



**CURRITUCK COUNTY
NORTH CAROLINA**

August 25, 2021

Minutes – Special Meeting of the Board of Commissioners

4:30 PM CALL TO ORDER

The Currituck County Board of Commissioners met at 4:30 PM in a Special Meeting. The meeting was held in the Historic Courthouse Board Meeting Room, 153 Courthouse Road, Currituck, North Carolina, for the purpose of discussion and consideration of the following:

- **Discussion of County Manager Search and Recruitment Process-Neil Emory, North Carolina Association of County Commissioners**
- **Discussion of County's Position on Mallinckrodt Bankruptcy Relative to Opioid Litigation**
- **Discussion of Expanded Easement Across County Property at Corolla Bay Subdivision**
- **Discussion of County Position on State Senate Proposal Limiting County Authority to Regulate Stormwater**
- **Discussion of Pro-Active County Plan Development to Address Covid-19 Closed Session**
- **Closed Session Pursuant to G.S. 143-318.11(a)(6) to Discuss Personnel Matters**

Attendee Name	Title	Status	Arrived
Michael H. Payment	Chairman	Present	
Paul M. Beaumont	Vice Chairman	Present	
J. Owen Etheridge	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Selina S. Jarvis	Commissioner	Present	
Kevin E. McCord	Commissioner	Present	4:47 PM
Bob White	Commissioner	Present	

Chairman Payment called the meeting to order at 4:30 PM.

A) Approval of Agenda

Commissioner White moved for approval of the agenda. Commissioner Jarvis seconded the motion. The motion carried, 6-0.

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

NEW BUSINESS

A. Discussion of County Manager Search and Recruitment Process-Neil Emory, North Carolina Association of County Commissioners

The Board of Commissioners received a presentation from Neil Emory, Outreach Associate for the North Carolina Association of County Commissioners (NCACC), on the process for recruitment of a County Manager. Mr. Emory provided his management experience over thirty years in government and shared ideas and considerations pertaining to search and recruitment. Services available from the NCACC were presented and Mr. Emory discussed things the Board will want to determine before beginning the recruitment process, such as selecting an Interim Manager, considering outside firms search firms, setting the compensation range, and defining and prioritizing the skills the Board wants in a manager.

Mr. Emory suggested the interim position should not exceed six months, but recognized the challenges with finding applicants due to the number of positions currently available. He detailed the process from development and submittal of applications, applicant review and selection, and the interview process. Mr. Emory encouraged Commissioners not to rush through the process, and to take time to develop a plan. He offered his services and the assistance of the NCACC and responded to questions from Commissioners related to recruitment.

Discussion concluded and a Work Session was set for the September 7, 2021, Board of Commissioners meeting to discuss and develop a recruitment plan. The Work Session concluded at 5:32 PM. Chairman Payment recessed the Board of Commissioners meeting.

B. Discussion of County's Position on Mallinckrodt Bankruptcy Relative to Opioid Litigation

Chairman Payment reconvened the meeting at 6:05 PM.

Ike McRee, County Attorney, reported one of the defendants in ongoing Opioid litigation, in which the County is a Plaintiff, is reorganizing due to financial issues. The County received a ballot because Currituck County is listed as a creditor, and Mr. McRee asked for direction as to how the Board wished to vote on the reorganization. Mr. McRee said the national attorneys representing litigants in the suit recommend voting in favor of the reorganization.

Commissioner Beaumont moved to authorize Mr. McRee to submit a vote in favor of reorganization as advised. Commissioner McCord seconded the motion. The motion carried, 7-0.

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

C. Discussion of Expanded Easement Across County Property at Corolla Bay Subdivision

Ike McRee, County Attorney, explained a request by a property owner in Corolla Bay who wants to expand an easement from four feet to six foot in width to allow construction of a six foot wide pier and dock on the sound. Mr. McRee reviewed documents in the agenda packet, which included an overhead plat, and displayed the location of the existing easement. Due to the County having riparian rights at the waters edge as well, the Division of Coastal Management requires written authority from the County to allow the walkway extension and the six-foot wide dock. Following discussion, Commissioners agreed to the request. Staff will notify the property owners and proper documentation, including a Deed of Easement, will be brought back to the Board for final action.

D. Discussion of County Position on State Senate Proposal Limiting County Authority to Regulate Stormwater

Ike McRee, County Attorney, reviewed budget items being proposed in the North Carolina State Senate that would limit a County's authority to regulate land use. Mr. McRee said the legislation would impact Currituck County in several ways: eliminate heritage tree preservation efforts, remove the ability to require traffic impact studies for development, and most importantly, County authority to require stormwater improvements above what is required by state regulation would be lost. North Carolina House Representative, Bobby Hanig, has expressed his opposition to the legislation, and after discussion, Commissioners directed staff to compose a formal Resolution expressing opposition to the legislation and to encourage elected officials at the state level to vote against the measure. Mr. McRee said he would prepare the Resolution for consideration at the September 7, 2021, Commissioners meeting.

E. Discussion on the Development of a Pro-Active Plan for the County to Address Covid-19

Commissioners considered putting out an early statement to address issues that may arise from the recent uptick in Covid-19 cases. Commissioner Beaumont suggested the County issue a statement to ensure the public that the County will have no masking or vaccine mandates and that businesses are free to incorporate requirements as they see fit. Commissioners discussed whether a statement at this time is premature and chose to

wait to see if mandates are handed down by the State of North Carolina before any statement is issued by the County.

CLOSED SESSION

Closed Session Pursuant to G.S. 143-318.11(a)(6) to Discuss Personnel Matters

Commissioner White moved to enter into Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss Personnel matters. Commissioner McCord seconded the motion. The motion carried, 7-0, and the Board entered Closed Session at 6:30 PM.

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

ADJOURN

Motion to Adjourn Meeting

Commissioners returned from Closed Session at 6:50 PM and County Attorney, Ike McRee, was asked to update Commissioners on the status of the Ocean Sands condemnation for stormwater easements. He said the county will be moving forward within the next week by filing a complaint with the court to take possession of all easements. Mr. McRee provided updates on the status of some outstanding Code Enforcement issues and said he would review the status of the contract for Corolla Fire.

Business concluded and Commissioner McCord moved to adjourn. Commissioner White seconded the motion. The motion carried and the Special Meeting of the Board of Commissioners adjourned at 6:52 PM.

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



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3208)

Agenda Item Title: Discussion of County Manager Search and Recruitment Process-Neil Emory, North Carolina Association of County Commissioners

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Discussion

Brief Description of Agenda Item:

Mr. Emory will review the processes for recruitment of a County Manager.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3209)

Agenda Item Title: Discussion of County's Position on Mallinckrodt Bankruptcy Relative to Opioid Litigation

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Discussion

Brief Description of Agenda Item:

The County Attorney will ask for direction from the Board on the county's position related to the Mallinckrodt Pharmaceuticals bankruptcy. Mr. McRee will report on impacts related to the County's Opioid litigation suit and the bankruptcy filing for Board consideration and discussion.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3210)

Agenda Item Title: Discussion of Expanded Easement Across County Property at Corolla Bay Subdivision

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Discussion

Brief Description of Agenda Item:

A request has been made for an easement across county property to be expanded from 4 feet to 6 feet for dock construction by a property owner in Corolla Bay.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:

From: [Ike McRee](#)
To: [Leeann Walton](#)
Subject: FW: [EXTERNAL] Corolla Bay; File No. 10589-067
Date: Friday, August 20, 2021 12:14:40 PM
Attachments: [Lot 17 Plat.pdf](#)

From: Kelly Griggs <kellyg@grayandlloyd.com>
Sent: Friday, July 30, 2021 4:26 PM
To: Ike McRee <Ike.Mcree@CurrituckCountyNC.gov>
Cc: Crouse Gray <crouseg@grayandlloyd.com>
Subject: [EXTERNAL] Corolla Bay; File No. 10589-067

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Dictated by E. Crouse Gray, Jr; Transcribed by Kelly Griggs:

Ike,

I have spoken with you a couple of times regarding the easements which were granted for Lots 11 through 17, Corolla Bay, to have walkways/piers which cross the property owned by Currituck County. As you know, there is a specific deed reservation of this right. Unfortunately, as I discussed with you, the width that is presently granted is insufficient if someone wishes to construct a pier that might be of sufficient width to have a boat docked. In addition, based on the 2017 Court of Appeals decision of *Kings Harbor Homeowners Association, Inc. v. Goldman* (2017), 253 NC App. 726, 800 SE2d. 129, I believe it is necessary to make it clear that the easement include riparian rights in order for the walkway to extend and become a pier. As such, a request is hereby made to Currituck County to extend the width of each easement to 40ft. in width, in order to accommodate potential boat docking and, to have the easement clearly delineating that it includes the riparian rights for purposes of construction of a pier and boat docking facilities.

I am attaching copy of a plat for Lot 17, to give you an idea of what I am talking about.

I would appreciate your conferring with the Commissioners of Currituck County to determine if this is something we can work through.

With best,

E. Crouse Gray, Jr.
 Gray & Lloyd, LLP
 Attorneys at Law
 The Executive Center
 3120 N. Croatan Hwy, Ste. 101

Attachment: SM-8-25-2021-Corolla Bay; File No. 10589-067 (Corolla Bay Easement Expansion)

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 Facsimile: (252) 441-8414
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WARNING: NEVER INITIATE A WIRE TRANSFER TO MY FIRM UNLESS YOU HAVE PERSONALLY SPOKEN WITH MY STAFF TO CONFIRM THE WIRING INSTRUCTIONS ARE ACCURATE. HACKERS CAN SEND YOU FALSE INSTRUCTIONS.

COVID-19 NOTE: We thank you for your cooperation as we all try to mitigate any risk for ourselves and our clientele. Please be aware that we are doing everything possible to continue normal operations of our business while also trying to keep everyone safe and are approaching this issue on a day by day basis. As such, we have adopted the precautions and procedures outlined below. We will continue to update you should our business operations change.

COVID-19 Precautions:

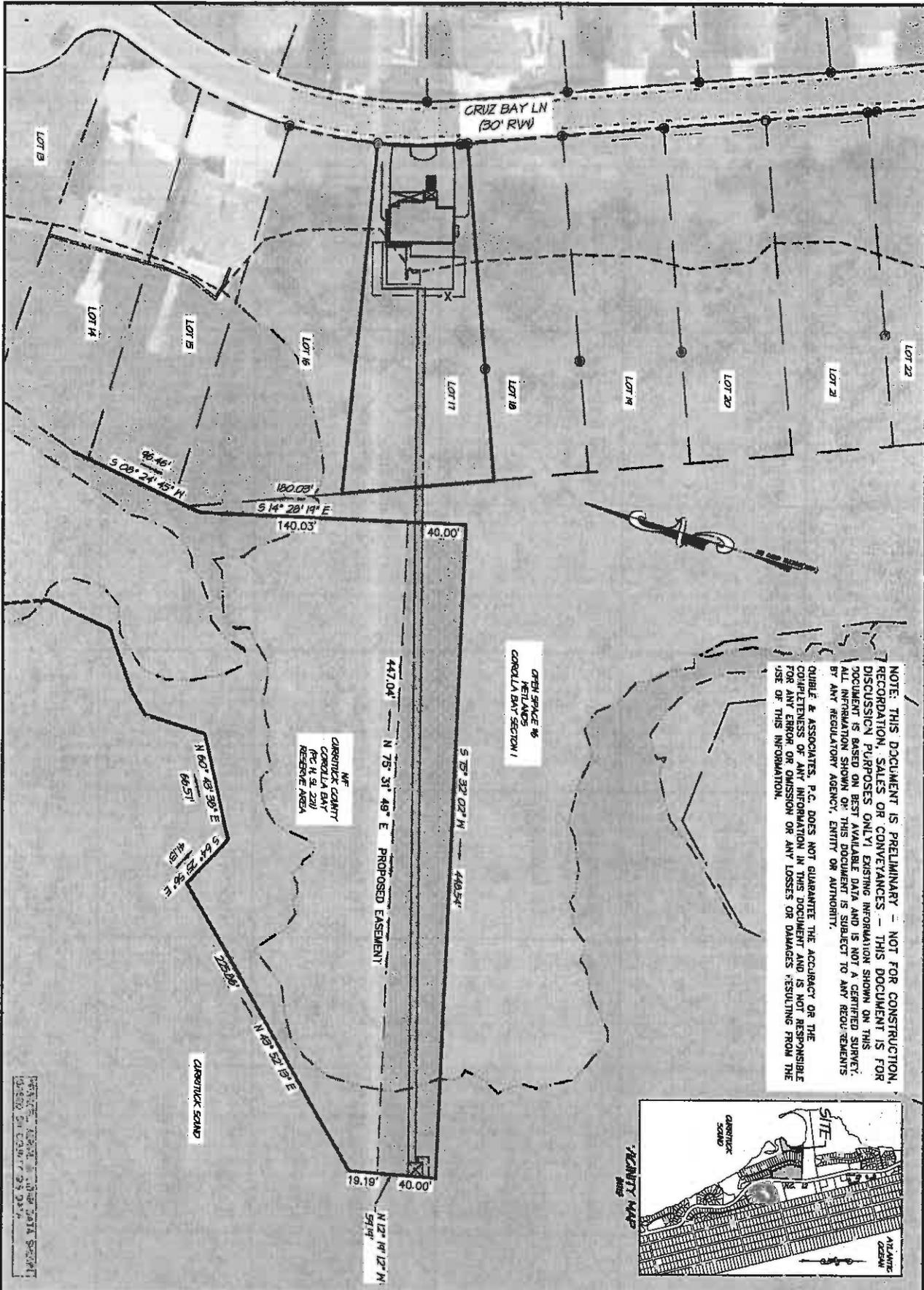
- *At this time we are operating on our normal schedule (Monday – Friday 8:30 am – 5:00 pm).
- * While our lobby is available for drop offs, pickups and for the execution of documents, we are trying to reduce the number of people coming into our office, limit in person meetings and practice social distancing.
- *If your matter can be handled over the phone, by email, snail mail or some express delivery, we encourage you to do so.
- *We ask that you please bring your own blue pens to execute documents and if possible email us scans of your driver's license if your signature needs to be notarized by our staff.
- *We are routinely wiping down the doorknobs, furniture, fixtures and light switches throughout the day, specifically as staff and clients come and go and washing our hands frequently.
- *If you are sick or have a sick family member, please notify us prior to coming into our office so we can either reschedule or make alternate plans. We do have a drop box outside next to the steps leading to our office.

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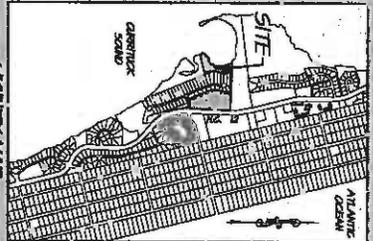
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 CHECKED BY: BDR

PROJECT: P99006
 DRAWN BY: BRJ
 CHECKED BY: BDR
 DATE: 02/18/2021

PROPOSED FIRE EASEMENT FOR LOT 17 COROLLA BAY
COROLLA BAY OPEN AREA
CURRITUCK COUNTY
 POPLAR BRANCH TOWNSHIP CURRITUCK COUNTY
 NORTH CAROLINA

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

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Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3211)

Agenda Item Title: Discussion of County Position on State Senate Proposal Limiting County Authority to Regulate Stormwater

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Discussion

Brief Description of Agenda Item:

County Attorney will report on the Senate proposal limiting the county's authority and ask the Board for their position on the proposed legislation.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3212)

Agenda Item Title: Discussion on the Development of a Pro-Active Plan for the County to Address Covid-19

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Discussion

Brief Description of Agenda Item:

Consider and develop a plan for county staff and operations for implementation to address Covid-19, should it become necessary due to increased case numbers in the county.

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation:



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 3213)

Agenda Item Title: Closed Session Pursuant to G.S. 143-318.11(a)(6) to Discuss Personnel Matters

Submitted By: Leeann Walton – County Manager

Presenter of Item:

Board Action: Discussion

Brief Description of Agenda Item:

Closed Session Discussion-Personnel

Potential Budget Affect: N/A

Is this item regulated by plan, regulation or statute? No

Manager Recommendation: