall mean the Governmental Accounting Standards Board.
- 1.7 “**GASB 45**” shall mean Statement Number 45 issued by GASB requiring public agencies to report LEOSSA Obligations on their balance sheets effective after December 31, 2006.

- 1.8 **“GASB 45 Investment Policy”** shall mean the written investment policy for the Trust which shall be adopted by the Employer and delivered to the Trustee.
- 1.9 **“Investment Advisory Committee”** shall mean a group of qualified private and public sector employees selected by the Employer that will be responsible for establishing and maintaining broad policies and objectives for all aspects of the Trust investments. The committee will review and approve the development or revision of all matters concerning Trust investments. Investment matters addressed by the Investment Advisory Committee shall be communicated to the Employer, and the Employer shall communicate in writing to the Trustee any such investment matters necessary for the Trustee to fulfill its duties hereunder.
- 1.10 **“LEOSSA”** shall mean Law Enforcement Officers Special Separation Allowance.
- 1.11 **“LEOSSA Obligation”** shall mean an Employer’s obligation to provide retirement benefits for Law Enforcement Officers under the special separation allowance.
- 1.12 **“Plan”** shall mean the plan document adopted by the Employer for the purpose of documenting the Employer’s LEOSSA Obligations and governing the Employer’s satisfaction thereof, a copy of which is attached here as Exhibit A.
- 1.13 **“Plan Administrator”** shall mean the individual designated by position of employment at the Employer to act on its behalf in all matters relating to the Plan and Trust.
- 1.14 **“Qualified Investments”** shall mean all investments authorized under Section 159-30.1(b) of the North Carolina General Statutes, including the following:
- (1) Obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States.
 - (2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service.
 - (3) Obligations of the State of North Carolina.
 - (4) Bonds and notes of any North Carolina local government or public authority, to the extent permitted in Section 159.30(c)(4) of the North Carolina General Statutes.
 - (5) Savings certificates issued by any savings and loan association organized under the laws of the State of North Carolina or by any federal savings and loan association having its principal office in North Carolina; provided, that any principal amount of such certificate in excess of the amount insured by the federal government or any agency thereof, or by a mutual deposit guaranty association authorized by the Commissioner of Banks of the Department of Commerce of the State of North Carolina, be fully collateralized.

- (6) Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates of particular obligation.
- (7) Bills of exchange or time drafts drawn on and accepted by a commercial bank and eligible for use as collateral by member banks in borrowing from a federal reserve bank, provided that the accepting bank or its holding company is either (i) incorporated in the State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.
- (8) Participating shares in a mutual fund for local government investment; provided, that the investments of the fund are limited to Qualified Investments hereunder, and the fund is certified by the Local Government Commission. The Local Government Commission shall have the authority to issue rules and regulations concerning the establishment and qualifications of any mutual fund for local government investment.
- (9) A commingled investment pool established and administered by the State Treasurer pursuant to Section 147-69.3 of the North Carolina General Statutes.
- (10) A commingled investment pool established by interlocal agreement by two or more units of local government pursuant to Sections 160A-460 through 160A-464 of the General Statutes of North Carolina, if the investments of the pool are limited to those qualifying for investment under Section 159.30(c)(4) of the North Carolina General Statutes.
- (11) Evidences of ownership of, or fractional undivided interests in, future interest and principal payments on either direct obligations of the United States government or obligations the principal of and the interest on which are guaranteed by the United States, which obligations are held by a bank or trust company organized and existing under the laws of the United States or any state in the capacity of custodian.
- (12) Repurchase agreements with respect to either direct obligations of the United States or obligations the principal of and the interest on which are guaranteed by the United States if entered into with a broker or dealer, as defined by the Securities Exchange Act of 1934, which is a dealer recognized as a primary dealer by a Federal Reserve Bank, or any commercial bank, trust company or national banking association, the deposits of which are insured by the Federal Deposit Insurance Corporation or any successor thereof if:
 - (a) Such obligations that are subject to such repurchase agreement are delivered (in physical or in book entry form) to the local government or public authority, or any financial institution serving either as trustee for the local government or public authority or as fiscal agent for the local government or public authority or are supported by a safekeeping receipt issued by a depository satisfactory to the local government or public authority, provided that such repurchase agreement must provide that the value of the underlying obligations shall be maintained at a current

market value, calculated at least daily, of not less than one hundred percent (100%) of the repurchase price, and, provided further, that the financial institution serving either as trustee or as fiscal agent for the local government or public authority holding the obligations subject to the repurchase agreement hereunder or the depository issuing the safekeeping receipt shall not be the provider of the repurchase agreement;

- (b) A valid and perfected first security interest in the obligations which are the subject of such repurchase agreement has been granted to the local government or public authority or its assignee or book entry procedures, conforming, to the extent practicable, with federal regulations and satisfactory to the local government or public authority have been established for the benefit of the local government or public authority or its assignee;
 - (c) Such securities are free and clear of any adverse third party claims; and
 - (d) Such repurchase agreement is in a form satisfactory to the local government or public authority.
- (13) In connection with funds subject to the arbitrage and rebate provisions of the Code, participating shares in tax-exempt mutual funds, to the extent such participation, in whole or in part, is not subject to such rebate provisions, and taxable mutual funds, to the extent such fund provides services in connection with the calculation of arbitrage rebate requirements under federal income tax law; provided, the investments of any such fund are limited to those bearing one of the two highest ratings of at least one nationally recognized rating service and not bearing a rating below one of the two highest ratings by any nationally recognized rating service which rates the particular fund.
- (14) Investments of the State Treasurer authorized pursuant to Section 147-69.2(b4) of the North Carolina General Statutes.

1.15 “Registered Investment Advisor” shall mean shall mean any Registered Investment Advisor as defined by Securities and Exchange Commission regulations appointed by the Employer or Plan Administrator who has entered into a consulting or management agreement with the Employer for investing the Assets of the Trust.

ARTICLE II THE TRUST

2.1 Purpose

The purpose of the Trust is to hold assets from which to satisfy the Employer’s commitment to Law Enforcement Officers Special Separation Allowance benefits, as offered by the Employer to its employees in accordance with the Employer’s policies and/or applicable collective bargaining agreements.

2.2 Trustee Accounting

The Trustee shall be responsible only for maintaining records and maintaining accounts for the Assets of the Trust. The Employer shall be responsible for Plan-level accounting for LEOSSA.

2.3 No Diversion of Assets

The Assets in the Trust shall be held in trust for the exclusive purpose of providing LEOSSA to eligible employees of the Employer and defraying the reasonable administrative and actuarial expenses of the Trust. The Assets in the Trust shall not be used for or diverted to any other purpose, except as expressly provided herein.

2.4 Type and Nature of Trust

Neither the full faith and credit nor the taxing power of the Employer is pledged to the distribution of benefits hereunder. Except for contributions and other amounts hereunder, no other amounts are pledged to the distribution of benefits hereunder. Distributions of benefits are neither general nor special obligations of any Employer, but are payable solely from the Assets of the Trust, as more fully described herein. No employee of any Employer or beneficiary may compel the exercise of the taxing power by any Employer.

Distributions of Assets under the Trust are not debts of any Employer within the meaning of any constitutional or statutory limitation or restriction. Such distributions are not legal or equitable pledges, charges, liens or encumbrances, upon any of the Employer's property, or upon any of its income, receipts, or revenues, except amounts in the accounts which are, under the terms of the Plan and Trust set aside for distributions. Neither the members of the governing body of the Employer nor its officers, employees, agents or volunteers are liable hereunder.

ARTICLE III ADMINISTRATIVE MATTERS

3.1 Certification to Trustee

The governing body of the Employer, or other duly authorized official, shall certify in writing to the Trustee the names and specimen signatures of the Plan Administrator and Employer's Agent, if any, and all others authorized to act on behalf of the Employer whose names and specimen signatures shall be kept accurate by the Employer acting through a duly authorized official or governing body of the Employer. The Trustee shall have no liability if it acts upon the direction of a Plan Administrator or the Employer's Agent that has been duly authorized hereunder even if that the Plan Administrator or the Employer's Agent is no longer authorized to act, unless the Employer has informed the Trustee of such change in writing.

3.2 Removal of Trustee

The Employer may remove the Trustee. Such action must be in writing and delivered to the Trustee by giving at least ninety (90) days' prior written notice to the Trustee.

3.3 Resignation of Trustee

The Trustee may resign as trustee of the Trust at any time by giving at least ninety (90) days' prior written notice to the Employer and the Plan Administrator. The Employer's appointment of a successor trustee to the Trust will vest the successor trustee with title to the Assets of its Trust upon the successor trustee's acceptance of such appointment.

3.4 Plan Administrator

The governing body of the Employer shall have plenary authority for the administration and investment of the Trust pursuant to applicable state law and applicable federal laws and regulations. The Employer shall by resolution designate a Plan Administrator. Unless otherwise specified in the instrument the Plan Administrator shall be deemed to have authority to act on behalf of the Employer in all matters pertaining to the Trust. Such appointment of a Plan Administrator shall be effective upon receipt and acknowledgment by the Trustee and shall be effective until the Trustee is furnished with a resolution of the Employer that the appointment has been modified or terminated.

3.5 Failure to Appoint Plan Administrator

If the Employer does not appoint a Plan Administrator, or if such appointment lapses, the Employer shall be deemed to be the Plan Administrator.

3.6 Employer's Agent

The Plan Administrator, acting on behalf of the Employer, may delegate certain authority, powers and duties to Employer's Agent to act in those matters specified in the delegation. Any such delegation must be in writing that names and identifies the Employer's Agent, states the effective date of the delegation, specifies the authority and duties delegated, is executed by the Plan Administrator and is acknowledged in writing by the Employer's Agent and certified as required in Section 3.1.

3.7 Notice

Effective notice hereunder shall be delivered via United States Mail or other reliable means of delivery, including via telecopy, electronic mail or overnight delivery service, to the following:

EMPLOYER:

County of Currituck
153 Courthouse Rd
Currituck, North Carolina 27929

Attention: Sandra Hill, Chief Financial Officer

PLAN ADMINISTRATOR:

Finance Director
 County of Currituck
 153 Courthouse Rd
 Currituck, North Carolina 27929

TRUSTEE:

County Manager
 County Attorney

ARTICLE IV THE TRUSTEE

4.1 Powers and Duties of the Trustee

Except as otherwise provided in Article V, and subject to the provisions of Article VI, the Trustee shall have full power and authority with respect to property held in the Trust to perform all acts, take all proceedings, and exercise all rights and privileges, whether specifically referred to or not in this document, as could be done, taken or exercised by the absolute owner, including, without limitation, the following:

- (a) To invest and reinvest the Assets or any part hereof in Qualified Investments pursuant to this Trust and applicable state law.
- (b) To place uninvested cash and cash awaiting distribution in any type of interest-bearing account including, without limitation, time certificates of deposit or interest-bearing accounts issued by a commercial bank or savings and loan association organized under the laws of the State of North Carolina or having its principal office in North Carolina;
- (c) To borrow money for the purposes of the Trust from any source with or without giving security; to pay interest; to issue promissory notes and to secure the repayment thereof by pledging all or any part of the Assets;
- (d) To take all of the following actions: to vote proxies of any stocks, bonds or other securities; to give general or special proxies or powers of attorney with or without power of substitution; to exercise any conversion privileges, subscription rights or other options, and to make any payments incidental thereto; to consent to or otherwise participate in corporate reorganizations or other changes affecting corporate securities and to delegate discretionary powers and to pay any assessments or charges in connection therewith; and generally to exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held in the Trust;
- (e) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(h) To exercise all the further rights, powers, options and privileges granted, provided for, or vested in trustees generally under applicable federal or state laws as amended from time to time, it being intended that, except as herein otherwise provided, the powers conferred upon the Trustee herein shall not be construed as being in limitation of any authority conferred by law, but shall be construed as consistent or in addition thereto.

4.2 Additional Trustee Powers

In addition to the other powers enumerated above, the Trustee in any and all events is authorized and empowered:

- (a) To pay administrative fees as directed by the Plan Administrator;
- (b) To invest funds pending required directions in a designated account as directed by the Investment Advisory Committee or if there is no designated account, any type of interest-bearing account including without limitation, time certificates of deposit or interest-bearing accounts issued by a commercial bank or savings and loan association organized under the laws of the State of North Carolina or having its principal office in North Carolina Trustee or any affiliate thereof;
- (c) To cause all or any part of the Trust to be held in the name of the Trustee (which in such instance need not disclose its fiduciary capacity) or, as permitted by law, in the name of any nominee, and to acquire for the Trust any investment in bearer form, but the books and records of the Trust shall at all times show that all such investments are a part of the Trust and the Trustee shall hold evidences of title to all such investments;
- (d) To appoint a custodian with respect to the Trust Assets;
- (e) To employ such agents and counsel as may be reasonably necessary in managing and protecting the Assets and to pay them reasonable compensation from the Trust; to employ any broker-dealer, including a broker-dealer affiliated with the Trustee, and pay to such broker-dealer at the expense of the Trust, its standard commissions; to settle, compromise or abandon all claims and demands in favor of or against the Trust; and to charge any premium on bonds purchased at par value to the principal of the Trust without amortization from the Trust, regardless of any law relating thereto;
- (f) To abandon, compromise, contest, arbitrate or settle claims or demands; to prosecute, compromise and defend lawsuits, but without obligation to do so, all at the risk and expense of the Trust;
- (g) To exercise and perform any and all of the other powers and duties specified in this Trust Agreement or the Plan;
- (h) To permit such inspections of documents at the principal office of the Trustee as are required by law, subpoena or demand by a United States agency;
- (i) To comply with all requirements imposed by applicable provisions of law;
- (j) To seek written instructions from the Plan Administrator or other fiduciary on any matter and await their written instructions without incurring any liability. If at any

time the Plan Administrator or the fiduciary should fail to give directions to the Trustee, the Trustee may act in the manner that in its discretion seems advisable under the circumstances for carrying out the purposes of the Trust;

(k) To compensate such executive, consultant, actuarial, accounting, investment, appraisal, administrative, clerical, secretarial, medical, custodial, depository and legal firms, personnel and other employees or assistants as are engaged by the Plan Administrator in connection with the administration of the Plan and to pay from the Trust the necessary expenses of such firms, personnel and assistants, to the extent not paid by the Plan Administrator;

(l) To act upon proper written directions of the Employer, Plan Administrator or Employer's Agent;

(m) To pay from the Trust the expenses reasonably incurred in the administration thereof, as provided in the Plan;

(n) To hold uninvested reasonable amounts of cash whenever it is deemed advisable to do so to facilitate disbursements or for other operational reasons,

(o) To have and to exercise such other additional powers as may be advisable for the effective and economical administration of the Trust.

ARTICLE V INVESTMENTS

5.1 Trust Investments

The Employer and the Investment Advisory Committee, if any, shall have responsibility to select Qualified Investments for the Trust Assets. The Employer and the Investment Advisory Committee, if any, may appoint a Registered Investment Advisor to the Trust by executing a written consulting or management agreement with said Registered Investment Advisor.

5.2 Trustee Fees

As may be agreed upon, in writing, between the Employer and Trustee, the Trustee will be paid reasonable compensation for services rendered or reimbursed for expenses properly and actually incurred in the performance of duties with respect to the Trust. The Trustee shall be entitled to receive its fees and expenses when due directly from the Trust. Notwithstanding the foregoing, any Trustee who is an employee of the Employer shall receive no fee for service as a Trustee hereunder.

5.3 Contributions

Eligible Employees may be permitted to make contributions to the Trust, subject to approval of the Plan Administrator. The Plan Administrator shall, on behalf of the Employer, make all contributions to the Trust. Such contributions shall be in cash, unless the Trustee agrees to accept a contribution that is not in cash. All contributions shall be paid to the Trustee for investment and reinvestment pursuant to the terms of this Trust Agreement. The Trustee shall not have any duty to determine or inquire whether

any contributions to the Trust made to the Trustee by the Plan Administrator are in compliance with the Employer's policies and/or collective bargaining agreements applicable state law, nor shall the Trustee have any duty or authority to compute any amount to be paid to the Trustee by the Plan Administrator; nor shall the Trustee be responsible for the collection or adequacy of the contributions to meet the Employer's LEOSSA Obligation, as may be determined under GASB 45. The contributions received by the Trustee from the Employer shall be held and administered pursuant to the terms hereof without distinction between income and principal.

5.4 Records

(a) The Trustee shall maintain accurate records and detailed accounts of all investments, receipts, disbursements and other transactions hereunder. Such records shall be available at all reasonable times for inspection by the Employer and Plan Administrator. The Trustee shall, at the direction of the Plan Administrator, submit such valuations, reports or other information as the Plan Administrator may reasonably require.

(b) The Assets of the Trust shall be valued at their fair market value on the date of valuation, as determined by the Trustee based upon such sources of information as it may deem reliable; provided, however, that the Plan Administrator shall instruct the Trustee as to valuation of assets which are not readily determinable on an established market. The Trustee may rely conclusively on such valuations provided by the Plan Administrator and shall be indemnified and held harmless by the Employer with respect to such reliance. If the Plan Administrator fails to provide such values, the Trustee may take whatever action it deems reasonable, including employment of attorneys, appraisers or other professionals, the expense of which will be an expense of administration of the Trust. Transactions in the account involving such hard to value assets may be postponed until appropriate valuations have been received and Trustee shall have no liability therefore.

5.5 Statements

(a) Periodically as specified, and within sixty (60) days after December 31, or the end of the Trust's fiscal year if different, Trustee shall render to the Plan Administrator as directed, a written account showing in reasonable summary the investments, receipts, disbursements and other transactions engaged in by the Trustee during the preceding fiscal year or period with respect to the Trust. Such account shall set forth the assets and liabilities of the Trust valued as of the end of the accounting period.

(b) The Plan Administrator may approve such statements either by written notice or by failure to express objections to such statements by written notice delivered to the Trustee within ninety (90) days from the date the statement is delivered to the Plan Administrator. Upon approval, the Trustee shall be released and discharged as to all matters and items set forth in such statement as if such account had been settled and allowed by a decree from a court of competent jurisdiction.

5.6 Exclusive Benefit

The Assets of the Trust shall be held in trust for the exclusive purpose of providing LEOSSA benefits to the Eligible Employees of the Employer pursuant to the Employer's policies and/or applicable collective bargaining agreements, and defraying the reasonable

expenses associated with the providing of such benefits, and shall not be used for or diverted to any other purpose.

ARTICLE VI FIDUCIARY RESPONSIBILITIES

6.1 More Than One Fiduciary Capacity

Any one or more of the fiduciaries with respect to the Trust Agreement or the Trust may, to the extent required thereby or as directed by the Plan Administrator pursuant to this Trust Agreement, serve in more than one fiduciary capacity with respect to the Trust Agreement and the Trust.

6.2 Fiduciary Discharge of Duties

Except as otherwise provided by applicable law, each fiduciary shall discharge such fiduciary's duties with respect to the Trust Agreement and the Trust:

- (a) solely in the interest of the Eligible Employees and for the exclusive purpose of providing LEOSSA benefits to Eligible Employees, and defraying reasonable administrative and actuarial expenses associated with providing such benefits; and
- (b) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims.

6.3 Limitations on Fiduciary Responsibility

To the extent allowed by the state law applicable to this Trust Agreement:

- (a) No fiduciary shall be liable with respect to a breach of fiduciary duty by any other fiduciary if such breach was committed before such party became a fiduciary or after such party ceased to be a fiduciary.
- (b) No fiduciary shall be liable for a breach by another fiduciary except as provided by law.
- (c) No fiduciary shall be liable for carrying out a proper direction from another fiduciary, including refraining from taking an action in the absence of a proper direction from the other fiduciary possessing the authority and responsibility to make such a direction, which direction the fiduciary in good faith believes to be authorized and appropriate.

6.4 Indemnification

The Trustee shall not be liable for, and the Employer shall indemnify, defend and hold the Trustee harmless from and against any claims, demands, loss, costs, expense or liability in connection with this Trust Agreement, including reasonable attorneys' fees and costs incurred by the Trustee, arising as a result of Employer's active or passive negligent act or omission or willful misconduct in the execution or performance of the Employer's duties under this Trust Agreement.

In addition, the Trustee shall not be liable for, and Employer shall indemnify and hold the Trustee harmless from and against any claims, demands, loss, costs, expense or liability arising out of or in connection with this Trust Agreement, including reasonable attorneys' fees and costs incurred by the Trustee, in the event that the Trust loses or fails to qualify for tax exempt status under Section 115 of the Code and the Regulations issued or as a tax-exempt trust under the provisions of North Carolina law, unless such results directly or indirectly from the active or passive negligent act or omission of the Trustee or an employee or agent thereof.

This section shall survive the termination of this Trust Agreement.

ARTICLE VII AMENDMENT, TERMINATION AND MERGER

7.1 No Obligation to Continue Trust

Continuance of the Trust and continuation of the Employer's policies and/or applicable collective bargaining agreements that provide LEOSSA benefits are not assumed as a contractual obligation of the Employer.

7.2 Amendments

(a) The Trust Agreement may only be amended or terminated as provided herein. The Employer shall have the right to amend this Trust Agreement from time to time, and to similarly amend or cancel any amendments. A copy of all amendments shall be delivered to the Trustee and Plan Administrators promptly as each is made.

(b) Such amendments shall be set forth in an instrument in writing executed by the Employer and the Trustee. Any amendment may be current, retroactive or prospective, provided, however, that no amendment shall:

- (1) Cause the Assets of any Trust to be used for or diverted to purposes other than for the exclusive benefit of Eligible Employees of the Employer or for the purpose of defraying the reasonable expenses of administering such Trust.
- (2) Have any retroactive effect so as to reduce the benefits of any Eligible Employees as of the date the amendment is adopted, except that such changes may be made as may be required to permit this Trust Agreement to meet the requirements of applicable law.
- (3) Change or modify the duties, powers or liabilities of the Trustee hereunder without its consent.

7.3 Termination of the Plan

A termination of the Employer's obligation to provide LEOSSA benefits pursuant to the Employer's policies and/or applicable collective bargaining agreements for which the Trust was established shall not, in itself, effect a termination of the Trust. Upon any termination of the Employer's obligation to provide LEOSSA pursuant to the Employer's policies and/or applicable collective bargaining agreements, the Assets of the Trust shall be distributed by the Trustee when directed by the Plan Administrator. From and after

the date of such termination and until final distribution of the Assets the Trustee shall continue to have all the powers provided herein as are necessary or expedient for the orderly liquidation and distribution of such assets and the Trust shall continue until the Assets have been completely distributed in accordance with the Employer's policies and/or applicable collective bargaining agreements.

7.4 Fund Recovery Based on Mistake of Fact

Except as hereinafter provided, the Assets of the Trust shall never inure to the benefit of the Employer. The Assets shall be held for the exclusive purposes of providing post-employment health care and welfare benefits to Eligible Employees and defraying reasonable expenses of administering the Trust. However, in the case of a contribution which is made by an Employer because of a mistake of fact, that portion of the contribution relating to the mistake of fact (exclusive of any earnings or losses attributable thereto) may be returned to the Employer, provided such return occurs within two (2) years after discovery by the Employer of the mistake. If any repayment is payable to the Employer, then, as a condition precedent to such repayment, the Employer shall execute, acknowledge and deliver to the Trustee its written undertaking, in a form satisfactory to the Trustee, to indemnify, defend and hold the Trustee harmless from all claims, actions, demands or liabilities arising in connection with such repayment.

7.5 Termination

The Trust may be terminated only by the Employer. Such action must be in writing and delivered to the Trustee in accordance with the terms of this Trust Agreement.

ARTICLE VIII MISCELLANEOUS PROVISIONS

8.1 Nonalienation

Eligible Employees do not have an interest in the Trust. Accordingly, the Trust shall not in any way be liable to attachment, garnishment, assignment or other process, or be seized, taken, appropriated or applied by any legal or equitable process, to pay any debt or liability of an Eligible Employee or any other party. Trust Assets shall not be subject to the claims of the Employer or the claims of its creditors.

8.2 Saving Clause

In the event any provision of this Trust Agreement and each Trust are held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of the Trust Agreement and/or Trust, but this instrument shall be construed and enforced as if said provision had never been included.

8.3 Applicable Law

This Trust Agreement shall be construed, administered and governed under the Code and the law of the State of North Carolina. To the extent any of the provisions of this Trust Agreement are inconsistent with the Code or applicable state law, the provisions of the Code or state law shall control. In the event, however, that any provision is susceptible to

more than one interpretation, such interpretation shall be given thereto as is consistent with the Trust Agreement being a tax-exempt trust within the meaning of the Code.

8.4 Employment of Counsel

The Trustee may consult with legal counsel (who may be counsel for the Trustee or the Employer) and charge the Trust. The Trustee shall be fully protected in relying on advice of such counsel.

8.5 Gender and Number

Words used in the masculine, feminine or neuter gender shall each be deemed to refer to the other whenever the context so requires; and words used in the singular or plural number shall each be deemed to refer to the other whenever the context so requires.

8.6 Headings

Headings used in this Trust Agreement are inserted for convenience of reference only and any conflict between such headings and the text shall be resolved in favor of the text.

8.7 Counterparts

This Trust Agreement may be executed in an original and any number of counterparts by the Employer and Trustee, each of which shall be deemed to be an original of the one and the same instrument.

AGREED TO AND ACCEPTED this 20th day of May, 2019.

TRUSTEE

EMPLOYER

**COUNTY OF CURRITUCK,
 NORTH CAROLINA**

By: _____

Title: _____

EXHIBIT A

Currituck County administers a public employee retirement system (the *Separation Allowance*), a single-employer defined benefit pension plan that provides retirement benefits to the County's qualified sworn law enforcement officers under the age of 62 who have completed at least 30 years of creditable service or have attained 55 years of age and have completed five or more years of creditable service. The Separation Allowance is equal to 0.85 percent of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service. The retirement benefits are not subject to any increases in salary or retirement allowances that may be authorized by the General Assembly. Article 12D of G.S. Chapter 143 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly.

Basis of Accounting. The County has chosen to fund the Separation Allowance on a pay as you go basis by making a deposit to the Post Employment Benefits Fund from the General fund. The amount of this contribution is based on the prior year actuarial study. Pension expenditures are made from the Post Employment Benefits Fund, which is maintained on the modified accrual basis of accounting. Employer contributions to the plan are recognized when due and when the County has made a formal commitment to provide the contributions. Benefits are recognized when due and payable in accordance with the terms of the plan.

The County is required by Article 12D of G.S. Chapter 143 to provide these retirement benefits and has chosen to fund the amounts necessary to cover the benefits earned on a pay as you go basis through appropriations made in the Post-Employment Benefits Fund operating budget. There were no contributions made by employees. The County's obligation to contribute to this plan is established and may be amended by the North Carolina General Assembly. Administration costs of the Separation Allowance are financed through investment earnings.

Number

TDA2019026

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 20th day of May 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>
15442-514000	Travel		\$ 4,000
15442-532000	Supplies		\$ 7,000
15442-526200	Promotions	\$ 11,000	
		<u>\$ 11,000</u>	<u>\$ 11,000</u>

Explanation: Occupancy Tax Promotions (15442) - Transfer budgeted funds for funding to cover additional advertising - National Country Sales Marketing Cooperative.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: May 20_TDA_BAs (TDA Budget Amendments)

Number

TDA2019027

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 20th day of May 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>
15447-561000	Professional Services	\$ 100,000	
15320-415000	Occupancy Tax		\$ 100,000
		<u>\$ 100,000</u>	<u>\$ 100,000</u>

Explanation: Occupancy Tax - Tourism Related (15447) - Increase appropriations to defend recent lawsuit.

Net Budget Effect: Occupancy Tax Fund (15) -Increased by \$100,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Attachment: May 20_TDA_BAs (TDA Budget Amendments)