



**Board of Commissioners
Agenda Packet**

November 6, 2017

Work Session

5:00 PM North Carolina Association of County Commissioners-Amy Bason, Executive Director and General Counsel

6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance-Reverend Ronnie Culley, Christian Home Baptist
- 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.

New Business

- A) An Ordinance of the Currituck County Board of Commissioners Amending Sections 10-57, 10-62, 10-63, 10-64 and 10-129 of the Currituck County Code of Ordinances Regulating Driving and Certain Uses on the County's Ocean Beach
- B) Amendment to the Wild Horse Management Agreement
- C) Consent Agenda
 - 1. Approval Of Minutes for October 16, 2017
 - 2. Budget Amendments
 - 3. Tax Resolution for 2017 Order of Collections
 - 4. Consideration of School Board Request to Utilize Lottery Funds
 - 5. Plan Sponsor Agreement approving Nationwide Investment Advisors, LLC to act as Advisors to County Employees Enrolled in Deferred Compensation Plans
 - 6. Personnel Policy Revisions
 - 7. Petition for Road Addition-Rosedale Court and Rosedale Drive, Rosewood Subdivision, Moyock
- D) Commissioner's Report
- E) County Manager's Report

Adjourn**Special Meeting of the Tourism Development Authority**

TDA Budget Amendments

Consideration of Bid Award-Mobile Stage Unit

Adjourn Special Meeting



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2021)

Agenda Item Title

5:00 PM North Carolina Association of County Commissioners-Amy Bason, Executive Director and General Counsel

Brief Description of Agenda Item:

Executive Director of the NCACC, Amy Bason, will present information on the organization and its services.

Board Action Requested

Information

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2024)

Agenda Item Title

An Ordinance of the Currituck County Board of Commissioners Amending Sections 10-57, 10-62, 10-63, 10-64 and 10-129 of the Currituck County Code of Ordinances Regulating Driving and Certain Uses on the County's Ocean Beach

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Ike McRee

**AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF
COMMISSIONERS AMENDING SECTIONS 10-57, 10-62, 10-63, 10-64 AND
10-129 OF THE CURTITUCK COUNTY CODE OF ORDINANCES
REGULATING DRIVING AND CERTAIN USES ON THE COUNTY'S
OCEAN BEACH**

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-145.3 a county may, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions upon the State's ocean beaches and prevent or abate any unreasonable restriction of the public's right to use the State's ocean beaches; may regulate, restrict, or prohibit the placement, maintenance, location or use of equipment, personal property, or debris upon the State's ocean beaches; and may otherwise enforce any ordinance adopted pursuant to this section or any other of provision of law upon the State's ocean beaches located within the county's jurisdictional boundaries; and

WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws the county may by ordinance regulate, restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven vehicle specified by the county's governing board on the foreshore, beach strand and barrier dune system.

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

PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting Section 10-57 of the Code of Ordinances to read as follows:

Sec. 10-57. - Registration; plates; decal.

Any vehicles, motorcycles or motor vehicles operated on the Outer Banks shall be registered and have current license plates and an inspection decal for the state in which the vehicle is registered. This section shall be effective ~~for~~ from the Dare County line to the ~~southside~~ North Beach Access Ramp at North Beach Access Road Virginia state line.

1 PART II. The Code of Ordinances, Currituck County, North Carolina is amended
 2 by rewriting Section 10-62 of the Code of Ordinances to read as follows:

3 **Sec. 10-62. - Blocking foreshore.**

4 (a) No person shall block the foreshore in such a manner that would prohibit
 5 vehicular travel along the foreshore. This paragraph shall not apply between 9:00
a.m. and 5:00 p.m. from Memorial Day to Labor Day in that area between the North
Beach Ramp and Mile Post 17.

8 (b) All vehicles parked on the beach strand shall be parked in the middle of the
beach strand area east of the dune line and west of the hard packed sand strip
adjaceant to the water's edge such that vehicular traffic may pass without
 11 obstruction adjacent to the dune line and, except between 9:00 a.m. and 5:00 p.m.
from Memorial Day to Labor Day in that area between the North Beach Ramp and
Mile Post 17, adjacent to the water's edge. There shall be no lawn chairs, coolers,
 14 fishing lines or any other items allowed to block blocking the beach strand in any
 15 manner that would restrict vehicular movement in a north-south direction along the
 16 dune line, or There shall be no lawn chairs, coolers, fishing lines or any other items
blocking the foreshore in any manner that restricts public safety and emergency
 18 response vehicular movement in a north-south direction along the water's edge.

20 (c) Notwithstanding paragraphs (a) and (b) of this section, no vehicle shall travel
between the North Beach Ramp and Mile Post 17 in a north or south direction
between 9:00 a.m. and 5:00 p.m. from Memorial Day to Labor Day except in an area
bounded on the west by the toe of the dune line and extending eastward to the
middle of the beach strand.

26 (e) (d) No vehicle of any type shall be allowed to be parked on the beach strand in
 27 an area extending from the north beach access ramp northward for one-half mile.
 28 Violators shall be towed.

29

30 PART III. The Code of Ordinances, Currituck County, North Carolina is amended
 31 by rewriting Section 10-63 of the Code of Ordinances to read as follows:

32 **Sec. 10-63. - Restricted areas.**

33 (a) Where there is an improved all-weather road, dedicated to public use, and
 34 running generally north and south and parallel to the beach strand, all vehicles,
 35 mopeds, motorcycles or motor vehicles on the foreshore and beach strand are
 36 prohibited between May 1 and September 30. This section shall apply specifically
 37 to, but is not limited to, the foreshore and beach strand extending from the Dare
 38 County line to the north side of the North Beach Access Ramp at North Beach
 39 Access Road.

1 (b) All commercial activities involving motor vehicles, mopeds and horses shall be
 2 prohibited from operating on the beach foreshore and the beach strand. This
 3 includes vehicles used to tow hang gliders.

4 (c) The provisions of subsections (a) and (b) of this section do not apply to the
 5 following:

6 (1) ~~Delivery, placement and pickup of reerational equipment, umbrellas and~~
 7 ~~chairs and collection of solid waste between the hours of 6:00 a.m. and 7:30~~
 8 ~~a.m. and 5:30 p.m. and 7:00 p.m. by (i) commercial entities that are delivering,~~
 9 ~~placing and picking up recreational equipment, umbrellas and chairs for~~
 10 ~~customers renting such equipment prior to its delivery, placement and pickup~~
 11 ~~and that maintain a base of operation within the county provided that each~~
 12 ~~motor vehicle is permitted in the manner provided for by section 10-64 of this~~
 13 ~~Code and (ii) management of planned unit development communities adjacent~~
 14 ~~to the Atlantic Ocean or with ownership of the beach foreshore and beach~~
 15 ~~strand, provided that each motor vehicle is permitted in the manner provided~~
 16 ~~for by section 10-64 of this Code;~~

17 (2) (1) Activity under a Coastal Area Management Act (CAMA) permit
 18 requiring access to the beach and authorized by the county local permitting
 19 officer;

20 (3) (2) County employees, county contractors, county vehicles or emergency
 21 vehicles or the drivers thereof, which may be required to enter upon the
 22 beach in the performance of their duties or a governmental agency, its
 23 employees, agents, contractors and subcontractors and their vehicles when
 24 engaged in beach restoration or protection work or conducting scientific
 25 research or animal preservation studies or operations;

26 (4) (3) The use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m.
 27 by management or contractor of a planned unit development community
 28 within that area of the beach strand between the southern right-of-way line
 29 of Shad Street northward to the northern right-of-way line of Corolla Village
 30 Road (SR 1152) provided that a motor vehicle used pursuant to this
 31 subsection may travel across the Shad Street and Corolla Village Road
 32 rights-of-way onto the beach strand only between the hours of 6:00 a.m. and
 33 7:30 a.m. and 5:30 p.m. and 7:00 p.m. and the motor vehicle is permitted in
 34 the manner required by section 10-64 of this Code;

35 (5) ~~The use of a motor vehicle between the hours of 7:30 a.m. and 5:30~~
 36 ~~p.m. by management of a planned unit development community within that~~
 37 ~~area of the beach strand between the northern boundary line of Pine Island~~
 38 ~~Planned Unit Development northward for a distance of 130 feet provided that a~~
 39 ~~motor vehicle used as provided by this subsection may travel across the dune~~
 40 ~~line onto the beach strand only between the hours of 6:00 a.m. and 7:30 a.m.~~
 41 ~~and 5:30 p.m. and 7:00 p.m. and the motor vehicle is permitted in the manner~~
 42 ~~required by section 10-64 of this Code;~~

1 (6) (4) The use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m.
2 by management or contractor of a planned unit development community
3 within that area of the beach strand between the southern boundary line of
4 Pine Island Planned Unit Development as shown on that plat recorded in
5 Plat Cabinet G, Page 111 of the Currituck County Registry and the
6 northern boundary line of Pine Island Planned Unit Development as shown
7 on that plat recorded in Plat Cabinet E, Page 96 of the Currituck County
8 Registry provided that a motor vehicle used as provided by this subsection
9 may travel across the dune line onto the beach strand only between the
10 hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and 7:00 p.m. and the motor
11 vehicle is permitted in the manner required by section 10-64 of this Code;

12 (7) (5) The use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m.
13 by management or contractor of a planned unit development community
14 within that area of the beach strand between the southern boundary line of
15 Villages at Ocean Hill Planned Unit Development as shown on that plat
16 recorded in Plat Cabinet D, Page 357 of the Currituck County Registry and
17 the northern boundary line of Villages at Ocean Hill Planned Unit
18 Development as shown on that plat recorded in Plat Cabinet F, Page 1 of
19 the Currituck County Registry provided that a motor vehicle used as
20 provided by this subsection may travel across the dune line onto the beach
21 strand only between the hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and
22 7:00 p.m. and the motor vehicle is permitted in the manner required by
23 section 10-64 of this Code; and

24 (8) (6) The use of a motor vehicle between the hours of 7:30 a.m. and 5:30 p.m.
25 by management or contractor of a planned unit development community
26 within that area of the beach strand between the southern boundary line of
27 Buck Island Planned Unit Development as shown on that plat recorded in
28 Plat Cabinet G, Page 111 of the Currituck County Registry and the
29 northern boundary line of Buck Island Planned Unit Development as shown
30 on that plat recorded in Plat Cabinet D, Page 245 of the Currituck County
31 Registry provided that a motor vehicle used as provided by this subsection
32 may travel across the dune line onto the beach strand only between the
33 hours of 6:00 a.m. and 7:30 a.m. and 5:30 p.m. and 7:00 p.m. and the motor
34 vehicle is permitted in the manner required by section 10-64 of this Code.

35 (d) Overnight camping of any type is prohibited on the Currituck County Outer
36 Banks, the beach foreshore and the beach strand.

37
38
39

1 PART IV. The Code of Ordinances, Currituck County, North Carolina is amended
 2 by rewriting Section 10-64 of the Code of Ordinances to read as follows:

3 **Sec. 10-64. - Permit system (county residents and property owners only).**

4 (a) This section shall be applicable for those areas of Currituck County, including,
 5 but not limited to, the beach strand and foreshore areas, located from the
 6 Dare/Currituck line to the North Carolina/Virginia line.

7 (b) County residents and property owners desiring to operate a moped, motorcycle
 8 or off-road vehicles, including but not limited to, all terrain vehicle ("ATV"), utility
 9 vehicle, recreational off-highway vehicle, multipurpose off-highway utility vehicle,
 10 or other off-road vehicle, ("ORV"), on the areas covered by this section shall obtain a
 11 permit from the county manager or his designated representative. Permits may be
 12 obtained at the satellite office in Corolla or at the county manager's office during
 13 normal business hours and at such other times and places as may be designated by
 14 the county manager.

15 (c) County residents may obtain at no fee a maximum of two annual permits for
 16 operation of a moped, motorcycle or ORV owned by them upon making application
 17 as provided in subsection (b) above and upon showing proof of liability insurance
 18 and ownership on for the ATV moped, motorcycle or ORV. Non-resident property
 19 owners may obtain at no fee a maximum of two annual permits for operation of a
 20 moped, motorcycle or ORV owned by them per lot, tract or parcel of property upon
 21 making application as provided in subsection (b) above and showing proof of
 22 liability insurance and ownership on for the ATV moped, motorcycle or ORV.
 23 Liability insurance coverage on the ATV moped, motorcycle or ORV shall be
 24 maintained continuously throughout the term of the permit.

25 (d) County residents and property owners, operating mopeds, motorcycles or
 26 ATV's ORV's shall ensure that these vehicles have a valid permit prominently
 27 displayed at all times while operating, or parked, or being trailered on the
 28 Currituck County banks, beach foreshore or beach strand.

29 (e) Any sworn law enforcement officer with jurisdiction is authorized to take
 30 possession of any permit issued pursuant to this section upon expiration,
 31 revocation, cancellation, or suspension thereof, or which is fictitious, or which has
 32 been unlawfully or erroneously issued, which has been unlawfully used or upon
 33 issuance of citation for violation of section 10-59 of this Code. Any law enforcement
 34 officer who seizes a permit pursuant to this section shall report the seizure to the
 35 county manager's office within 48 hours of the seizure and shall return the permit
 36 to the county manager's office within seven business days of the seizure.

37 (f) The county manager or county manager's designee shall refuse issuance of an
 38 permit under this section for a period of one year following seizure of a permit by a
 39 law enforcement officer pursuant to this section.

1 (g) An appeal of seizure of a permit under this section shall be made to the county
 2 manager by filing a written notice of appeal, specifying with particularity the
 3 grounds upon which the appeal is made, no later than ten days from the date of the
 4 permit seizure. The county manager or county manager's designee shall fix a
 5 reasonable time for the hearing of the appeal, shall give due notice to all parties and
 6 shall render a decision within a reasonable time.

7 (h) The county manager is directed and authorized to establish forms, procedures,
 8 and directives as may be required to implement this permit system and ensure that
 9 it is run in an effective, safe, and fair manner.

10

11 PART V. The Code of Ordinances, Currituck County, North Carolina is amended by
 12 rewriting Section 10-57 of the Code of Ordinances to read as follows:

13 **Sec. 10-129. - Unattended property on beach.**

14 (a) It shall be unlawful for any person to leave unattended between the hours of
 15 sunset and sunrise any property, including, but not limited to, volleyball,
 16 badminton and tennis nets, poles, tents, horseshoe stakes, croquet courses, grills,
 17 umbrellas and recreational equipment, cabanas, canopies, or any other personal
 18 property items on the beach. All property unattended and remaining on the beach
 19 strand between sunset and sunrise shall be considered litter and may be subject to
 20 removal and disposal.

21 (b) This section does not apply to life guard stands and or accessory uses
regulated by the Currituck County Unified Development Ordinance containers for
 22 storage of rental items intended for use on the beach strand if the containers are:

24 (1) placed at the toe of the dune line;

25 (2) do not exceed four feet in height, four feet in width and
 26 eight feet in length;

27 (3) are approved annually by a property owners association of a planned
unit development community adjacent to the Atlantic Ocean or that is the
 28 owner of a portion of the beach strand; and

30 (4) do not contain signage exceeding eight square feet in size.

31

32 PART VI. Severability. All ordinances or parts of ordinances in conflict with this
 33 ordinance are hereby repealed. Should a court of competent jurisdiction declare this
 34 ordinance or any part of this ordinance to be invalid, such decision shall not affect
 35 the remaining provisions of this ordinance or the Code of Ordinances of the County
 36 of Currituck, North Carolina.

37

1 PART VII. This ordinance is effective upon adoption.
2

3 ADOPTED this 6th day of November, 2017.
4

5

6

7 Bobby Hanig, Chairman
8 ATTEST:
9

10 _____
11 Leeann Walton, Clerk to the Board
12

13 _____
14 APPROVED AS TO FORM:
15

16 _____
17 Donald I. McRee, Jr., County Attorney
18

19 Date adopted: _____
20

21 Motion to adopt by Commissioner _____
22 Second by Commissioner _____
23

24 Vote: _____ AYES _____ NAYS
25

26



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2026)

Agenda Item Title

Amendment to the Wild Horse Management Agreement

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Daniel F. Scanlon

Wild Horse Management Agreement



This page has been left intentionally blank.

Wild Horse Management Plan

Participating Agencies

Corolla Wild Horse Fund

Currituck County

US Fish & Wildlife

NC National Estuarine Research Reserve, NC Division of Coastal Management, & NC Department of Environment and Natural Resources

Table of Contents

- [Signatory Page](#)
- [Introduction](#)
- [Vision Statement](#)
- [Board Organization](#)
- [Management Goals & Actions](#)
- [Plan Implementation](#)
- [Herd Size Statements](#)
- [Appendices](#)

Signatory Page

Approved by:

Corolla Wild Horse Fund Date

County of Currituck Date

NC Division of Coastal Management Date
NC Department of Environment and Natural Resources

Currituck National Wildlife Refuge Date
U.S. Fish and Wildlife Service Department of Interior

Introduction

The wild horses are an integral part of the history and tradition of the Currituck Outer Banks and are culturally and economically significant to the County of Currituck.

This Management Plan is necessary to establish a common vision and goals that guide the Wild Horse Advisory Board in managing the wild horse population. The plan includes policies that address the horses themselves, the surrounding habitats, partnerships, and education. The plan also includes sections describing the organization of the board and the goals and actions. This plan was developed through a collaborative process involving all stakeholders.

Vision

The Wild Horse Advisory Board is committed to managing the wild horse population in a manner that establishes a sustainable equilibrium between the wild horse population, development, wildlife, and the environment. The Board will strive to maintain this delicate balance through:

- Working to protect the habitat, long term health, and genetic stability of the herd;
- Supporting land use actions and regulatory actions that are consistent with the plan;
- Protecting and maintaining a thriving ecological balance;
- Preserving the free-roaming nature and habits of the horses;
- Sustaining partnerships with all stakeholders;
- Supporting and offering educational opportunities; and
- Acknowledging the cultural and economic significance of the wild horses.

The Board recognizes that in order to fully realize this vision, it is imperative to work together, focusing on common goals.

Board Organization

Section 1 Advisory Board Established

There is hereby established The Currituck County Wild Horse Advisory Board.

Section 2 Duties of the Advisory Board

The Currituck County Wild Horse Advisory Board is charged with the duty of providing guidelines and general managing objectives for the Currituck Banks wild horses as adopted in this Management Plan.

Section 3 Members Composition, Appointment and Terms of Office

The Currituck County Wild Horse Advisory Board shall be composed of six voting members

- a) One member from the Corolla Wild Horse Fund
- b) One member from the North Carolina National Estuarine Research Reserve
- c) Two at large members who reside on the Currituck Outer Banks appointed by the Currituck County Board of Commissioners
- d) The Currituck County Manager or designee
- e) USFWS Refuge Manager or designee

The two at large members shall be appointed for a three-year term and shall hold office until their successors are appointed. No at large member shall be allowed to serve for more than two consecutive terms unless extended by the Currituck County Board of Commissioners due to extenuating circumstances.

The Currituck County Board of Commissioners shall have the right to remove members they appoint at will and appoint a replacement member(s).

Section 4 Officers and Meetings

The Currituck County Wild Horse Advisory Board shall select, from its membership, officers every two years at the first meeting of the calendar year. The officers shall include a Chairman and Vice Chairman. The Chairman and Vice Chairman shall conduct the orderly business of the Advisory Board. The County will provide staff to serve in the position of Secretary who shall take minutes and cause the minutes to be printed and made available to the Currituck County Board of Commissioners. The Currituck County Wild Horse Advisory Board shall hold quarterly meetings unless the Chairman declares the meeting canceled for the lack of business. Special meetings may be held on call of the Chairman upon twenty-four hours notice to the members of the Advisory Board. All meetings or other business of the Advisory Board shall be conducted in accordance with the Open Meetings Law. A majority quorum will be necessary to conduct official business.

Management Goals & Actions

These goals and actions shall not be interpreted to prevent public agencies and lands from implementing their mission statement. Short term goals are defined as 1-3 years, long term goals are defined as 3-5 years, and are continually necessary to manage the herd.

Goal 1. Protect the habitat, long term health, and genetic stability of the horses.

	Responsible Stakeholder	Time Frame	Funding
Action 1A. Research, determine, and provide a summary of next steps and data needed to undertake a comprehensive study (Population Habitat Viability Assessment).	ALL	Short	Staff time
Action 1B. Conduct a study (Population Habitat Viability Assessment) to determine the carrying capacity of land for food sources that accounts for horses and other wildlife utilizing a science based approach.	ALL	Long	As grants become available funding will be applied to components.
Action 1C. Develop a protocol and conduct an annual aerial census. (CWHF funds survey)	CWHF	Ongoing	Min \$2,500-\$5,000/yr.
Action 1D. Provide quarterly report to the advisory board outlining the current population and health of the wild horses, including those awaiting adoption.	CWHF	Ongoing	Staff time
Action 1E. Develop a protocol for monitoring of genetics and conduct monitoring.	CWHF	Ongoing	Staff time
Action 1F. Establish lineage for herd.	CWHF	Ongoing	Staff time
Action 1G. Provide an annual report of lineage and genetics to the advisory board.	CWHF	Ongoing	Staff time

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve

Action 1H. Provide daily management and advocacy for the wild horse population including but not limited to veterinary care, gentling/training, transportation, adoption, removals, emergency response, boarding of sick horses, humane euthanasia, necropsy, contraception, breed conservation, and any cost associated with day to day management.	CWHF	Ongoing	Staff time
Action 1I. Develop protocol for introduction of Shackleford Banks horses.	CWHF	Short	Staff time
Action 1J. Introduce Shackleford Banks Horses into the Currituck Outer Banks as defined by protocol.	CWHF	Ongoing	\$1,600/horse
Action 1K. Maintain and implement a viable population control plan that includes but is not limited to: adoptions, contraception methods, documentation, removal and replacement of horses. <u>Until recommendations from Action Item 1B are finalized, allow for growth of the herd size to 110 and no greater than 130 horses by maintaining and implementing a viable population control plan that includes but is not limited to: adoptions, contraception methods, documentation, removal and replacement of horses.</u>	CWHF	Ongoing	\$50, 150
Action 1L. Provide annual report for the population control plan at the fall meeting. Also provide goals for the upcoming year for contraception, adoptions, and removal/replacement of horses.	CWHF	Yearly	\$1,000 + Staff time
Action 1M. Develop protocol for the transport of horses and management of escaped horses. (Reference Actions 5 C & 5 D)	CWHF	Short	Staff time

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve

Goal 2. Support land use decisions and county ordinances that are consistent with the management plan.			
	Responsible Stakeholder	Time Frame	Funding
Action 2A. Recommend updates to the Unified Development Ordinance, County Code of Ordinances, and adopted plans to reflect policies and actions included in the management plan.	All	Ongoing	Staff time
Action 2B. Continue to assist Currituck County personnel in enforcing the provisions of the County Code of Ordinances through their respective capabilities.	USFWS/NCNERR	Ongoing	Staff time
Action 2C. Currituck County personnel will continue to enforce the provisions of the County Code of Ordinances.	County	Ongoing	Staff time

Goal 3. Protect and maintain a thriving ecological balance.			
	Responsible Stakeholder	Time Frame	Funding
Action 3A. Conduct an assessment of horse induced effects on state, federal and private lands and report findings to the advisory board as information is available.	USFWS/ NCNERR/ County	Ongoing	Staff time
Action 3B. Continue the monitoring of long term exclosures to determine the impact of horses on habitats.	USFWS	Ongoing	Staff time
Action 3C. Seek additional funding/staff to monitor and mitigate	All	Ongoing	Staff time

impacts.			
Action 3D. Conduct an ecosystem based approach for entire off road area to assess the ecological balance.	County	Long	Approximately \$1 million/component

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve

Goal 4. Preserve the free-roaming nature and habits/behaviors of the horse population to the extent possible within the boundaries defined in the management plan (north & south fences).

	Responsible Stakeholder	Time Frame	Funding
Action 4A. Determine and define the need for designated pasture areas in the off-road area.	CWHF	Ongoing	Staff time
Action 4B. Establish and maintain designated pasture areas.	CWHF/County	Ongoing	Approximately \$53,000 (attorney fees) Variable dependent on # of easements \$3,000 maintenance
Action 4C. Develop standards for acquisition, lease or easement of designated pasture areas and/or open space in the off-road area.	CWHF/County	Short	Staff time
Action 4D. Evaluate barrier options with each 5-year update of the management plan (See Appendix F)	ALL	Ongoing	Staff time
Action 4E. Continue to maintain and repair the barrier fences at the northern and southern boundaries of the off-road area as well as the cattle guard (with the exception of fence owned by False	CWHF	Ongoing	Staff time \$5,150

Cape State Park unless the Park is a partner in the repair).			
Action 4F. Provide impacts report to DCM and CRC with each 5 year update to satisfy the fence CAMA permit condition #1.	County	Yearly	Staff time

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve

Goal 5. Sustain partnerships with all stakeholders including the NC National Estuarine Research Reserve, Currituck National Wildlife Refuge, Currituck County, and the Corolla Wild Horse Fund necessary to efficiently manage the wild horse population.

	Responsible Stakeholder	Time Frame	Funding
Action 5A. Update the management plan, at a minimum, every five years involving all stakeholders.	ALL	Ongoing	Staff time
Action 5B. Conduct quarterly meetings of the advisory board to review current and planned management activities and provide updates on stakeholder actions.	ALL	Ongoing	Staff time
Action 5C. Continue to coordinate with the City of Virginia Beach on wild horse management planning.	CWHF/County	Ongoing	Staff time
Action 5D. Foster a relationship and engage False Cape State Park and Back Bay Wildlife Refuge.	ALL	Ongoing	Staff time
Action 5E. Conduct an annual review of the management plan at the fall quarterly meeting and provide a written report documenting the plan status.	ALL	Yearly	Staff time

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve

Goal 6. Support and offer opportunities to educate the public about the wild horses.			
	Responsible Stakeholder	Time Frame	Funding
Action 6A. Develop educational programs and materials that will foster public and commercial tour operators understanding of the wild horses. These include but are not limited to: <ul style="list-style-type: none"> • Rules & regulations • Safety • Balance habitat & horses • Transfer of property for pasture land 	CWHF/County	Ongoing	\$14,250
Action 6B. Continue to educate the public and commercial tour operators on the wild horses, rules & regulations, and habitat.	ALL	Ongoing	Staff time CWHF budget \$35,000
Action 6C. Continue to partner and offer training opportunities for tour companies on the wild horses	CWHF/County	Ongoing	Staff time & \$120 materials
Action 6D. Continue to partner with Currituck County Tourism to educate the visitors on the wild horses and related issues through website, social media, and brochures.	CWHF	Ongoing	Staff time
Action 6E. Establish partnerships with realty companies/rental home owners to develop and deliver educational media about the wild horses.	CWHF/County	Ongoing	Staff time & \$300 Printing

CWHF = Corolla Wild Horse Fund, County= Currituck County, USFWS=US Fish & Wildlife Refuge, NCNERR = NC National Estuarine Research Reserve

Plan Implementation

At the fall quarterly meeting of each year, the Board will assess the progress of actions and the need for re-examination of goals and actions for future implementation. Following the assessment, the Board should provide a written report documenting the plan status. Additionally, the plan shall be fully updated every five years, at minimum, or as needed. All signatories and board members of the plan should be notified in writing of the plan update and invited to participate in the update process.

The Chairman of the Board will be responsible for reconvening the Board and conducting the annual plan review. Criteria to be considered at the time the plan is reviewed will include the following:

- Do the goals and actions address current and expected needs?
- Are the current resources appropriate for implementing the plan?
- Are there implementation problems, such as technical, political, legal, or coordination issues with stakeholders?
- Are the goals of the Wild Horse Advisory Board being accomplished?
- Are the stakeholders providing the level of cooperation expected?

The success of this plan largely depends on the continued cooperation and coordination between the signatories of the plan. A united partnership will result in the realization of the vision of this plan.

Herd Size Statements

The Wild Horse Advisory Board recognizes that there are differing opinions of the signatories of this plan concerning the appropriate number for the overall herd size cap. ~~At the time of this plan update, the board is operating under an adopted plan with a herd size of 60. However, as of the most recent census on September 30, 2014, the estimated herd size is 83. Since the most recent census data was prepared during the final phases of plan update, not all signatories have referenced the most recent September 30, 2014 herd size number in their statements.~~ Historically, the Wild Horse Management Agreement operated under an adoption plan with a targeted herd size of sixty; however until recommendations from Action Item 1B are finalized, the Wild Horse Management Agreement will allow for growth of the herd size to 110 and no great than 130 horses by maintaining and implementing a viable population control plan. The population control plan includes, but is not limits to: adoptions, contraception methods, documentation, removal and replacement of horses.

The Corolla Wild Horse Fund, US Fish and Wildlife, and NCNERR each have adopted plans, policies, or missions that each approach the management of their lands, horses, or impacts by horses differently.

Each signatory has prepared a statement that explains their organization's position. While each signatory has their own position regarding herd cap size, within the next five years, the Board agrees to work cooperatively through the vision, goals, and actions of this plan to determine a new herd cap size.

North Carolina National Estuarine Research Reserve

The N.C. National Estuarine Research Reserve (NCNERR) recommends that the best available science on habitat sustainability; horse health, welfare, and genetics; and social values associated with the horses be used to determine the size of the herd. This multiphase approach is needed to meet the complex interests of those involved in management of the herd, property owners within the Wild Horse Sanctuary, and the public. The best available science that evaluates some of these factors from a similar barrier island environment is "Horses of Assateague Island Population and Habitat Viability Assessment: Final Report" (Zimmerman et al. 2006). Using a collaborative process, a series of objectives was evaluated and a range of 80-100 horses was recommended for Assateague Island, providing managers with the ability to adaptively manage the herd size as conditions change over time.

This desired science is not currently available at the level needed for the Currituck herd and the Currituck Outer Banks where the horses roam. The horse management plan update addresses this gap by committing to the following: Goal 1, Actions 1A-B articulate the need for a population viability study similar to that described above to inform the size of the herd to meet both habitat and horse sustainability and Goal 3 addresses the need to conduct and continue work to assess horse impacts on habitats. This work will allow the Advisory Board to make a more informed recommendation regarding the herd size in the next update of the management plan that balances the complex and competing interests of the parties involved in the overall management of the Currituck Outer Banks ecosystem. NCNERR recommends the herd size be based on the results of this population study.

Until the information from the population study is available, the NCNERR recommends using the existing management herd size target of 60. This recommendation is based on the following reasons: 1) No other number has been agreed upon in an official capacity since the signing of the 2007 Currituck Outer Banks Wild Horse Management Plan; 2) The presence of the horses is a management conflict with the purposes of the Reserve program; 3) There are

documented habitat impacts from the horses both at the current population level and at reduced levels as well as changes in habitat availability due to increased development; and 4) There is a need for additional study to address the complex interests associated with the presence of the horses on the Currituck Outer Banks.

Rheinhardt and Rheinhardt (2004) concluded that grazing by horses impacted vegetation on the Currituck Outer Banks in 1997 when the horse herd was estimated at 43. They speculated that trampling may have a greater impact than grazing. Feral hog activity was also acknowledged as potentially contributing to habitat impacts. The authors concluded that an increase in horse density or a decrease in carrying capacity of the habitat could result in further habitat degradation and recommended additional study to ensure effective management of the horse herd and the Currituck Outer Banks habitats.

Taggart (2008) reviewed literature on horse impacts at publicly owned and managed properties in the United States, focusing on the Currituck Banks and Rachel Carson components of the Reserve. He also outlined the management conflict that results from the presence of horses on these Reserve components in light of state and federal purposes for the Reserve. As a result, Taggart recommended protecting the Currituck horses through fenced pasture areas located outside of the Currituck Banks Reserve to remove habitat impacts and management conflicts at the site (2008).

The Reserve's 2009-2014 management plan recognizes the horses as a management conflict because of the impacts the horses cause to the ecological systems the Currituck Banks Reserve was designated to protect. The plan states that the horses are allowed to roam on the component provided they do not significantly impact Reserve habitats or impede implementation of the Reserve's research and education mission. The program will manage the Currituck Banks Reserve to prevent significant impact from the horses (NCNERR 2009).

Porter (2013) recently completed a study in the Currituck National Wildlife Refuge examining the impacts of horses, deer, and feral hogs on different habitat types in fenced and unfenced areas of the Refuge. She concluded that horses negatively impacted vegetation in the unfenced study areas where horses were allowed, detecting few disturbances from deer and feral hogs. Study areas included habitat types that are representative of those found in the Reserve; the results of the Porter study can therefore be extrapolated to the Reserve although there may be differences in impact intensity as a result of the number of horses present in the respective areas. Porter further recommended additional study to provide a more complete assessment of horse impacts and to address other questions raised by the study.

The horse herd is currently estimated at 121 horses as of the 2012 census with 28 horses documented in Wild Horse Zone 1, which includes the Currituck Banks Reserve (Corolla Wild Horse Fund, 2010-2012). This is consistent with census data collected from 2010 and 2011 when 32 of the 115 horses and 33 of the 144 horses were found in Zone 1, respectively (Corolla Wild Horse Fund, 2010-2012). Additionally, habitat availability has changed as private development on the Currituck Outer Banks has increased over time (Currituck County, 2013; See Appendix C) and the concomitant decline in the availability of natural food sources.

References

Corolla Wild Horse Fund, 2010-2012. Annual Census Data.

NCNERR, 2009. N.C. National Estuarine Research Reserve Management Plan 2009-2014.

<http://www.nerrs.noaa.gov/BGDefault.aspx?ID=602>

Porter, Kimberly. 2013. Vegetative Impact of Feral Horses, Feral Pigs, and White-tailed Deer in the Currituck National Wildlife Refuge. Master's Thesis. N.C. State University. 33pgs.

Rheinhardt, Richard D. and Martha Craig Rheinhardt. 2004. Feral horse seasonal habitat use on a coastal barrier spit. *Journal of Range Management* 57: 253-258.

Taggart, John. 2008. Management of Feral Horses at the North Carolina National Estuarine Research Reserve. *Natural Areas Journal* 28: 187-195.

Zimmerman, C., M. Sturm, J. Ballou, and K. Taylor-Holzer (eds.). 2006. *Horses of Assateague Island Population and Habitat Viability Assessment: Final Report*. IUCN/SSC Conservation Breeding Specialist Group, Apple Valley, MN.

US Fish and Wildlife

Habitat impacts from grazing feral horses have been well documented along the Atlantic coast and across the nation. Atlantic coast impacts have been published from herds residing in Nova Scotia (Freedman et. al. 2011), Currituck National Wildlife Refuge, NC (Porter and DePerno 2012), Northern Outerbanks, NC (Rheinhardt and Rheinhardt 2004), Assateague Island National Seashore, MD and VA (Seliskar 2003), Shackleford Banks, NC (Levin et. al. 2002), and Cumberland Island, GA (Turner 1987).

Publications show that many aspects of the ecosystem are negatively impacted by grazing and/or trampling (Levin et. al. 2002.; Turner 1987) and may ultimately result in changes to plant communities (De Stoppelaire 2001; Furbish 1994). Horse grazing has been linked to decreases in plant structure, abundance, and/or vigor (Beever et. al 2000; Porter and Deperno 2012), reduction of seed production (Seliskar 2003; Levin et. al. 2002), of which, marsh plant species are particularly vulnerable (Levin et. al. 2002; Rheinhardt and Rheinhardt 2004). Additionally, as a result of excessive herbivory, reductions in above and below ground biomass (Furbish et. al. 1994; Levin et. al. 2002) declines in species richness including many birds, mammals, and/or fish (Beever et. al 2000; Levin et. al. 2002) have been documented as well as increased erosion (Seliskar 2003; De Stoppelaire 2001) and reduced dune development (De Stoppelaire 2001; De Stoppelaire 2004).

The most comprehensive science regarding population management of horses on the Atlantic coast is the Horses of Assateague Island Population and Habitat Viability Assessment (PHVA) (Zimmerman et. al. 2006). In this assessment the same issues needed to manage the Corolla horses were reviewed and a population size of 80 to 100 horses roaming on a 37-mile barrier (Ave. 2.4 horses per mile) island was deemed acceptable. Recent population estimates for the Corolla horses which roam only an 11-mile area range from 121-144 (Ave. 12.1 horses per mile). Even at a stocking rate of 60 for the Corolla herd the number of horses (Ave. 5.5 horses per mile) would be over double the recommended rate established in the 2006 PHVA.

Recent monitoring by Service biologists at Currituck NWR have identified major habitat impacts and have identified the potential conversion of habitat types similar to those identified by De Stoppelaire 2001. These conversions seem to be pushing the natural ecosystem toward one dominated by exotic and/or non-desirable vegetation. Native vegetation that can produce a root mat capable of withstanding the effects of erosion is transitioning to vegetation with a root mat that is less robust.

Implementation strategy 2 of the 2007 Currituck Banks Wild Horse Manage Plan (Plan) was: "Control the horse population for the protection of the fragile ecosystems on the public and private lands." The strategy stated: "In this regard, a maximum of 60 horses will be permitted with population controlled through adoption, relocation, auction or contraceptive fertility methods." The Plan also called for the establishment of monitoring exclosures to monitor impacts of horses on habitat. Sixty is believed to represent the herd population at the time the original Plan was written. In 2002, the last time the herd was as low as 60, some negative habitat impacts were noted in the areas where horses had access compared to the exclosures where horses did not have access. In 2007, when the herd was roughly 90, photo documentation shows significant negative habitat impacts to the areas where horses had access compared to the exclosures. In 2011 and 2012, with a herd size of approximately 119 and 144, respectively, photo documentation shows virtually no remaining grazing habitat in the horse-accessible area near the enclosure fences.

The Service has a policy (Chapter 7, Refuge Manual, Section 6, [7RM6]) that horses should not be on National Wildlife Refuges because they compromise the ability to meet its conservation mission. However, the Service signed previous Plans to be a good neighbor, and to deal with the situation in a practical manner by seeking to build a partnership with the local community to cooperatively control the numbers of the herd. The Service will address these animals as feral and manage the refuge in that context. Since these are non-native animals (as defined in 50CFR30.11), as time and money are available, and monitoring shows negative impacts, they will be fenced out of negatively impacted habitats and off the refuge as is practical.

LITERATURE CITED:

Beever E. A., and Brussard P. F. 2000. Examining the ecological consequences of feral horse grazing using exclosures. *Western North American Naturalist*. 60:236-254.

De Stoppelaire G. H., Gillespie T. W., Brock J. C., and Tobin G. A. 2004. Use of remote sensing techniques to determine the effects of grazing on vegetation cover and dune elevation at Assateague Island National Seashore: Impact of Horses. *Environmental Management*. 34(5):642-649.

De Stoppelaire G. H., Brock J. C., Lea C., Duffy M., and Krabill W. 2001. USGS, NPS and NASA investigate horse-grazing impacts on Assateague Island dunes using airborne lidar surveys. *USGS Open File Report 01-382*.

Freedman B., Catling P. M., and Lucas Z. 2011. Effects of feral horses on vegetation of Sable Island, Nova Scotia. *Canadian Field-Naturalist*. 125(3):200-212.

Furbish C. E. and Albano M. 1994. Selective herbivory and plant community structure in a mid-Atlantic salt marsh. *Ecology* 75(4):1015-1022.

Levin P. S. , Ellis J., Petrick R., and Hay M. E. 2002. Indirect effects of feral horses on estuarine communities. *Conservation Ecology* 16(5): 1364-1371.

Porter K.M. and DePerno C.S. 2012. Vegetative Impact of Feral Horses, Feral Pigs, and White-tailed Deer on the Currituck National Wildlife Refuge. Thesis North Carolina State University.

Rheinhardt R. D. and Rheinhardt M. C. 2004. Feral horse seasonal habitat use on a coastal barrier spit. *Journal of Range Management* 57:253-258.

Seliskar D. M. 2003. The response of *Ammophila breviligulata* and *Spartina patens* (Poaceae) to grazing by feral horses on a dynamic mid-Atlantic barrier island. American Journal of Botany. 90(7):1038-1044.

Turner M. G. 1987. Effects of grazing by feral horses, clipping, trampling, and burning on a Georgia salt marsh. Estuaries 10(1):54-60.

Zimmerman, C., M. Sturm, J. Ballou, and K. Taylor-Holzer (eds.). 2006. Horses of Assateague Island Population and Habitat Viability Assessment: Final Report. IUCN/SSC Conservation Breeding Specialist Group, Apple Valley, MN.

Corolla Wild Horse Fund

On May 5, 1935, the Raleigh News and Observer reported that the Banker ponies had to make way for "the path of progress expected to take the form of a national park that would extend 100 miles along the coast and include the 'banks' where they now roam." By 1937 Cape Hatteras National Seashore was established, and the path of progress became NC 12. On June 14, 1938, the Raleigh News and Observer announced that "the final extinction of the Banker pony, wild horses that have roamed the Outer Banks for centuries, was begun this morning." Armed with high powered rifles, two hunters continued the work of removal that had begun several years earlier as a result of massive Depression-era round ups and shootings. The eradication was supported by the US Forest Service and the Federal Bureau of Fisheries (now US Fish & Wildlife Service). (C. Prioloi, (2007)*The Wild Horses of Shackleford Banks*)

The Corolla Wild Horse Fund hired its first fulltime professional staff in mid and late 2006. The original wild horse management plan was due to be reviewed and signed in October of 2006. Although the CWHF was not in agreement with the herd size of 60 in the plan because it was not based on published or peer-reviewed science, the staff had only been in their positions three months and one month respectively. The Plan was signed in 2007 with the understanding that it was a living document that could be amended as needed.

Many researchers have demonstrated the beneficial or potentially beneficial effects of the grazing of large herbivores on ecosystems, especially wetlands and grasslands. Documented beneficial environmental effects of wild horses include:

Breaking up homogeneous grass stands, producing a patchy, open cover with a diversity of forbs. (USFWS, 1999)

Dispersing seeds of desirable native plants. (Hobbs, 1996; Severson & Urness, 1994; Stroh, Mountford & Owen, 2012)

Promoting biological diversity, accelerating succession, and encouraging a diverse mosaic of desirable plants. (Bakker, 1985; Bazely & Jeffries, 1986; Hobbs, 1996; Jensen, 1985; Menard et al., 2002; Severson & Urness, 1994; Vavra, 2005)

Increasing the nutritional value of forage. (Hobbs, 1996; Severson & Urness, 1994)

Enhancing regrowth of forbs beneficial to waterfowl. (Evans 1986)

Greatly enhancing the diversity of bird species. (Levin et al., 2002)

Altering community composition of birds, increasing foraging habitat for willets, least sandpipers and other birds that prey on small invertebrates. (Levin et al., 2002)

Greatly reducing height and density of invasive Phragmites, (Duncan & D'Herbes, 1982)

On Shackleford Banks, horse grazing in marshes provides a bountiful feeding ground used by a diverse community of foraging shorebirds. (Levin et al., 2002) Disturbance by large herbivores increases the diversity and quality of wildlife habitat, creating a patchwork of diverse food resources (Lamoot, 2004; Vavra 2005)

Rheinhardt and Rheinhardt (2004) found that horses on the Currituck Outer Banks "consume few forbs (herbaceous plants) species and graminoid (grass) species seem to recover by early summer when primary production is highest."

A four year University of Notre Dame study (Wood, 1987) found that the Shackleford horses' diet had no statistically significant impact on salt marsh plants in three out of four years, no statistically significant impact on long leaf pennywort all four years, no statistically significant impact on sea oats all four years, and no statistically significant difference in bluestem grass.

While today USFWS considers wild horses "exotic and potentially damaging to vegetation under active management" (USFWS 2008, p.194), in the 1940's the agency thought otherwise. Rachel Carson, a world renowned marine biologist, environmentalist, and editor-in-chief for US Fish and Wildlife Service wrote that when the Chincoteague refuge was created, the refuge allowed residents of Chincoteague to graze 300 head of cattle and horses on the refuge, and noted no adverse effects on waterfowl (twice as many head as permitted today). "The

presence of these grazing animals is not detrimental to the wildlife for which the waterfowl for which the refuge was established," she said (Carson, R. 1947, pg. 17).

Baker and Valentine (2006) found that any decline in waterfowl populations in and around the refuge was due to turbidity in the sound from recreational boating, agricultural runoff, and development. There was no mention of wild horses in relation to the decline. In addition, by the middle of the 20th century, three thousand tons of expended lead shot was accumulating in the marshes every year and being ingested by waterfowl. Roughly two million ducks succumbed to lead poisoning and more became chronically ill and slowly wasted away (Bolen, 2000). Today, waterfowl are challenged by environmental contaminants, invasive plants, and continued development (Pease, Rose, & Butler, 2005).

Wild horses have also been blamed for negatively impacting the endangered piping plover. However, published data indicates that the presence of island horses has little effect on the Piping Plover population. Breeding pairs on the Maryland portion of Assateague have increased from 14 in 1990 (horse census about 130) to 66 in 2006 (horse census greater than 140) (Hayward, 2007).

In relation to the current defined herd size of 60, there are numerous scientific studies that support this is not a viable number for a wild herd, especially one that peer-reviewed science has already shown is now descended from only one maternal line. (Cothran, 2011)

In 2007, the Corolla Wild Horse Fund pulled DNA samples via mane/tail hair and remotely delivered dart. The goal was to gather information for a baseline study of the overall genetic health of the herd. The samples were analyzed by Dr. E. Gus Cothran of Texas A&M University, one of the leading equine geneticists in the country and an expert on feral herds. A previous study was completed in 1992 when Dr. Cothran was at the University of Kentucky.

In his 2008 presentation, "Management Strategies for Small Gene Pools," Dr. Cothran states that "small populations are subject to loss of genetic variation

and that loss of variation can lead to specific genetic diseases, heritable defects, reproductive problems or general reduction of overall vigor and extinction of the population." The Corolla herd is currently exhibiting heritable defects such as locked patellas, parrot mouth, and significant reduction in height in some horses (under 12 hands as an adult). Corolla's one maternal line is in contrast to the Shackleford herd which exhibits three maternal lines.

The Corolla herd represents one of the oldest and rarest strains of Colonial Spanish Horses. There is always a balance to be struck between keeping bloodlines pure and losing genetic diversity. In small, closed populations, only new mutations can increase genetic viability. Slight differences in mortality and reproductive success can have dramatic effects on a small population. When animals breed with close relatives, recessive genes are less likely to be balanced by dominant genes, and deformities become likely. A shallow gene pool can also decrease reproductive ability, size, and resistance to disease. When the census is low, the herd is vulnerable to destruction by catastrophic weather events or diseases. Dr. Cothran wrote in regard to the Corolla herd "Much of the genetic diversity expected to be present in a horse population is gone, and this cannot be recovered" (Cothran, 2008).

Cothran's 2008 study showed that the genetic diversity of the Corolla population is low and that both measures of heterozygosity were among the lowest that have been found in horses. "The genetic variability measures confirm the effects of a very small population in this herd over the past few generations...However the future rate of loss can be minimized by maintaining a larger effective population size" (Cothran 2008)

Dr. Cothran states that 150 is the common recommended population size for a wild herd, and is a minimum number and a compromise. In order to minimize loss of genetic variation, he recommends introductions. He further states that introductions of one or two young mares per generation can restore variation over time, but that the number of introductions depends on the current genetic situation.

The wild horses on Shackleford Banks have been managed by the National Park Service/Foundation for Shackleford Horses at a federally mandated number of 120 – 130 with never less than 110 since 1998 on 3,000 acres of habitat. Similar legislation to mandate this number for the Corolla herd has passed the United States House unanimously in 2013 and 2014. It will be reintroduced into the House in 2015.

At a meeting on January 24th, 2014 in Washington, DC., David Viker (Southeast Regional Chief of the National Wildlife Refuge System) stated that "the Service is not in the business of managing wild horses and is not concerned with the numbers". In addition, in a letter to Congressman Walter Jones received October 3, 2014, USFWS Regional Director, Cynthia Dohner wrote, "Please note we understand your genetic concerns and do not object to introducing horses from the Shackleford Banks herd into the Corolla herd. In fact, the 2013 draft plan allows for the introduction of Shackleford Banks horses." The Corolla Wild Horse Fund is concerned with the requirements for herd size and proposes to approach the topic with genetic health of the herd, ecological health of the island, and the assistance of peer-reviewed science to make the right decision.

The Corolla Wild Horse Fund has already demonstrated that it can successfully control the population through the delivery of immunocontraception, Porcine Zona Pelucida. The number of foals born has been reduced from 24 in 2007 to 2 in 2014. PZP has been extensively researched and provides a cost-effective and efficient manner for controlling herd size.

Considering the current scientifically-determined level of inbreeding and low level of genetic diversity; our field documentation of the location and habitat usage of the Corolla wild horses; scientific evidence that the presence of wild horses can be beneficial to ecosystems; and the fact that the current designated herd size of 60 selected in 1997 was not a decision based on science; the Fund is of the opinion that the Corolla horses should be managed at the same level as the Shackleford horses (120 to 130 with never less than 110) and that horses from Shackleford Banks should be introduced in a manner such that, accounting for potential offspring, the herd would not exceed a maximum population of 130.

Literature cited:

M. Baker, S. Valentine; (2006) Historical Populations and Long-term Trends of Waterfowl, Fish, and Threatened/Endangered Species within Back Bay, VA and Currituck Sound, NC"

Bakker, J.P., (1985) The impact of grazing on plant communities, plant populations, and soil conditions on salt marshes. *Vegetatio* 62(1-3), 391-398

Bazely, D.R. & Jeffries, R.L. (1986) Changes in the composition and standing of salt marsh communities in response to the removal of a grazer. *Journal of Ecology*, 74 (3), 693-706

Boilen, E.G., (2000) Waterfowl Management: Yesterday and tomorrow. *Journal of Wildlife Management* 64(2) 4- 54

Carson, R., (1947) Chincoteague: A National Wildlife Refuge. *Usgwspubs/1*

E.K. Conant, R. Juras, and E.G. Cothran; *Animal Genetics*, February 2, 2011, "A microsatellite analysis of five Colonial Spanish horse populations of the southeastern United States;"

E. Gus Cothran, Ph.D. Department of Veterinary Integrative Biosciences, College of Veterinary Medicine and Biomedical Science, Texas A&M University, College Station, TX 77845 2008 Analysis of Genetic Diversity in the Corolla Feral Horse Herd of North Carolina

E. Gus Cothran, Ph.D. 2008, "Management Strategies for Small Gene Pools"

Cruise, D. & Griffiths, A. (2010) Wild Horse Annie and the last of the mustangs: The life of Velma Johnston NY, NY: Scribner

Duncan, P., & D'Herbes, J.M. (1982) The use of domestic herbivores in the management of wetlands for water birds in the Camargue, France. *Managing wetlands and their birds: A manual of wetland and waterfowl management.* (pp/51-96) International Waterfowl Research Bureau

Evans, C. (1986) The relationship of cattle grazing to sage-grouse use of meadow habitat on the Sheldon National Wildlife Refuge (university of Nevada, Reno)

Hayward, L., (2007) State of parks: Assateaugue Island National Seashore, a resource assessment. National Parks Conservation Association

Hobbs, N.T. (1996) Modification of ecosystems by ungulates. *Journal of Wild Life Management*, 60(4), 695-713

Jensen, A. (1985) The effect of cattle and sheep grazing on salt marsh vegetation at Skallingen, Denmark, *Vegetatio* 60(1) 37-48

Jurga, F. (2012) Your horse is in the army now! But where did war go before they were sent to France? *War Horse News* (Web log post Feb 5, 2012)

Lamoot, I., (2004) Foraging behavior and the habitat use of large herbivores in a coastal dune landscape. Brussels, Belgium: Research Institute for Nature and Forest

Levin, P., Ellis,J., Petrick, R., & Hay, M. (2002) Indirect effects of horses on estuarine communities. *Conservation Biology* 16(5) 1364-1371

Menard, C., Duncan, P., Fleurance, G., Georges,J.Y., & Lila, M. (2002) Comparative foraging in horses and cattle in European wetlands. *Journal of Applied Ecology*, 39(1), 120 – 133

Pease, M.L., Rose, R.K., & Butler, M.J., (2005) Effects of human disturbances on the behavior of wintering ducks. *Wildlife Society Bulletin* 33(1) 103-112

C. Prioloi (2007) The Wild Horses of Shackleford John F. Blair, Winston-Salem, NC

Rheinhardt, R.D., & Rheinhardt, M.C., (2004) Feral horse seasonal habitat use on a coastal barrier spit. *Journal of Range Management* 57(3) 253-258

Severson, K.E. & Urness, P.J. (1994) Livestock grazing: A tool to improve wildlife habitat. *Ecological Implications of herbivory in the West.* (pp.232-249) Denver: Society for Range Management

Stroh, P.A., Mountford, J.O., & Hughes, F.M.R., (2012) the potential for endozoochorous dispersal of temperate fen plant species by free-roaming horses. *Applied Vegetation Science*, 15(3), 359 - 368

USFWS (1999, May) Atwater Prairie Chicken National Wildlife Refuge. fws.gov

Vavra, M. (2005) Livestock grazing and wildlife: Developing compatibilities. *Rangeland Ecology and Management*, 58(2) 128-134

Wood, Gene, Michael Mengak, and Mark Murphy. "Ecological Importance of Feral Ungulates at Shackleford Banks, North Carolina." *American Midland Naturalist* 118.2 (1987): 236-44. Print.

Wyman, W.D. (1962) *The wild horse of the West*. Lincoln: University of Nebraska Press

Appendices

- Appendix A Historical Timeline
- Appendix B Signatories and Participating Stakeholders
- Appendix C Land Use Information
- Appendix D Adopted Legislation and Ordinances
- Appendix E Definitions/Acronyms
- Appendix F Barrier Consideration & Regulatory Issues
- Appendix G Protocols

Appendix A: Historical Timeline

1520	Spanish ship logs document horses brought to NC shores
1926	National Geographic states a presence of five to six thousand wild horses up and down the 175-mile Outer Banks
Prior to the 1980's	Wild Horse herd living in Corolla
1984	Road paved from Duck to Corolla Village
1989	Corolla Wild Horse Fund Committee of Outer Banks Conservationists, Inc. formed
1989	Currituck County adopted the Wild Horse Ordinance
1994	Currituck County and the Corolla Wild Horse Fund entered into a Management Agreement
September 1994	Ocean to sound fence barrier installed at North Beach access ramp
June 1995	Proclamation issued by NCDCR: "The Corolla Wild Horses are one of North Carolina's most significant historic and cultural resources of the coastal area."
December 2002	Enclosure fence installed at NC/VA state line
2007	Horse of Americas Registry determines that the Corolla Herd is eligible for registration as Colonial Spanish Mustangs
2007	DNA testing documented the decline of genetic diversity and presence of only one maternal line.
July 2009	Section 3-31 of County Code of Ordinances Wild Horse Ordinance amended to include the word "intentional"
June 2010	House Bill 1251 declares the Colonial Spanish Mustang as the official North Carolina State Horse
December 2010	Section 10-55 of County Code of Ordinances updated to prohibit domestic horses from the end of NC terminus to the NC/VA border
February 2, 2012	CWHF transported a Corolla stallion to NPS at Ocracoke.
June 22, 2014	DNA samples pulled from two Shackleford stallions.
November 20, 2014	One of the previously tested Shackleford stallions was released in Corolla.

Summary of Legislation: H.R. 306 Corolla Wild Horses Protection Act

- Passed the US House of Representatives unanimously on February 6, 2011
- Referred to the Environment and Public Works Committee in the US Senate and became S3448 sponsored by Senator Kay Hagan (D) NC and co-sponsored by Senator Richard Burr (NC).
- CWHF agreed to the removal of language requiring USFWS to provide peer reviewed science and a public hearing prior to erecting fences on the CNWR refuge.
- CWHF agreed to cap the herd at 130.
- The committee never scheduled the bill for markup and the year ended with no action.
- Congressman Walter Jones reintroduced the bill into the US House of Representatives as H.R. 126 on January 3, 2013.
- H.R. 126 referred to House Natural Resources Committee.
- February 2, 2012: The Corolla Wild Horses Protection Act was passed unanimously by the United States House of Representatives.
- March 21, 2012: The Corolla Wild Horses Protection Act was received by the US Senate Committee on Environment and Public Works.
- June 3, 2013: The Corolla Wild Horses Protection Act was passed unanimously by the United States House of Representatives.
- June 4, 2013: The Corolla Wild Horses Protection Act was received by the United States Senate.
- June 9, 2014: The General Assembly of North Carolina passed House Resolution 1257: A House Resolution Urging Congress to Protect the Corolla Wild Horses.
- Congressman Jones plans to reintroduce the bill in January 2015.

Appendix B: Signatories and Participating Stakeholders

SIGNATORIES

Corolla Wild Horse Fund

The Corolla Wild Horse Fund (CWHF) is a 501 (c) 3 nonprofit whose mission is to protect, preserve, and responsibly manage the herd of wild Colonial Spanish Mustangs roaming freely on the northernmost Currituck Outer Banks, and to promote the continued preservation of this land as a permanent sanctuary for horses designated as the State Horse and defined as a cultural treasure by the state of North Carolina. The CWHF employs four full time staff, two part time staff, and five to nineteen seasonal staff. Additionally, there are seasonal employees (5-7 staff) from Memorial Day to Labor Day.

County of Currituck

The County of Currituck, a body politic empowered under the Statutes of North Carolina, feels that the wild horses on the Currituck Outer Banks are a significant part of the county's history and traditions worthy of protection. In 1989, the County adopted a Wild Horse Ordinance for protection of these animals on private properties and has worked with the Corolla Wild Horse Fund in this regard. Since the wild horses have roamed for generations and existed on properties acquired by the U.S. Fish and Wildlife Service and North Carolina Department of Environment and Natural Resources, the County feels it important that the Currituck National Wildlife Refuge and NC National Estuarine Research Reserve incorporate the existence of these animals into their management plans.

North Carolina National Estuarine Research Reserve

The North Carolina National Estuarine Research Reserve (NCNERR) is a multi-component program that includes the Currituck Banks Reserve, a 965 acre site with approximately 326 upland acres located on the Currituck Outer Banks. The Currituck Banks component of the N.C. National Estuarine Research Reserve contains 326 acres of uplands and marsh. The NCNERR is managed as a state-federal partnership between the North Carolina Division of Coastal Management (DCM), an agency within the North Carolina Department of Environment and Natural Resources, and the National Oceanic and Atmospheric Administration (NOAA). The NCNERR is one of 28 reserves located around the country that together form the National Estuarine Research Reserve System which is implemented by NOAA. . The NCNERR is part of the DCM's Coastal Reserve Program which protects designated sites for research, education and compatible recreational uses. The results of research, education and stewardship activities are used to enhance public awareness concerning coastal issues and to improve coastal management in North Carolina. As such, each site within the Coastal Reserve Program serves as an undisturbed example of local biodiversity and natural processes, a living laboratory for researchers and an outdoor classroom for educators.

The NCNERR is managed according to federal regulations (U.S. Dept. of Commerce 15 CFR Part 921), and the Coastal Reserve Program which contains the NCNERR is managed according to state statutes (N.C.G.S. 113A-129.1-3) and departmental rules (NCAC T15:7O). A formal management plan for the NCNERR also guides management of the Currituck Banks component (2009-2014). In addition, the Currituck Banks Reserve is designated as a dedicated State Nature Preserve by the North Carolina Council of State.

The presence of feral horses on the Currituck Banks Reserve is described in the 2009-2014 NCNERR management plan. These animals are not owned by the State because they roam many public and private properties on the northern Outer Banks. Relative to site management, the horses (regardless of genetic or historical background) are non-native animals that represent a management conflict because they consume and trample vegetation and interact with wildlife that occurs naturally on the Reserve site. The presence, activities, and wastes of the horses alter the natural processes the Reserve protects. The State will allow feral horses to roam freely on the Currituck Banks Reserve provided the animals do not significantly impact the natural habitats, wildlife or use of the site for research and education. In an effort to be consistent with the aforementioned rules and guidelines, the site shall be managed to avoid any significant impacts from these horses. The Reserve will take necessary management actions, such as fencing impacted habitat and establishment and monitoring of exclosures, as needed to protect its resources from the impacts of feral horses. The Reserve program recognizes the strong public sentiment associated with the Corolla horse herd and will work with all parties to develop and implement a feral horse management plan that will protect natural habitats on the Reserve while protecting horse health and public safety.

The Reserve acknowledges the need for the CWHF to enter the Currituck Banks Reserve for the purpose of managing the wild horse herd in accordance with this plan. This includes monitoring, darting, and other activities as necessary provided that impacts to Reserve habitats are kept to a minimum. Reserve personnel shall be notified and consulted in advance of work to be conducted or as soon as practicable in the event of an emergency.

Currituck National Wildlife Refuge

The Currituck National Wildlife Refuge (NWR) is a unit of the National Wildlife Refuge System which is managed by the U.S. Fish and Wildlife Service. The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

The purposes for establishing the Currituck NWR are "... for use as inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. S 715d (Migratory Bird Conservation Act) and where "... suitable for - (1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species..." 16 U.S.C. S 460k-1 (Refuge Recreation Act).

As is outlined above, the refuge was established to manage for specific trust wildlife species including waterfowl, migratory birds, and endangered species. The Service views the wild or feral horses as non native wildlife. A feral animal is defined in 50 Code of Regulations 30.11(a) as "... animals, including horses, burros, cattle, swine, sheep, goats, reindeer, dogs, and cats, without

ownership that have reverted to the wild from a domestic state..." The Corolla horses were introduced to the ecosystem by man. Although there may be some debate as to whether locals released domestic animals on to the Outer Banks to graze in the recent past or they were brought by Spanish explorers 300-400 years ago, they are still an introduced domestic animal which is not native to this ecosystem. The horses compete with native wildlife species for resources. The Service will address these animals as feral and manage the refuge in that context. As time and money allows and as monitoring shows negative impacts, the current fenced areas will be maintained and additional areas may be fenced based on monitoring results that indicate unacceptable levels of impact to migratory bird habitats on the refuge.

PARTICIPATING STAKEHOLDERS

Currituck Outer Banks Citizens

The appointment of two residents of the Currituck Outer Banks adds to the quality of CWHAB decision making. The influx of thousands of seasonal visitors compared to the small winter population provides a perspective that cannot be replicated. Resident participation enhances insight about wild horse/human interaction and the unique experience of living in a remote and often inaccessible community as well as the reality of living among the wild horses on a day-to-day basis.

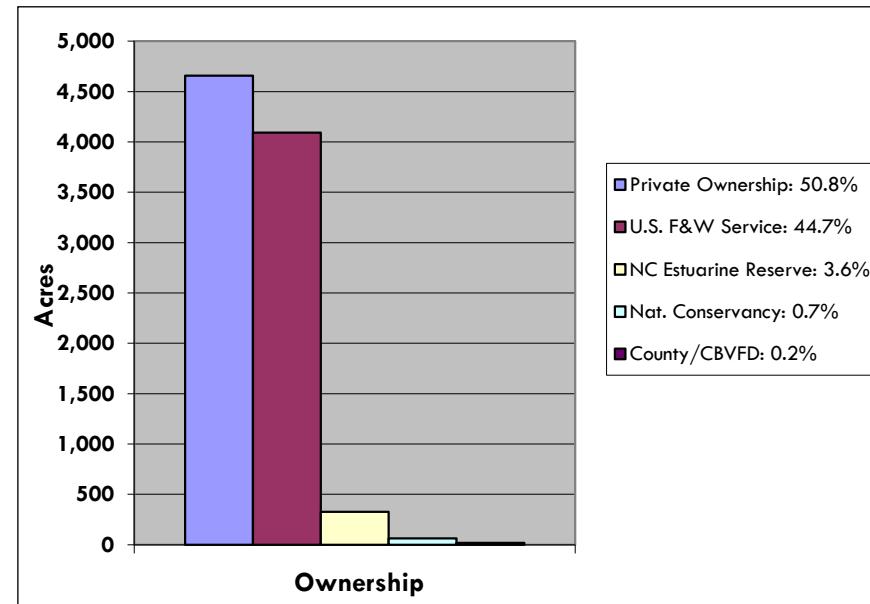
Appendix C: Land Use Information

The Currituck northern Outer Banks (i.e. Wild Horse Sanctuary) encompasses 9,156 acres (excluding platted rights-of-way) from the ocean to sound fence barrier at the North Beach Access ramp north to the Virginia state line. This area has no paved roads with primary access along the beach strand via 4-wheel drive vehicles. Provisions in the conveyance deeds from The Nature Conservancy to the United States and State of North Carolina for portions of the National Wildlife Refuge and Estuarine Reserve effectively prohibit construction of an upland access route to the platted areas of the northern beaches. These covenants specifically prohibit the building of roads or changes in the topography of the land.

As shown in Figure 1, the U.S. Fish and Wildlife Service is the single largest property owner on the northern Outer Banks with 4,093 acres of the total land area. The Currituck Banks National Estuarine Research Reserve contains 326 acres of uplands and marsh. With the exception of an ocean to sound strip of ±62 acres owned by The Nature Conservancy and 17 acres under the ownership of Currituck County and the Carova Beach Volunteer Fire Department, the remaining northern Currituck Outer Banks is owned by individual private property owners. While the majority of private land was platted in the sixties and seventies and is still vacant, it is evident that platted subdivisions will be developed over time. As of December 31, 2012, 640 dwellings (20.1% of total platted lots) have been constructed on the 3,178 platted lots. As shown in Figure 2, new residential dwelling permits have ranged from 5 (2012) to 37 (2006) permits per year with

an average of 19.7 homes built per year during the 2001-2012 period. Since 1989, the maximum density for any new development is one unit per 120,000 square feet.

Figure 1.

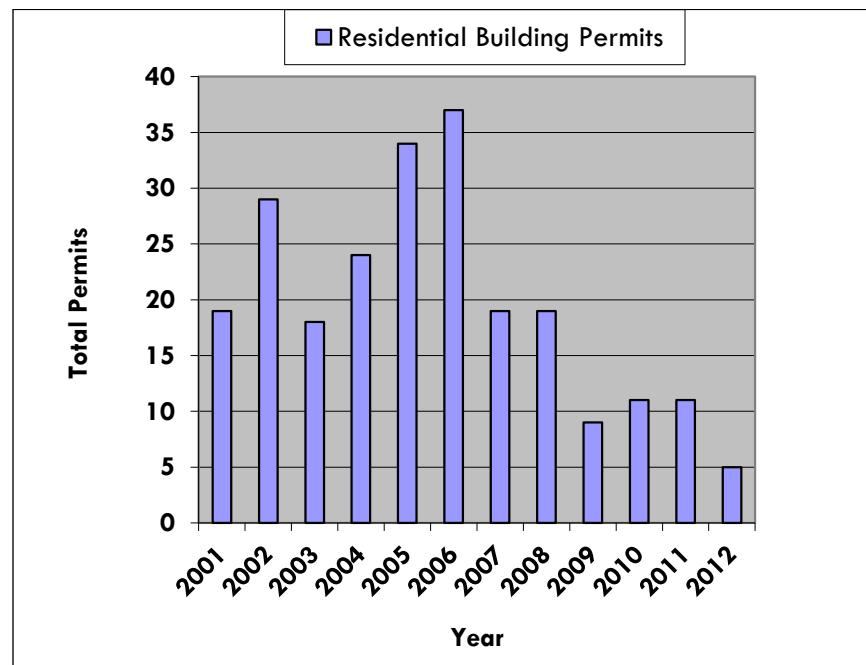


The 2006 Land Use Plan estimates the rental home inventory for the Outer Banks (including Corolla and the off-road area) will increase by 150 houses per year. If this holds true, the estimated peak seasonal population for the Outer Banks will increase from 52,399 in 2000 to 75,688 in 2025. The projections in the Land Use Plan are based on a high-growth scenario of rental homes averaging 6 and 7 bedrooms per house. The recent decline in the housing market has

diminished the actual number of houses constructed per year; however, there appears to be a trend toward larger rental houses that include a higher number of bedrooms. Anecdotally, this may maintain the population estimates associated with a high-growth scenario, without the projected increases in housing stock.

One of the unique aspects of the Currituck northern Outer Banks wild horses, when compared to other barrier island wild horse populations, is that the horses travel and live on both public and private lands. This uniqueness will obviously impact the goals and actions included in the management plan.

Figure 2.



Appendix D: Adopted Legislation and Ordinances

Department of Cultural Resources Proclamation June 1995

House Bill 1251 Designates Colonial Spanish Mustang as North Carolina State Horse

Currituck County Code of Ordinances

Chapter 3, Article II. Wild Horses

Chapter 8, Article IV. Outdoor Tour Operators

Chapter 10, Article II. Division 2. Vehicles and Horses on Outer Banks

Appendix E: Definitions/Acronyms

Exclosure Fence – fences erected to exclude horses from habitats to allow natural ecosystem function or specific management action.

Study Exclosure – Fences erected to establish long-term monitoring areas to be used for assessing impacts to habitats by wildlife and/or feral animals.

Herd Number – The current ESTIMATED population size. Synonymous with Population.

Population - The current ESTIMATED population size. Synonymous with Herd Number.

Aerial Survey Results- The current MINIMUM population estimate.

Inoculations – The number of different horses administered at least 1 dose of contraceptive.

Doses – The total number of contraceptives successfully administered annually.

Ecological Balance – A state of dynamic equilibrium within a community of organisms where conditions present the opportunity for each member to successfully contribute it's natural processes in nature.

SFR Zoning District – Single-Family Residential-Outer Banks Remote District

Off-road Area – that area of the county on the Outer Banks from the terminus of the paved portion of N.C. Highway 12 to the Virginia state line

Appendix F: Barrier Island Consideration & Regulatory Issues

BARRIER CONSIDERATION

The Advisory Board considered barrier options as part of its current update of the Currituck Outer Banks Wild Horse Management Plan. The following options were considered:

1. Maintain the barrier fences at the northern and southern boundaries of the Wild Horse Sanctuary;
2. Remove the barrier fences at the northern and southern boundaries of the Sanctuary;
3. Remove the herd from the Currituck Outer Banks; and
4. Designate pasture areas for the horses with or without perimeter fences.

The Board determined that option 1 is the best course of action for the next 5 years to meet the goals and objectives outlined in the plan and for the following reasons:

- Option 2: Removal of the fences is not a viable option at this time as the horses would roam south into Corolla and north into Virginia likely resulting in an increase in horse/human interactions and horse deaths from vehicular accidents, similar to the situation prior to the installation of the fences.
- Option 3: Removal of the herd from the Currituck Outer Banks would be highly unpopular because of the strong public sentiment associated with the horses and the historical nature of the horses.
- Option 4: Sufficient pasture areas do not currently exist to accommodate the horses on the Currituck Outer Banks. The Board recognizes this option as important and continued examination of this option is addressed in Goal 4, Actions 4A-C.

Barrier options will be considered with each 5-year update of the management plan as described in Goal 4, Action D and a recommended action adopted with each update of the plan. Options will be considered in light of the goals of the management plan, horse and human safety, habitat condition, and as land use changes within the fence barriers, i.e., private property development increasing and available habitat for the horses decreasing, and an increase in traffic and horse/human interactions over time within the barriers.

REGULATORY ISSUES

As part of the approval for satisfying the CAMA fence permit, the County is responsible for providing DCM with a report that details impacts to public lands. This report should address issues such as: monitoring efforts and land use evaluations.

The southern horse fence was first permitted in 1994 by variance by the N.C. Coastal Resources Commission (CAMA Major Permit No. 62-94). The letter from the N.C. Division of Coastal Management to Currituck County Manager Mr. Dan Scanlon dated October 13, 2006 provides a history of the permit and the conditions of the permit that the County must continue to meet. The original permit requires that the County develop a long-term management plan and evaluate the need for the fence which was originally permitted as a temporary structure. The Division determined in its 2006 letter that the fence may remain in place as long as the County updates the management plan every 5 years, adheres to the approved management plan, and the plan evaluates the need for the fence and recommends leaving the fence in place. Per this update of the management plan, it has been determined by the Division that no renewal or extension of the permit is needed since the management plan continues to recommend the southern fence as the preferred barrier option for the horses.

This plan provides a summary on current activities to assess horse impacts on public lands north of the southern fence that result from the horse herd to satisfy permit condition No. 1 issued in the 2001 renewal of the permit. The study titled "Vegetative Impact of Feral Horses, Feral Pigs, and White-tailed Deer on the Currituck National Wildlife Refuge, North Carolina" in 2014 by Kimberly Porter is the activity to assess horse impacts. Appendix C provides a summary of land use information within the wild horse sanctuary.

Appendix G: Protocols

PROTOCOLS

Aerial Census Protocol

The Primary Census window should be late August-early September to remain consistent with recent surveys and provide consistency among years. Multiple Censuses will be encouraged to improve results if funding permits. The Census will start near the south fence and will be flown in east/west transects with each successive pass working northward at 0.10 mi intervals. Working the Census from south to north optimizes the aspect of the sun and observability by always keeping newly identified individuals north of the aircraft minimizing silhouetted animals. The aircraft should maintain a height of 150 feet and progress at approximately 25 kts.

When an individual/group is located, if in the estimation of those conducting the census, the individual/group will not exceed the 0.10 limit of the next transect the aircraft should circle them until all individuals are counted and certified. Due to the increasing development of the area deviations in either route or elevation may be required to avoid public disturbance. To the extent practicable deviating from both should be avoided. Total survey time should be under 3 hours using the described method.

Weather conditions should resemble light winds and sunny. Increasing cloud cover beyond 70% shows most individuals as shadows and increases the probability of missing animals that would otherwise have been seen. Light winds are also preferable from both an observer comfort and safety perspective. "Low and slow" surveys are considered special purpose flights due to increased risk to participants.

Any discrepancies in count must be reconciled while circling a particular individual/group to avoid error totaling results. Prior to departing the airport total count should be reconciled. This count represents the minimum number of individuals in the population.

Protocol for the Treatment of Horses with Porcine Zonae Pellucidae Contraceptive Vaccine

I. Purpose

This is an action designed to adaptively manage the Corolla wild horse population through the use of a native porcine zonae pellucidae (PZP) contraceptive vaccine delivered remotely under field conditions. On an annual basis, mares will be selected by program criteria to receive the vaccine. The method of delivery will be Pneu-Darts with a projector/capture gun appropriate to the darts and distances. Contraceptive efficacy will be determined by foal counts.

Participants:

Supervision of Project:	Executive Director Corolla Wild Horse Fund, Inc. (CWHF)
Vaccine Preparation:	Science and Conservation Center (SCC), Billings, MT
Designated Darters:	Herd Manager Corolla Wild Horse Fund, Inc. Science and Conservation Center, Billings, MT Others as certified
Project Veterinarian:	Dominion Equine Others as licensed

II. Procedures

A. Vaccine Preparation and Shipment: Vaccine will be prepared by the Science and Conservation Center, Billings, MT. and shipped on dry ice under Food and Drug Administration authority (Investigational New Animal Drug exemption No. 8857 G0002 & 0003). FDA form "Notice of Drug Shipment" will be completed for each shipment of the PZP vaccine and filed at the Science and Conservation Center, Billings, MT. At CWHF, the vaccine will be stored frozen at CWHF headquarters under the supervision of the Herd Manager.

B. Selection of Subject Horses: The number and identity of animals will be selected and approved by CWHF personnel before darting commences. Selection will be made on the basis of predetermined population management goals.

C. Delivery of Contraceptive Vaccine: Delivery of vaccine will be by means of 1.0 cc Pneu-Darts, with $\frac{3}{4}$ " to 1 1/2" barbless needles. 0.5 cc of the PZP vaccine (in phosphate buffered saline or sterile water) will be emulsified with 0.5 cc of adjuvant and loaded into darts. This is done when the decision to dart has been made; fresh emulsion is desired. Mares which have never been treated will be treated with PZP plus Freund's Complete adjuvant, while those which have been previously treated will be given PZP plus Freund's Incomplete adjuvant. Designated darters will mix the vaccine with adjuvant and prepare the emulsion. The vaccine-adjuvant emulsion will be delivered by means of the appropriately chosen projector given the dart and distance.

Any opportunity will be taken to administer scheduled contraceptive initial or booster injections to horses within handling distance when the contact is within the appropriate injection time period. Hand injection affords good control over the location of the injection.

Authorized individuals will have successfully completed the Science and Conservation Center's training program. It is strongly recommended that individuals involved in darting apprentice with an experienced field darter over a period of seasons and stay involved in continuing field and classroom education.

The decision to dart a horse will ultimately rest with the darter. The accessibility of the horse at a particular point in time and location will trigger the decision-making process. Safety, for both humans and horses, is the foremost consideration in the decision to dart and the darting of a mare.

On days when a rifle (with a sight) will be used, several practice shots must be taken in the morning, before going to the field, in order to assure that the gun is properly sighted. Practice shots are expected when projectors without sights are used.

At all times the equipment will be maintained in the safety-conscious manner of any firearm.

Only hip or gluteal muscle regions of the horse are acceptable targets. No shots will be taken in high wind or when the horse is standing at an angle where the dart could miss the hip/gluteal region and hit the rib cage. The ideal angle is when the dart will strike the skin of the horse at a 90° angle.

The projector/capture gun will be chosen based on the dart, distance, and darter's expertise/preference. The objective will be to place the dart as accurately as possible, with enough velocity to discharge the vaccine and eject the dart but while avoiding excessive force. Each darter will work at the firing range to determine the appropriate charge/pressure to be used for the distances encountered for the projector and dart(s) used. Each darter will construct a matrix of setting variables. The darter will know, and stay within, his/her abilities to fire the projector of choice at distances.

In many cases it is ideal that no more than two people be present at the time of darting. The second person will aid in locating fired darts, educate any onlookers and keep them safely out of the way. When additional approved persons are present (darters in training from another site, for example), every effort will be made to avoid interference. No shot will be taken when other persons are within a 90° angle defined by a line from the shooter to the horse. To the extent possible, all darting will be

conducted out of sight of non-participants or island visitors. However, if the darting is done within sight of non-participants, effort will be made to contact and explain the nature of the project to the observers.

The projector will remain unloaded until the horse has been selected and it is safe to shoot. If a horse moves out of firing range after the projector is loaded and it is apparent that another shot will not be immediately possible, the projector will be unloaded (both cartridge and dart, as appropriate) and stored. The dart will be stored in a poly-foam container or the equivalent. Immediately after firing a rifle, the empty cartridge will be ejected and the dart port opened.

If a dart is not used before the end of the day, it will be stored under refrigeration. If not used the next day, the dart will be discarded in a safe manner.

Proper treatment of animals requires a clear mind. Decisions about veterinary care require careful thought and appropriate responses. Fatigue, common because of the hours and habitat associated with horse work, will be recognized. Weather, particularly but not limited to high winds, affects the work. The darter will be responsible for making the decision to cease work due to fatigue, weather, or any other factor.

D. Recovery of Darts: Attempts will be made to recover all darts. If possible, all darts which are discharged and drop from the horse at the shooting site will be recovered before another darting occurs. In exceptional situations, with the decision resting with the darter, the site of a lost dart may be noted and marked, and recovery efforts made at a later time. All fired darts will be examined after recovery in order to determine if the charge fired and the plunger fully expelled the vaccine.

E. Record Keeping: CWHF personnel will maintain records for the identification of all horses to be darted or for control purposes. These records will remain on file at CWHF. Each horse darted will be identified by an alpha-numeric number. For each horse darted, the following information will be recorded at the time of darting (and other notes should be made as appropriate):

1. date of inoculation
2. size of PZP dose
3. vaccine lot number
4. type of adjuvant
5. type of dart/delivery system
6. precise site of inoculation (right or left side)
7. name of darter

Additionally, other observations regarding estrous behavior, development of dart site problems, and other pertinent information collected by researchers or CWHF personnel will be maintained by CWHF.

The dates of first appearance of foals shall be recorded and maintained in the CWHF files, as well as, documented as part of the annual census.

Annually, updated copies of this data will be sent to the Science and Conservation Center in Billings. The SCC will in turn will submit them to the FDA as required.

F. Veterinary Emergencies: Personnel conducting darting operations shall be equipped with a two-way radio and/or cellular phone providing a communications link with CWHF headquarters. In the event of a veterinary emergency, darting personnel will work with the Project Veterinarian for advice and action as appropriate.

In the event that a dart strikes a bone and sticks, or imbeds in soft tissue, the darter will note the location and endeavor to follow the affected horse until the dart falls out or the horse can no longer be found. The location of the dart will dictate the extent of action to be taken (follow horse, seek veterinary assistance). The darter will be responsible for observation of the horse until the situation is resolved. The decision to capture or immobilize the horse for removal of the dart will be made in consultation with the Project Veterinarian.

Other injuries that may occur as a direct or indirect result of the darting process, such as broken bones or severe lacerations and infections, may also require the capture and/or immobilization of horses for evaluation and treatment. Any decision to capture or immobilize will be made in consultation with the Project Veterinarian. If possible, coralling techniques will be used to capture and contain injured horses. If, in consultation with the Project Veterinarian, the use of chemical immobilization drugs is deemed necessary and appropriate, such agents will be administered exclusively by the Project Veterinarian or by a member of the darting team under the Project Veterinarian's direct supervision. All injuries will be treated as per the recommendations of the Project Veterinarian.

In the event of a severe injury where the Project Veterinarian considers the prognosis for full wild/island recovery unlikely, the affected horse may be permanently removed to the care of the CWHF or may be humanely euthanized.

G. Blood Samples: Attempts to recover blood samples for antibody analysis should be conducted opportunistically.

H. Media Relations: All requests by the media should pass through the CWHF Executive Director.

I. Public Relations: Prior to the start of each season's darting, as deemed appropriate, the CWHF should notify all law enforcement agencies with jurisdiction on the island of the darting operation's start and finish dates, and that darters may be witnessed by members of the public shooting darts at horses with a capture gun. This will minimize panic calls from an uninformed public or at very least prepare law enforcement for explaining what is taking place.

J. Reporting: Data will be available for reports, prepared by the CWHF Herd Manager, documenting contraceptive program activities and success.

Corolla Wild Horse Fund, Inc. Wild Horse Euthanasia Policy

The American Association of Equine Practitioners recommends that the following guidelines be utilized in evaluating the need for humane euthanization. Each case should be addressed on its own individual merits and under no circumstances is sale for slaughter to be considered as an end of life decision.

Humane euthanasia of wild horses shall be employed:

- When an equine is not mobile and a veterinarian is of the opinion that mobility will not return;
- When the equine's quality of life is deemed, with veterinary guidance, so poor that euthanasia is the most humane option within the means of the organization;
- When an equine is experiencing continual pain for which there is no medical relief or the relief is not within the financial capability of the Corolla Wild Horse Fund.
- When an equine is affected by a degenerative medical condition for which there is no cure; or
- When an equine is dangerous to himself or herself or to other animals or humans.

Euthanasia shall only be administered by a licensed veterinarian, except in emergency circumstances where the equine is injured beyond recovery and is suffering irreversibly. In this case, the Corolla Wild Horse Herd Manager or Executive Director shall make the determination that euthanization should be immediate.

If the cause requiring euthanasia is not easily recognizable or apparent, a necropsy will be performed to determine the cause of death. The carcass will be transported by CWHF Staff to Dominion Equine Clinic in Suffolk, VA or the University of North Carolina School of Veterinary Medicine in Raleigh, depending on the circumstances of the death. If a criminal act is suspected, the horse will be transported to the University of North Carolina School for Veterinary Medicine in Raleigh, NC by the Currituck County Sheriff's Department.

If the cause is known, or a field necropsy would prove beneficial and can be performed by a licensed veterinarian on site, the carcass shall then be disposed of in compliance with all relevant laws.

Records of all euthanasias and necropsy results shall be kept on file in the Corolla Wild Horse Fund office.

ACCEPTABLE METHODS OF EQUINE EUTHANASIA

Pentobarbital or a Pentobarbital Combination: (preferred method)

This is the best choice for equine euthanasia. Because a large volume of solution must be injected, use of an intravenous catheter placed in the jugular vein will facilitate the procedure. In order to facilitate catheterization and minimize equine anxiety and stress, a tranquilizer such as acepromazine, or an alpha-2 adrenergic agonist should be administered.

CONDITIONALLY ACCEPTABLE METHODS OF EQUINE EUTHANASIA**Gunshot:**

A properly placed gunshot can cause immediate insensibility and humane death. In some circumstances, a gunshot may be the only practical method of euthanasia. Shooting should only be performed by highly skilled personnel trained in the use of firearms and only in the jurisdictions that allow legal firearm use. Personnel, public, and nearby animal safety should be considered. The procedure should be performed outdoors and away from public areas.

For use as a method of euthanasia in horses, the firearm should be aimed so that the projectile enters the brain, causing instant loss of consciousness. This must take into account the brain position and skull conformation of the horse, as well as the energy requirement for skull bone and sinus penetration.

ADOPTION PROTOCOL

COROLLA WILD HORSE FUND, INC.

Because the safety and well-being of our horses is our primary concern, the following are required:

ADOPTER MUST:

- Must be 18 years old or older
- Have no prior violations of adoption regulations or convicted of inhumane treatment to animals and be financially able to properly house, feed and provide veterinary and farrier care for the horse(s).
- Have the ability, either personally or by hire, to train a wild horse, if the horse is not already trained.

FENCING AND CORRAL:

Facilities must meet these requirements and be completely finished before approval.

- An outside corral (20' x 20') that is sturdy and of sufficient height (at least 5' high) is required for veterinary and farrier services as well as for gentling the horse. NO BARBWIRES shall be allowed.
- All fencing should be made of rounded pipes, pole, wooden planks or similar materials that pose the least hazard to the horse. Small mesh, heavy gauge, welded or woven wire fencing with at least one plank at sight level is acceptable.

SHELTER:

A run-in shed attached to the corral, or a box stall, allowing the horse to move freely between the corral and shelter is required. Shelter or stall must be at least 12' x 12' per horse.

TRANSPORTATION:

Horses can be transported by the Corolla Wild Horse Fund for a fee of \$.70 per mile. An additional \$17.00 per hour will be charged, if transportation (or return from transportation) occurs on a Saturday or Sunday or any evening after 5 p.m. (Mileage rate is subject to change in relation to current fuel prices.)

Adopters providing their own transportation, either with their own vehicles or hired transport must:

- Utilize standard covered stock trailers with no openings large enough for the horse to escape or to become entrapped.
- NO SINGLE HORSE TRAILERS, NO PICK-UP TRUCKS WITH STOCK RACKS
- Two horse trailers are allowed if the middle partition is removed.
- No horses may be tied.

CWHF has the right of final approval before any horse is loaded onto a trailer.

Adoption fee: \$615. (\$15.00 is for Horse of the Americas registration papers) A \$100 deposit is required with application. The deposit will be refunded if the application is denied. All payments can be made with cash, check, credit card or money order payable to: CWHF, Inc.



Corolla Wild Horse Fund

INCORPORATED

* P.O. Box 361* 1126 Schoolhouse Drive* Corolla, NC 27927

Phone (252) 453-8002 Fax (252) 453-8073

www.corollawildhorses.com * info@corollawildhorses.com

ADOPTION APPLICATION

Please be as complete and accurate as possible. Feel free to add additional sheets if needed and please call should you have any questions. Our goal is a successful long-term placement of the horse(s).

(Please print full name)

Name(s) _____

(Complete address - both physical and mailing)

Address: _____

Mailing address, if different than above: _____

Home Phone # _____ **Work #** _____ **Cell or pager #** _____

Fax # _____ **E mail Address:** _____

Occupation(s): _____

Please give your reason for wanting to adopt a Corolla Wild

Horse: _____

Preference: Gelding: _____ Mare/Filly: _____ No preference: _____

Age: 1 – 2 yrs.: _____ 3 or older: _____ Number of horses requested _____

(Stallions are available only to persons who qualify as a breed conservation site)

Have you ever been the primary caregiver of a horse? Please describe.

Please describe the facility where you will keep your Corolla wild horse, including acreage, type of shelter, and type of fencing.

Please provide your veterinarian's name, address, and phone number. Your signature on this application constitutes your authorization for your veterinarian to provide us with information about you and help us to monitor the well being of the adopted horse.

Name: _____

Address: _____

Phone: _____

I hereby agree that the above information is true, complete and correct, and I understand it will be the exclusive decision of the CWHF, Inc. to accept or deny the application. I further understand and agree to all parts of the adoption application and understand that this agreement is legally binding. In addition I further understand and agree to pay a non-refundable adoption fee of \$615.00. A \$100.00 deposit must be sent in with this application. The balance of \$515.00 is due upon pick up of the horse. I also understand if I am not accepted, my \$100.00 will be refunded to me by check from the CWHF, Inc.

Signature _____ Date _____

Signature _____ Date _____

This page is to be filled out upon receipt of a horse, do not write on this page!

Horse Assignment

Recorded Name of Horse and ID# _____

Sire and ID# _____ Dam and ID# _____

Year Foaled _____ Sex _____ Color _____

Markings _____

(photograph and adoption certificate at time of adoption)

(Adopter) agrees to adopt and the CWHF Inc. agrees to transfer the horse described above according to the terms of the Agreement.

The agreement is governed by applicable federal and state laws and jurisdiction shall be in the appropriate venue closest the CWHF Inc.

This Agreement is entered into this the _____ day of _____, ____ at Corolla, North Carolina, Currituck County.

(CWHF INC.)

(ADOPTER)



COROLLA WILD HORSE FUND
INCORPORATED
* P.O. Box 361* 1126 Schoolhouse Drive* Corolla, NC 27927
Phone (252) 453-8002 Fax (252) 453 -8073
www.corollawildhorses.com * info@corollawildhorses.com

ADOPTION AGREEMENT

1. Adopter will have 60 days from the acceptance notification date of the preliminary adoption application to complete facilities as described in the application. Adoptions will be finalized only after facilities have been completed and approved by CWHF.
2. Upon notification of approval for adoption, adopter will have 60 days to pick up the horse(s), or arrange for the Corolla Wild Horse Fund to transport. After 60 days, a boarding fee of \$10.00 per day will be charged per horse up to 15 additional days. At the end of the 15 day extension, the agreement will become null and void and the \$100.00 adoption deposit will be forfeited.
3. If the CWHF decides that the 60 day pick-up requirement should be waived for the benefit of the horse (example – health issue), no boarding fee will be charged.
4. Examination of the horses prior to the adoption is the sole responsibility of the adopter. The CWHF will provide all past health records to the adopter at time of pick-up.
5. In the event that the adopter relinquishes the horses to the CWHF during the first year of possession, the adoption is null and void, with all fees forfeited.
6. The horse(s) must be kept and maintained in good condition in a compliant facility. Horses not properly kept may be repossessed by an agent of the CWHF and adoption fees will be forfeited.
7. The adopter may not give, transfer, sell, or otherwise dispose of the adopted horse(s) within the first year of adoption.

8. CWHF reserves first right of refusal if an owner cannot keep the horse(s).
9. If the adopter wishes to give, transfer, sell or otherwise relinquish the adopted horse(s) from their care, the Corolla Wild Horse Fund, Inc. must be notified and the new adopter must be approved by the Fund. If the new adopter is NOT approved, the Corolla Wild Horse Fund retains the right to repossess the horse(s).
10. If the transfer of ownership is approved by the Corolla Wild Horse Fund, it becomes the responsibility of the new owner to transfer HOA registration to their name.
11. CWHF representatives retain the right to check on the horse(s) at any time.
12. If the horse becomes deceased, adopter must notify CWHF within 48 hours.

Sign and date if you understand and agree to all the conditions listed above.

Signature: _____ Date: _____

Response to Problem Horses

The general nature of the Colonial Spanish Mustang breed is to be gentle, curious, and extremely intelligent. They are an ancient breed that is listed as critically endangered/nearly extinct. The wild CSMs residing on the Currituck Outer Banks have approximately 7,544 acres of accessible land north of Corolla. The Corolla Wild Horse Fund has divided the area into Zones 1 through 4 and documents the harems and bachelors living within each zone. Zone 2 (Currituck National Wildlife Refuge) is the only Zone without residential dwellings. According to the Currituck County Planning Department (July 20, 2011), there are 3,150 platted lots with 661 approved dwellings (20.9% built out).

The 11 mile stretch of beach from the RT 12 terminus to the VA/NC line is considered to be a public road. No permitting restrictions exist except for a requirement that all ATVs be permitted. A 2010 traffic count documented over 1,200 vehicles driving on the beach with over 3,500 passengers in a 12 hour period. The count was done only on northbound vehicles. The existence of 661 dwellings combined with thousands of people to occupy them and thousands of vehicles to transport them creates management challenges not experienced by any other wild horse management entity. In addition, it is estimated that each of the 10 commercial wild horse tour companies take an average of 10,000 customers annually onto the north beach. The influx of thousands of people and thousands of vehicles has a demonstrable effect on horse/human interactions. Although there are a multitude of signs and a wide variety of education methods in place, violations of the Currituck Wild Horse Ordinance occur with great frequency, especially from Memorial Day to Labor Day when tourism is at its peak. The two most frequently observed violations are intentionally approaching wild horses closer than 50 feet and feeding. Both approaching and feeding have habituation as a consequence. As a result, the wild horses have developed varying degrees of tolerance for proximity to humans:

Habituated: Accepts the presence of humans but moves away when approached or when actions are taken by humans to drive horse away. Will consume human food if offered or left in an accessible location.

Severely Habituated: Approaches vehicles and will put their head in a window or sniff occupants in an open vehicle. Readily approaches humans and does not move away when approached. Tolerates human touch. A high degree of action is required to move the horse away.

Problem: Challenges humans for food; approaches humans under beach umbrellas, sitting in beach chairs, etc. on a regular basis; consistently overturns garbage cans; bites clothing or skin; refuses to move from a location. A horse deemed a problem horse jeopardizes the safety of persons or property.

INDIVIDUAL HORSE INTERACTIONS

The direct interactions between horses and humans result from both the horse's curious nature and the opportunity for people to intentionally or accidentally interact with horses.

Horses in the developed areas are exposed, both actively and passively, to readily available human food sources. In general, horses learn about human food by receiving handouts or by following habituated horses. The behaviors of raiding garbage cans, tents and coolers is a behavior primarily passed on from horse to horse. Learning to exploit this available food probably

depends primarily on whether the horse is a resident or migrant, and also to a degree the age at which the horse is introduced to human food.

It is not uncommon for interactions to occur simply due to a person's close proximity to horses. As social animals, there are constant hierarchical exchanges. Mares are often stolen from rival stallions and fierce fighting between stallions is common. There are also individual reactions to insect bites, thirst and grooming needs. Horses react to individual and band pressures with little or no regard to proximate humans, and their resulting actions can and do result in human impacts. Humans may be bitten, kicked, knocked down or stepped on as the horses interact with each other or respond to outside stimuli. There are also some horses that simply don't tolerate close interactions with people.

Response Procedures

The CWHF employs the use of dashboard cameras that record continuously and staff wear wireless microphones.

If a CWHF staff/ volunteer observes visitors feeding or petting a horse, or standing at a distance that appears to be too close for the particular situation, that staff/ volunteer should approach the person and inform them of Currituck County's Wild Horse Ordinance and the potential dangers of horse interactions. These may include vehicle accidents, bites, kicks, and/or property damage. A brochure or other relevant handout should be distributed. If the individual(s) continue the noncompliant behavior they should be told that charges will be filed against them if they do not comply immediately. If noncompliance continues or the individual(s) become threatening, law enforcement should be called. (252-232-2216 non- emergency/911 emergency)

When CWHF staff/ volunteer observes or receives a report of a nearby horse feeding, the staff/ volunteer should verify the location, activity, and the behaviors of visitors in the area. When the CWHF employee/ volunteer verifies that people are interacting with horses, (feeding, petting, dumping food, chasing etc.) the violators should be informed about the Currituck County Wild Horse Ordinance and that they are violating the law. If they refuse to comply, or become combative, a law enforcement officer should be requested to investigate the incident. A photograph or video of the incident should be taken if the staff or volunteer can safely do so if they are not in a camera equipped vehicle.

Staff/volunteers responding to potential problem horse interactions should have basic training in: safety around horses; how to move horses (distraction techniques); how to safely separate horses and the public

When a trained person responds to a horse incident, they should try to ascertain whether the interaction was:

- 1) accidental – person(s) unintentionally too close to a horse, or normal behaviors resulted in property/persons being affected.
- 2) intentional – person(s) intentionally approached, enticed or lured the horse.
- 3) food instigated - horse responded to the presence of accessible food, or
- 4.) problem horse behavior - horse's action appears to have resulted from some aggressive intent.

Accidental or Simple Habituation:

The most common horse interaction scenario in the developed area involves horses harassed by insects, people scaring or crowding horses, stallions herding their bands, or multiple stallions fighting or causing a stampede. During these events, people may be bitten, kicked, pushed or knocked over, vehicles dented, or tents knocked down.

An interaction resulting from an accidental encounter will normally rectify itself. Visitors may need advice on keeping a safe distance from horses or horses may need to be moved from the immediate area.

If a horse has a simple habituation it will often discontinue feeding when approached by people or following some simple distraction. Basic distraction techniques include walking purposefully towards the horse, speaking in a loud firm voice, waving and clapping hands, whistles, waving a branch, tapping with a lounge whip, etc. Distraction techniques should not spook the horse into running, especially if there are people or moving vehicles in the area. Use only enough pressure to get the horse walking away from the site.

Food Instigated Interactions:

A horse responding to food could be behaving under any of the levels of habituation. Horses that are severely habituated will be reluctant to leave an area with food, and after being displaced, will likely return for the food soon after distraction techniques are stopped.

The responding staff/ volunteer should assess the situation and the horse's response to human presence and actions. Distraction techniques should not spook the horse into running, especially if there are people or moving vehicles in the area. Only enough pressure to get the horse walking away from the site should be used. Begin with basic distraction techniques in order to move the horse away from the food. Intermediate techniques include running towards the horse, shouting, waving a towel or shirt, cracking a whip near the horse, etc. The highest level of distraction is the use of a whip on the hindquarters of the horse (in most cases this is not an appropriate technique in view of the public). When running towards a horse in an attempt to scare it off, initially run towards the head. Then when the horse has started to move off, continue approaching it from the rear, or side if you are trying to turn it. Whenever you approach a horse from the rear or side, always stay clear of the horse's kicking range.

During all levels of distraction, be sure that the public and moving vehicles are not in the path in which you intend to move the horse. Also, be aware that a horse may not move in the direction you choose. Problem horses can be very stubborn. You must communicate aggression to the horse to get it to move. They will ignore a timid or tentative effort, and at worst could turn on you, though this is an unlikely reaction for all but the boldest horses.

Once the horse is moved from the scene, the food should be secured and the violator served with the appropriate level of enforcement.

Problem Horse Behavior:

When a report is filed which indicates the activities of a potential problem horse, the closest available staff or volunteer should respond to verify if the horse is still at the reported location.

If the horse has moved on, the responding individual should verify the incident. If the activity indicates a problem horse situation, and the horse can be identified (photo, video, etc.) a Data Sheet (Appendix A) should be filled out as completely as possible and forwarded to the Herd Manager. If there is no information as to which horse caused the incident, a verbal or written message including the damage, location and time, should be directed to the Herd Manager. If similar incidents are occurring frequently, a note listing multiple incidents is preferred.

If the horse remains at the scene of a human injury or property damage, a trained response person or the Herd Manager should be notified immediately and dispatched to the scene in order to prevent additional injury or property damage. In the event that the Herd Manager is not available or too far away to respond in a timely fashion, the Executive Director should be called. Until they arrive on the scene, the responding individual should continue to make observations of any behaviors and insure the safety

of any other employee/volunteer or visitor. All injuries should be handled under the normal EMS response (see also the Horse to Human Injury section).

Whenever a CWHF staff/volunteer responds to a problem incident, they should fill out a Data Sheet including a description of the behaviors (list your observations under the Horse's Condition section). A horse that begins to show constant aggression to humans, vehicles or inanimate objects may be suffering from a disease or a head injury.

Working with Harems

Other than direct interactions with visitors and their property, horses can cause management concerns simply by their presence and numbers at particular locations. Common harem activities which may cause concern include:

- 1) multiple groups on the beaches
- 2) roadside or beach presence causing traffic congestion

1. Multiple horse groups on the beaches

During severe biting insect infestations or days with high heat and humidity, many of the horses will spend a good portion of their time on the beach. These horses are under stress from several sources, including insect bites, heat, the need to control mares, and keeping a distance from other stallions. Fighting stallions and running bands are common. Mixing highly stressed horses and crowded beaches and vehicular traffic increases the potential for injuries.

Response Procedures

Stallions tolerate each other fairly well in crowded beach situations, so in most cases the harems should be left alone.

Staff/volunteers working around the beaches should keep an eye on stallions since they will initiate most interactions. As long as they are lying down, resting a hind leg, standing with neck horizontal and ears relaxed or interacting only with members of their own harem, they may be left alone. If two stallions begin to show behaviors such as walking towards each other with heads raised and ears forward, standing with muzzles together, necks arched and squealing, visitors around the stallions should be alerted that the horses may begin fighting and that they may want to move.

It is easier and safer to move people than to attempt moving horses. Under most situations, simply monitor the horses and advise at-risk visitors when horse interactions are likely. Only trained personnel should attempt to move horses. Only under extreme conditions should an attempt be made to move horses on a crowded beach, and then, only if enough personnel are on hand to do it safely.

If an attempt is made to move horses on a crowded day, there must be enough personnel to clear all visitors out of the intended pathway before the move begins. An effective method is to clear a path for the horses toward the dunes, if possible. The move must be slow. If any horse in the band begins to trot or run, the push should cease until the fast moving horse stops. If a horse begins to turn to the high beach, the push should stop until the individual horse is pushed back over the dunes. If the stallion is too reactive or the flies too bothersome, there is not much a staff/volunteers can do to alleviate the situation. The horses should be monitored and all visitors educated to stay within the 50 foot law.

Roadside bands causing traffic congestion

Horses along developed area sand roads, on the beach, on the dunes, and the terminus of RT 12 draw the attention of many visitors. During high visitation days, visitors stopping for a view of horses can impede traffic flow and hamper travel.

Response Procedures

Staff/volunteers should use their discretion when a traffic jam is observed along the primary roads. Patience and a little time may be all that is necessary before the situation is resolved. For particularly bad traffic jams when random driving and numerous pedestrians result in a safety concern, law enforcement should be called in order to restore normal traffic flow. A trained staff or volunteer should move the horses off of the road first. Generally when the horses move off most visitors will return to their vehicles and continue on their way. They may be moved through normal distraction techniques. Horses should be moved slowly, and an attempt should be made to keep all horses to the same side of the road. Watch for moving vehicles, bicycles and bystanders when you begin.

Horse to Human Injury

Horse bites may result from either accidental or intentional horse behavior. Because of the power of a horse's jaw muscles, the resulting injury could be severe. In addition, a horse bite could transmit the rabies virus. Although rabid horses are rare, the current County Health Department protocols state that any mammal bite should be treated as a potential rabies exposure. In addition, any person witnessing a mammal bite is required by law to report that bite to Currituck Animal Control.

The response to horse bites should address three concerns:

- 1) the extent of the injury
- 2) the potential for disease exposure
- 3) identifying the responsible horse

Response Procedures

Visitors are often embarrassed or frightened when bitten by a horse. Often, it is because they did something they know they should not have done. For this reason, they may not be totally honest in explaining the situation or the extent of injuries, and may not want to see law enforcement or emergency response personnel. CWHF staff receiving horse bite reports should encourage the injured party to seek the proper medical attention.

Whenever a staff/volunteer receives a report of a horse bite, they should inquire if the bite broke skin or may have caused internal injuries (bruised muscles or broken bones). If injuries are reported or evident, contact 911 for available emergency response personnel to evaluate the injury. If the party does not wish to contact emergency medical personnel, they should be informed that besides the injury itself, horse bites can transmit diseases including rabies and encourage them to have the injury examined/treated at a local medical facility. They should also be requested to report the bite to Currituck County Animal Control. Information on the person's name, address and phone number, and a vehicle description and license number should be collected if possible.

After emergency response procedures are attempted, the CWHF Executive Director should be notified as soon as possible.

Animal Control requests that a horse be monitored for 10 days following a human biting incident. For these reasons, the bite victim should always be asked if they could identify the horse in question (any unique color or markings, sex, or did they happen to photograph it). If the identified horse is still in the area, staff/volunteer should photograph the horse if possible, or make a written description of the horse. Especially if the horse is a solid, unmarked color, recording the number of other horses with it along with photos or descriptions and pattern sketches of any uniquely marked individuals in its band can be crucial in identifying the horse.

All horse bites should be referred to a local medical facility. If site treatment is necessary to prepare the patient for transport, it must be handled as a standard EMS response.

Human to Horse Injury

Any observation of a person(s) causing injury to a horse should be immediately reported to Currituck County Sheriff's Department by calling 911. A complete description of the individual(s) and any vehicles (including license plate) should be given to the investigating officer.

After reporting the incident to police, the CWHF Herd Manager or CWHF Executive Director should be notified. An accurate description of the horse (color, markings, color of mane and tail) and its last known location should be given to both the Sheriff's Department and CWHF.

Horse Removal

The decision to permanently remove a wild horse from its home area is based on the following:

- The horse has an injury or illness that is life threatening or impacts quality of life in a manner that ultimately threatens the horse's safety or survival.
- A foal that is orphaned or abandoned at an age that survival without its mother is not possible and all attempts to locate the dam are unsuccessful.
- Removal to reduce herd numbers to comply with public law.
- The horse is classified as a problem horse by the Herd Manager.

Criteria for removal for herd reduction:

- Males between the ages of 6 months and three years (unless the male to female ratio is 50/50 – then decisions regarding sex will be based on harem composition. Age criteria will remain the same). Young bachelors are preferable in order to not break up existing family groups.
- Horses with locking patellas or other physical abnormalities.

Capture:

Capture will be accomplished through gentle, safe, natural horsemanship techniques. Tranquilization drugs should be used only if immediate emergency treatment of a horse is necessary to stabilize the horse for transport; if the horse is at risk for serious injury during transport; or for the safety of staff and/or an attending veterinarian. The use of ropes or other types of restraints during capture is not permitted unless required for the purpose of rescuing or removing a horse from water or other dangerous confinement.

Transport:

Captured horses will be transported in a stock trailer large enough for them to safely turn around. No horse will be tied in a trailer.

Care and Housing:

Captured horses will be transported and housed at a facility appropriate to contain wild horses. A licensed veterinarian will examine the horse(s) and assess their health and dietary needs. All captured horses will be given coggins tests, vaccinated against equine diseases, and receive any other tests and procedures as recommended by the veterinarian.

In the case of a severely injured or sick horse, the veterinarian will assess whether the horse requires hospitalization at Dominion Equine Clinic in Suffolk, VA, can be successfully treated at the facility where they are housed, or is in need of humane euthanasia.

Because the diet of the Corolla horses in the wild is not supplemented with domestic horse food such as hay or grain, the transition to domestic horse food will not be instantaneous. Captured horses must be monitored daily by the Herd Manager or his/her designee to ensure that the horse's nutritional requirements are being met. In the case of orphaned foals, bottle feeding with Unimilk or a similar product must be done on a 4 to 6 hour schedule until the foal is capable of drinking water, milk replacer, and pelleted food.

Once the horse's health condition has been resolved, gentling and training will begin in order to ready the horse for physical adoption.



**CURRITUCK COUNTY
NORTH CAROLINA**

October 16, 2017

Minutes – Regular Meeting of the Board of Commissioners

WORK SESSION

1. 5:00 PM Discussion of County Code of Ordinances, Chapter 10, Article II, Div 2: Vehicles and Horses on the Outer Banks

The Board of Commissioners attended a 5 PM work session to discuss the county ordinance regulating beach driving on Currituck County beaches. County Manager, Dan Scanlon, displayed the current local regulations and the Board began discussion on the possible modification of certain sections. Four-wheel drive beach considerations included shifting the drive lanes to the dune line, implementing a fee-based parking permit system and All Terrain Vehicle (ATV) use and permitting. Commercial beach driving regulations, currently permitted south of the fence, were also discussed.

Mr. Scanlon, during discussion, relayed concerns from emergency responders and residents regarding a shift of travel lanes to the dune on the four-wheel drive area; the move may hinder the ability for emergency vehicles to move up and down the beach and personal vehicles would be affected by the additional wear from driving at the dune line. Beach safety and parking were discussed, and the Board asked that a parking pass permit system be developed and brought back for Board review. Staff was also directed to create a plan to shift drive and parking patterns, and the Board stressed that both plans should be developed with safety and the concerns of residents in mind. ATV discussion included the possible institution of a helmet requirement. The Board asked that the ATV ordinance be modified to better define permit eligibility and issuing requirements. The ordinance would also include clarifying language to require vehicles driven on the four-wheel drive beach must have a valid registration.

The Board discussed commercial beach driving, after which they asked for removal of the language that allowed access for all vendors, keeping the ability of a Planned Unit Development (PUD) to secure permits for their use. The Board asked staff to include language to better define the allowable use, location, and size of beach storage lockers, which are frequently rented to guests and left on the beach by vendors in violation the county's ordinance regulating unattended items on the beach.

The work session concluded at 5:45 PM.

6:00 PM CALL TO ORDER

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

Attendee Name	Title	Status	Arrived
Bobby Hanig	Chairman	Present	
Mike H. Payment	Vice Chairman	Present	
Paul M. Beaumont	Commissioner	Present	
Mary "Kitty" Etheridge	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Bob White	Commissioner	Present	

Chairman Hanig called the meeting to order.

A) Invocation & Pledge of Allegiance-Pastor Glenn McCranie, Retired US Navy Chaplain

Pastor Glenn McCranie was in attendance to offer the Invocation and lead the Pledge of Allegiance.

B) Approval of Agenda

Commissioner Gilbert moved to approve the agenda. The motion was seconded by Commissioner Etheridge and carried unanimously.

Approved agenda:

Work Session

5:00 PM Discussion of County Code of Ordinances, Chapter 10, Article II, Div 2: Vehicles and Horses on the Outer Banks

6:00 PM Call to Order

- A) Invocation & Pledge of Allegiance-Pastor Glenn McCranie, Retired US Navy Chaplain
- 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.

Administrative Reports

- A) North Carolina Forest Service Annual Report-Eric Lefevers, Currituck County Ranger

Public Hearings

A) **Public Hearing and Action: PB 15-02 Hidden Oaks - Use Permit Amendment:** Request to amend the use permit to convert 6 Single Family Dwelling (SFD) lots to duplex lots for property located in Moyock at the terminus of Inventors Drive on the east side of Caratoke Highway, Tax Map 9, Parcels 26B and 26D, Moyock Township.

Old Business

A) **Consideration of an Order Approving the Use Permit for PB 94-49: The Currituck Club**

New Business

A) **Consideration of an Ordinance Amending Section 10-66 of the Currituck County Code of Ordinances to Clarify Required Tire Air Pressure for Motor Vehicles Operating on the County's Ocean Beach**

B) **Consideration of an Ordinance Amending the Currituck County Code of Ordinances by Adding a Section Regulating Excessive and Unsafe Digging on the County's Ocean Beach**

C) Consent Agenda

1. Approval Of Minutes for October 2, 2017
2. Budget Amendments
3. Resolution to Declare CCRC Utility vehicle as Surplus

D) Commissioner's Report

E) County Manager's Report

Special Meeting of the Ocean Sands Water & Sewer District Board

Resolution to Approve Financing Terms for Ocean Sands Wastewater Treatment Plant Construction

Closed Session

Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the Attorney-Client Privilege.

Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, 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.

Tameron Kugler, Travel and Tourism Director for Currituck County, introduced the new Currituck Hospitality Ambassador program, which encourages residents to visit tourist destinations in the County.

Charlie Copeland and George Barlow, Carova Beach property owners, asked the Board to allow vehicles to be parked on unimproved lots on the four-wheel drive area. Mr. Barlow also expressed his concern with eliminating overnight parking at the Knotts Island boat ramp, which may cause vehicles to park on his Knotts Island property located across the street. Mr. Scanlon clarified that the ordinance language regarding overnight parking at the boat ramp was not new, and that overnight parking was always prohibited.

Fran Hamilton, a full-time Corolla resident, said she was interested in hearing Board discussion on the air-down ordinance under consideration. She lives in the last neighborhood before the four-wheel drive area, and drivers are airing down their tires within their subdivision.

Kelly Peters and Wiley Melton, both Knotts Island residents, presented their concerns should the Board implement vehicle limitations on lots in Carova.

With no one else wishing to speak, Chairman Hanig closed the public comment period. Mr. Scanlon explained the language in the Unified Development Ordinance (UDO) would be amended to allow parking on unimproved lots on the four-wheel drive area. Vehicles would have to be registered.

ADMINISTRATIVE REPORTS

A. North Carolina Forest Service Annual Report-Eric Lefevers, Currituck County Ranger

Eric Lefevers, North Carolina Forest Service Currituck Ranger, and Assistant, Aaron Bishop, introduced themselves and provided their professional and educational backgrounds. Mr. Lefevers noted the agency responded to 77 fire calls last year and reviewed the duties and goals of the agency which include information and education services, fire response, issuing burn permits, forest management and development of stewardship plans related to timber improvement, water quality and wildlife. Commissioner Beaumont said the Forest Service offers an excellent course on

chainsaw safety. Commissioner Hall noted that logging inspections were performed by the Forest Service. He asked for updated numbers on forest acreage in the county and Mr. Lefevers said he was compiling those numbers and would provide them upon completion. Forest Service District Ranger out of Elizabeth City was also in attendance, and thanked the Board for their support.

PUBLIC HEARINGS

A. Public Hearing and Action: PB 15-02 Hidden Oaks - Use Permit Amendment: APPLICATION SUMMARY

Property Owner: Hidden Oaks LLC Justin Old 417 D Caratoke Highway Moyock, NC 27958	Applicant: Hidden Oaks LLC Justin Old 417 D Caratoke Highway Moyock, NC 27958
Case Number: PB 15-02	Application Type: Amended Use Permit
Parcel Identification Number: <i>Original parcels:</i> 0009-000-026A-0000 and 0009-000-026B-0000 <i>Now:</i> 0009-000-026B-0000, 0009-000-026E-0000, and all the parcel numbers for the lots and open space in Phase 1, as recorded)	Existing Use: Single-Family Development
Land Use Plan Classification: Full Service Moyock Small Area Plan: Full Service	Parcel Size (Acres): 36.5
Number of Units: 67 pervious approved. Requesting to convert 6 lots to duplex units for a total of 73 units.	Project Density: Previously approved: 1.81 units/ acre New request: 2 units/acre requested.
Required Open Space: 14.83 acres (40%)	Provided Open Space: 15.86 acres

SURROUNDING PARCELS		
	LAND USE	ZONING
NORTH	RESIDENTIAL	AG
SOUTH	RESIDENTIAL/INSTITUTIONAL	GB
EAST	RESIDENTIAL	SFM
WEST	INDUSTRIAL	GB

- 1. The applicant is requesting to amend the use permit to convert six single-family dwelling lots to duplex lots. This would increase the number of approved units from 67 to 73.
- 2. The number of lots, amount of open space, and lot coverage limits will remain as previously approved.
- 3. Project density will increase to 2 units per acre from the previously approved 1.81 units per acre. Two units per acre is the maximum number of dwelling units for this parcel in this zoning district.
- 4. Two units per acre are allowed under the development regulations at the time of use permit approval.
- 5. This proposal will provide an alternate housing style that is not currently available in Moyock.

6. The applicant is proposing that duplex units be placed on lots 9 through 14 on North Gumbery Trace.
7. The applicant is proposing building elevations (see attached) that should be incorporated into this approval to insure the architectural standards imposed by the applicant are met.

INFRASTRUCTURE	
WATER	PUBLIC
SEWER	PUBLIC
SCHOOLS	ADDITIONAL ELEMENTARY STUDENTS GENERATED: 1.5 STUDENTS
	ADDITIONAL MIDDLE SCHOOL STUDENTS GENERATED: .48 STUDENTS
	ADDITIONAL HIGH SCHOOL STUDENTS GENERATED: .84 STUDENTS
RECREATION AND PARK AREA DEDICATION	.153 ACRES – ADDITIONAL PAYMENT IN LIEU OF DEDICATION WILL BE ACCEPTED IN THE AMOUNT OF \$2,243.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

1. The Technical Review Committee recommends adoption of the amended use permit as presented.
 - a. That the architectural standards of the elevation presented (attached) be maintained for all duplex lots.
2. An amended use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the use permit review standards. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary applicant findings.

USE PERMIT REVIEW STANDARDS

THE USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY.

Preliminary Applicant Findings:

1. The use will adhere to county health and safety standards. All lots front on low-speed interior streets that are connected to two means of egress. The lots will be served with public water and sewer. The project should not adversely affect the public health or safety.

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. Over 42% of the land is being preserved as open space and existing trees are being preserved to the greatest degree practicable with tree buffers ranging from 60 to more than 100 isolating the community from neighboring communities. Construction style will be attractive and similar to the adjacent communities. The use will not injure the value of adjoining or abutting lands and will be in harmony with the surrounding area.

THE USE WILL BE IN CONFORMITY WITH THE LAND USE PLAN OR OTHER OFFICIALLY ADOPTED PLANS.

Preliminary Applicant Findings:

1. The Land Use Plan classifies this area as Full Service within the Moyock subarea. The proposed development density of two units per acre is below the densities envisioned in both the Currituck County Land Use Plan and the Moyock Small Area Plan for a full-service development connected to county sewer.

Relevant MSAP and 2006 LUP Policies:

1. LUP POLICY HN1: Currituck County shall encourage development to occur at densities appropriate for the location.
2. LUP POLICY HN2: The county shall encourage alternatives to large lot developments through INNOVATIVE DEVELOPMENT CONCEPTS AND CORRESPONDING ZONING techniques.
3. LUP POLICY HN3: Currituck County shall especially encourage two forms of residential development, each with the objective of avoiding traditional suburban sprawl:
 - COMPACT, MIXED USE DEVELOPMENTS OR DEVELOPMENTS NEAR A MIXTURE OF USES that promote a return to balanced, self-supporting community centers generally served by centralized water and sewer. The types of development are contemplated for the Full service Areas identified on the Future Land Use Map.
4. LUP POLICY HN5: Currituck County recognizes that there are many types of housing...that are often overlooked in meeting the Currituck County 2006 Land Use Plan for AFFORDABLE HOUSING NEEDS of young families, workers of modest income, senior citizens, and others.
5. LUP POLICY TR7: A system of LOCAL CONNECTOR ROADS shall be identified and implemented to allow local traffic to move in a north-south direction without having to use and further burden US 158.
6. LUP POLICY TR8: Local streets shall be designed and built to allow for convenient CIRCULATION WITHIN AND BETWEEN NEIGHBORHOODS and to encourage mobility by pedestrians and bicyclists.
7. LUP POLICY WQ5: Development that preserves the NATURAL FEATURES OF THE SITE, including existing topography and significant vegetation, shall be encouraged.
8. MSAP POLICY TR2: Ensure that all development is designed with an interconnected, multi-modal transportation network between neighborhoods, activity centers, and other destinations to improve mobility and emergency access. Development of an interconnected road network east and west of Highway 168 that allows north-south movement for local residential traffic.
9. MSAP POLICY FLU1: Promote compatibility between new development and existing development to avoid adverse impacts to the existing community...

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 Applicant Findings:

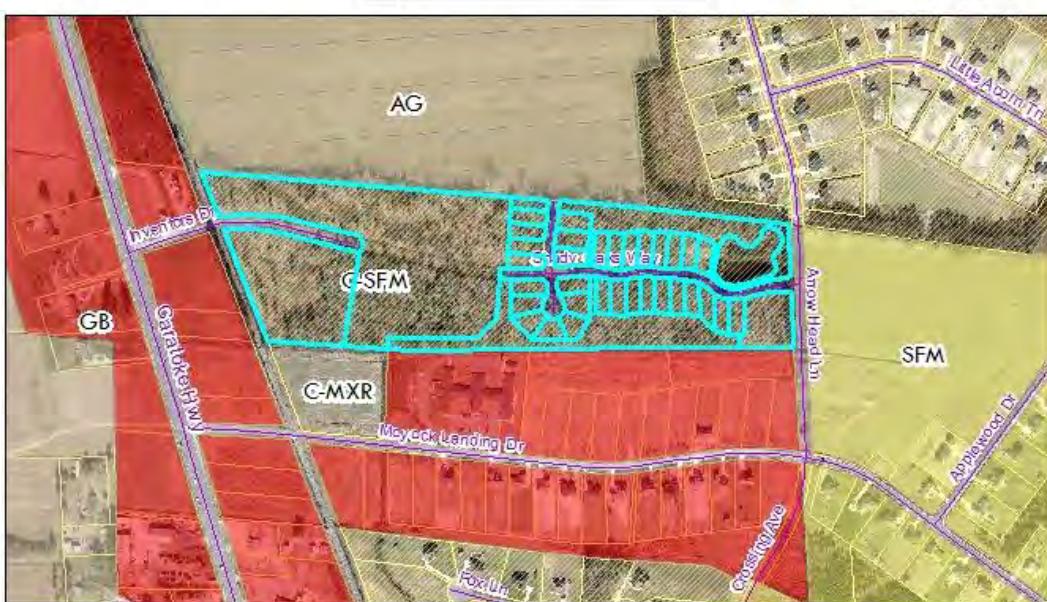
1. Currituck County has adequate public facilities to serve the proposed subdivision.



PB 15-02 Hidden Oaks
Amended Use Permit
2016 Aerial



Currituck County
Planning and
Community Development



PB 15-02 Hidden Oaks
Amended Use Permit
Zoning



Currituck County
Planning and
Community Development



PB 15-02 Hidden Oaks
Amended Use Permit
LUP

Currituck County
Planning and
Community Development



PB 15-02 Hidden Oaks
Amended Use Permit
MSAP

Currituck County
Planning and
Community Development

Parties were sworn and Laurie LoCicero, Planning and Community Development Director, reviewed the request to amend the use permit to allow the applicant to convert six single-family lots to duplex lots. Ms. LoCicero responded to questions and clarified that a prior request to convert sixteen lots exceeded allowable density, and was revised to the current request of six lots.

Mark Bissell, Engineer, reviewed the request and provided information on maintenance and oversight, location within the subdivision. Elevation photos were displayed, and Mr.

Bissell clarified square footage and sales prices. The affects on property values and disclosure were discussed, and Mr. Bissell said they would be willing to disclose to potential buyers that duplex homes would be part of the subdivision. Commissioner Payment was curious as to why the change is being requested, and Mr. Bissell said the developer believes there is a market for duplex homes. Commissioner Beaumont also questioned the change, and wondered if approval would have been granted if they had been included in the original application.

Commissioner Gilbert had concerns that the duplex properties could possible bring down the value of the other homes.

Chairman Hanig opened the public hearing. No one wished to speak and the public hearing was closed.

With discussion concluded, Commissioner Gilbert moved to deny PB 15-02 Hidden Oaks application due to the fact that the burden of proof has not been shown that it will not endanger or injure the value of adjoining and abutting lands.

The motion was seconded by Commissioner Etheridge and carried unanimously.

RESULT:	MOTION PASSED-ITEM DENIED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	Mary "Kitty" Etheridge, Commissioner
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

OLD BUSINESS

A. Consideration of an Order Approving the Use Permit for PB 94-49: The Currituck Club

Ms. LoCicero reviewed the document granting approval of the use permit for PB 94-49: The Currituck Club, previously heard by the Board at their October 2, 2017, regular meeting . She reviewed the document to ensure all conditions of approval were included and acceptable and responded to questions. After review, Commissioner White moved to approve as submitted by staff. The motion was seconded by Commissioner Payment and carried unanimously.

COUNTY OF CURRITUCK

Planning and Community Development Department
Planning and Zoning Division
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 Telephone (252) 232-3055 / Fax (252) 232-3026

USE PERMIT GRANTED

On the date(s) listed below, the Board of Commissioners for the County of Currituck met and held a public hearing to consider the following application:

Owner: The Currituck Club Property Owner's Association, Inc.
619 Clubhouse Drive
Corolla, NC 27927

Applicant: The Currituck Club Property Owner's Association, Inc. by Heidi Corsello,
General Manager
619 Clubhouse Drive
Corolla, NC 27927

Property Location: 475 Yaupon Lane, Corolla NC
"Surf Shack"
The Currituck Club Oceans Subdivision, Tax Map 127E, Parcel OPEN003,
Poplar Branch Beach Township.

Project: PB 94-49 The Currituck Club Planned Unit Development

Proposed Use: Amenity Area in Open Space

Meeting Dates: October 2, 2017 - Board of Commissioners' Public Hearing/Action

Having heard all the evidence and argument presented at the hearing, the Board of Commissioners finds that the application is complete, that the application complies with all of the applicable requirements of the Currituck County Unified Development Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved subject to all applicable provisions of the Unified Development Ordinance and the following conditions:

- (A) The applicant shall complete the development in compliance with the conceptual development plan prepared by Quible and Associates, P.C. entitled "Conceptual Sketch Surf Shack The Currituck Club" and dated September 25, 2017, as modified by the conditions of this permit. The conceptual development plan was submitted to and approved with conditions by this Board, a copy of which is filed in the office of the Planning and Community Development Department.
- (B) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- (C) This permit shall remain valid so long as the conditions under which it was granted are met.

Use Permit Approval Standards

- (D) The use will not endanger the public health or safety.
 - 1. THE PROPOSED USE ALLOWS THE CONTINUED HISTORICAL USE OF THE PARCEL FOR AMENITIES AND REDUCES THE NUMBER OF PEDESTRIAN AND VEHICULAR TRIPS MADE ACROSS NC12 TO ACCESS THE BEACH.
 - 2. TESTIMONY FROM EXPERT WITNESS, CATHLEEN SAUNDERS, PROFESSIONAL ENGINEER WITH QUIBLE AND ASSOCIATES PC, VERIFIED THAT THE USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY. THERE IS ADEQUATE INFRASTRUCTURE TO SERVE THE USE.
- (E) 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.

1. THE PROPOSED USE IS SIMILAR TO THAT OF MANY OUTER BANKS COMMUNITIES THAT OFFER SIMILAR RECREATIONAL AMENITIES FOR THEIR MEMBERS AND GUESTS.
2. TESTIMONY FROM M. CURTIS WEST, CERTIFIED NORTH CAROLINA APPRAISER, VERIFIED THAT 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. ADJOINING AND ABUTTING PROPERTIES INCLUDE THE SOUTHERN BEACH PUBLIC ACCESS OWNED BY CURRITUCK COUNTY, OPEN SPACE OWNED BY SPINDRIFT PROPERTY OWNERS ASSOCIATION, SINGLE FAMILY RESIDENTIAL PROPERTY OWNED BY BLUE MARLIN DEVELOPMENT, LLC.

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

1. The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea.
2. The property is part of The Currituck Club Planned Unit Development that meets the bulk and dimensional standards of the UDO with respect to density, required open space and commercial use areas.
3. TESTIMONY FROM EXPERT WITNESS, LAURIE LOCICERO, COUNTY PLANNING DIRECTORY, VERIFIED THAT THE USE IS IN CONFORMITY OF WITH THE 2006 LAND USE PLAN.

(G) 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.

1. THE PROPOSED USE WILL HAVE NO IMPACT ON SCHOOLS.
2. CURRITUCK COUNTY HAS ADEQUATE PUBLIC FACILITIES TO SERVE THE PROPOSED USE OF THE SURF SHACK PARCEL.
3. TESTIMONY FROM EXPERT WITNESS, LAURIE LOCICERO, COUNTY PLANNING DIRECTORY, VERIFIED THAT THE USE WILL NOT IMPACT SCHOOLS OR THE COUNTY'S ABILITY TO PROVIDE FIRE, RESCUE OR LAW ENFORCEMENT SERVICES.

Conditions of Approval

(H) The application complies with all applicable review standards of the UDO.

(I) 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 designation of the property shall remain open space.
- b. The use of the property shall be limited to Active or Passive Recreation Uses, restricted to picnic/eating areas, sail shelters, and golf cart parking areas. Allowable accessory uses are food and beverage sales, sales of beach related sundries and limited storage and rental of beach equipment.
- c. Improvements shall be limited to those shown on the Conceptual Site Plan dated September 25, 2017, as modified by the conditions of this permit. Expansions of golf cart parking on the Conceptual Site Plan are approved as to use and location. Expansions of bocce ball, putting green and shuffleboard courts are not approved.
- d. The applicant shall submit a more detailed site plan, substantially consistent with the use and location of improvements shown on the Conceptual Site Plan, as modified by the conditions of this permit, to be reviewed and approved by the County's Technical Review Committee prior to construction of proposed expansions or relocation of existing structures.
- e. Required storm water features shall maintain the same level of functionality as on the existing site.
- f. Future expansion of use or structures, or future changes of use, will require an amendment to this Use Permit.

- g. On-site storage of recreational equipment is limited to existing or proposed structures shown on the Conceptual Site Plan. Temporary storage containers including but not limited to trailers or beach boxes are prohibited.
- h. Use of the property and amenities shall be limited to owners, tenants and their guests from The Currituck Club PUD, The Currituck Club Oceans Subdivision, and the Spindrift Subdivision. TCCPOA shall implement a system to identify qualified users and shall notify County staff on the system. If the system fails and does not identify qualified users, County staff will require a revision to the identification system.
- i. Hours of operation shall be limited to 6:00 am to 7:00 pm. Staff hours may exceed the hours of operation of the Surf Shack and related amenities.

IN WITNESS WHEREOF, the County has caused this permit to be issued in its name, and the property owners/applicants of the property above described, do hereby accept this Use Permit together with all its conditions, as binding on them and their successors in interest.

ATTEST:

(Seal)

Clerk to the Board

Chairman

Board of Commissioners

Date

(NOT VALID UNTIL FULLY EXECUTED)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Commissioner
SECONDER:	Mike H. Payment, Vice Chairman
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

NEW BUSINESS

A. Consideration of an Ordinance Amending Section 10-66 of the Currituck County Code of Ordinances to Clarify Required Tire Air Pressure for Motor Vehicles Operating on the County's Ocean Beach

County Attorney, Ike McRee, referred to the original ordinance and reviewed the proposed changes which will now capture the proper pressures for various vehicle weights and types of vehicles.

Chairman Hanig asked that the effective date be modified to allow time to provide information to the public for air down and air up locations. When asked, Mr. McRee clarified the county has no legal requirement to provide air stations. After discussion, Commissioner White moved to approve with the addition of Part 3 that the ordinance take effect May 1, 2018. The motion was seconded by Commissioner Beaumont and carried unanimously.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 10-66 OF THE CURRITUCK COUNTY CODE SECTION REGULATING MOTOR

VEHICLE TIRE PRESSURE ON THE COUNTY'S BEACH STRAND OR FORESHORE TO ADD CLARIFYING LANGUAGE

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, driving on sand with improperly inflated tires can lead to greater chance of sinking into the sand and rutting of the beach strand and foreshore; and

WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws the county may by ordinance regulate, restrict, and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven vehicle specified by the county's governing board on the foreshore, beach strand and barrier dune system; and

WHEREAS, on May 15, 2017 the Board of Commissioner adopted an ordinance amending the Currituck County Code of Ordinances to regulate tire pressure for motor vehicles operating on the county's beach strand or foreshore and it is necessary to modify the ordinance to add clarifying language.

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

PART I. Section 10-66 of The Code of Ordinances, Currituck County, North Carolina is amended to read as follows:

Sec. 10-66. Motor vehicle tire pressure.

No person shall drive or operate a motor vehicle on the beach strand or foreshore with tires containing air pressure exceeding the following pounds per square inch (p.s.i.):

(a) 20 p.s.i. for motor vehicles ~~weighing less than three quarters of a ton with curb weight of less than 5,000 pounds; or~~

~~(b) 30 p.s.i. for motor vehicles weighing between three quarters of a ton and one ton.~~

~~(b) Motor vehicles weighing more than one ton shall maintain tire p.s.i. not greater than that required for safe travel for motor vehicles with curb weight greater than 5,000 pounds.~~

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

PART III. This ordinance is effective May 1, 2018.

ADOPTED this 16th day of October, 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob White, Commissioner
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

B. Consideration of an Ordinance Amending the Currituck County Code of Ordinances by Adding a Section Regulating Excessive and Unsafe Digging on the County's Ocean Beach

Mr. McRee reviewed provisions of the ordinance that addresses excessive digging and filling of holes on the beach. He said the Sheriff voiced concerns with manpower for enforcement. Mr. McRee said Code Enforcement officials do have the ability to enforce these and other ordinances, and the Board could consider adding enforcement officials during the summer months.

Commissioner Beaumont moved to approve the Ordinance relative to excessive excavation on the beaches. The motion was seconded by Commissioner Hall. The motion passed unanimously.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING ARTICLE II, DIVISION 7, CHAPTER 10 OF THE CURRITUCK COUNTY CODE OF ORDINANCES TO REGULATE EXCESSIVE AND UNSAFE DIGGING OR PILING OF SAND ON THE COUNTY'S OCEAN BEACH

WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-145.3 a county may, by ordinance, define, prohibit, regulate, or abate acts, omissions, or conditions upon the State's ocean beaches and prevent or abate any unreasonable restriction of the public's right to use the State's ocean beaches; may regulate, restrict, or prohibit the placement, maintenance, location or use of equipment, personal property, or debris upon the State's ocean beaches; and may otherwise enforce any ordinance adopted pursuant to this section or any other of provision of law upon the State's ocean beaches located within the county's jurisdictional boundaries; and

WHEREAS, the Board of Commissioners for the County of Currituck finds that excessive piling of sand or digging of holes in the sand of the county's ocean beaches affects the health, safety and welfare of the county's citizens and visitors by: (i) creating hazards for those traveling the ocean beaches during times of reduced visibility; (ii) unreasonably restricting the ability of emergency, lifesaving, public service and other motor vehicles to travel the ocean beach; (iii) creating hazards for endangered and protected species such as sea turtles which use the ocean beach at night; and (iv) creating the possibility of collapse of sand upon users of the ocean beach, particularly children; and

WHEREAS, the Board of Commissioners for the County of Currituck further finds that in accordance with the findings above it is in the interest of the public's health, safety, morals and general welfare for the county to amend the Code of Ordinances, Currituck County, North Carolina as set forth in this ordinance.

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

PART I. Article II, Division 7, Chapter 10 of The Code of Ordinances, Currituck County, North Carolina is amended by adding a new Section 10-130 to read as follows:

Sec. 10-130. Excessive and unsafe digging or piling of sand on the ocean beach prohibited.

- (a) It shall be prohibited for any person to alter the ocean beach by digging or mounding of sand that:
 - (1) Substantially or permanently alters the contour or shape of the ocean beach or any sand dune;
 - (2) Remains unattended at night for any period of time or during the day for more than one hour without restoring the beach to its original condition;
 - (3) Unreasonably restricts, prevents or disrupts the passage of public works, emergency or ocean rescue vehicles, or the public; or
 - (4) Creates a hazard for those traveling the ocean beach during times of reduced visibility or otherwise cannot reasonably be seen and recognized as a hazard by users of the ocean beach;
 - (5) Creates hazards for endangered and protected species such as sea turtles which use the beach at night;
 - (6) Creates the possibility of collapse of the sand upon users of the ocean beach, particularly children; or
 - (7) Otherwise creates an unreasonably dangerous condition for the users of the ocean beach.

(b) Exceptions. The county manager may grant exceptions to this section for limited duration special events or other reasons in the general public interest upon presentation of a written request outlining the reasons for the exception and providing a plan for addressing safety issues associated with the request. This section shall not be applicable to development, beach restoration or nourishment, construction or similar activities occurring upon the ocean beach pursuant to and in compliance with all necessary permits issued by the local, state and/or federal agencies having jurisdiction over the work.

PART II. Severability. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part of this ordinance to be invalid, such decision shall not affect the remaining provisions of this ordinance or the Code of Ordinances of the County of Currituck, North Carolina.

PART III. This ordinance is effective upon adoption.

ADOPTED this 16th day of October, 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Mike D. Hall, Commissioner
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

C) Consent Agenda

Commissioner Gilbert moved to approve the Consent Agenda.

Commissioner Hall discussed his exiting the previous Board of Commissioners meeting held October 2, 2017, before adjournment. He explained he had a family issue and had hoped to return to the meeting but was unable. He asked that the prior meeting minutes be revised, with the following statement installed into the second paragraph on page 47 of the agenda packet:

"A brief recess was called by Chairman Hanig at the request of Commissioner Hall, who advised Chairman Hanig that he had to leave due to a family emergency and hoped to return. The meeting was reconvened at 10:02 PM. Commissioner Hall was not present after the recess, he did not return to the meeting and no vote to excuse him was requested or taken."

Commissioner Gilbert referred to her earlier motion to approve the Consent Agenda and said she would like to leave the minutes as written. There was no second and the motion died.

Commissioner Hall moved to accept the minutes with the amendment as read. Upon request by Commissioner Beaumont, Commissioner Hall reread the statement and Chairman Hanig clarified that there was no vote to excuse, as he was under the impression Commissioner Hall was returning.

The motion on the floor died for lack of a second. Mr. McRee reviewed the purpose of meeting minutes, which are to memorialize Board actions during meetings. He said minutes belong to the Board and the Board can determine language to accurately reflect actions of the Board. Mr. McRee answered questions related to excusing Board members, voting and related rules of procedure.

Further discussion resulted in the Board making the determination that the Clerk to the Board will include Commissioner Hall's statement in the minutes of this meeting, for the record. With discussion concluded, Commissioner Gilbert moved to accept the Consent Agenda and the minutes as written. The motion was seconded by Chairman Hanig. The motion carried 6-1, with Commissioner Hall voting opposed.

RESULT:	APPROVED [6 TO 1]
MOVED:	Marion Gilbert, Commissioner
SECONDER:	Bobby Hanig, Chairman
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Bob White, Commissioner
NAYS:	Mike D. Hall, Commissioner

1) Approval Of Minutes for October 2, 2017

1. BOC Minutes for October 2, 2017.

2. Budget Amendments

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10510-536000	Uniforms	\$ 20,346	
10330-449900	Miscellaneous Grants		\$ 20,346
		<u>\$ 20,346</u>	<u>\$ 20,346</u>

Explanation: Sheriff (10510) - Increase appropriations for bulletproof vest grant carry-forward from FY 2017.

Net Budget Effect: Operating Fund (10) - Increased by \$20,346.

Account Number	Account Description	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10750-590000	Capital Outlay	\$ 3,900	
10460-516000	Repairs and Maintenance		\$ 3,900
		<u>\$ 3,900</u>	<u>\$ 3,900</u>

Explanation: Public Works (10460); Social Services Administration (10750) - Transfer budgeted funds to replace a HVAC system at the Social Services building.

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

3. Resolution to Declare CCRC Utility vehicle as Surplus

RESOLUTION

WHEREAS, THE Board of Commissioners of the County of Currituck, North Carolina during its regularly scheduled meeting authorized the following, pursuant to G.S. 160A and 270(b) that the property listed below will be taken to electronics recycling as it is no longer functioning.

County	Asset Tag	Description	Serial Number
	7148	2009 4x4 Cub Cadet Utility	1I127G40013

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the County of Currituck reserves the right to reject any and all bids.

ADOPTED, this 16th day of October 2017.

Bobby Hanig
County of Currituck, Board of Commissioners

Leeann Walton
Clerk to the Board (Seal)

D) Commissioner's Report

Commissioner Beaumont discussed the history of the Boy Scout camping area at Maple Industrial Park and said he attended last Saturday's first Camporee. He was pleased the boys have a safe place to go camping.

Commissioner Gilbert said she also attended the Camporee. She said the Scouts presented a plaque to Commissioners, which she presented to the county so it could be hung in the courthouse. She acknowledged the Coast Guard members who worked to prepare the camp site.

Chairman Hanig expressed his appreciation to Commissioners for the extra time they put into the job in addition to attending meetings, noting they may attend many functions in one day.

E) County Manager's Report

No Report.

RECESS

Chairman Hanig recessed the regular meeting of the Board of Commissioners to hold a Special Meeting of the Ocean Sands Water and Sewer District Board.

SPECIAL MEETING OF THE OCEAN SANDS WATER & SEWER DISTRICT BOARD

The Currituck County Board of Commissioners, during a recess of the 6 PM regular meeting on October 16, 2017, held a Special Meeting sitting as the Ocean Sands Water and Sewer District Board.

F. Resolution to Approve Financing Terms for Ocean Sands Wastewater Treatment Plant Construction

County Manager, Dan Scanlon, reviewed the funding process and described the BB&T funding terms included in the Resolution for financing the Ocean Sands Wastewater Treatment Plant construction project.

Commissioner Payment moved to approve the Resolution. The motion was seconded by Commissioner White and passed with a unanimous vote.

With no further business the Special Meeting of the Ocean Sands Water and Sewer District Board was adjourned.

Ocean Sands Water and Sewer District
Resolution Approving Financing Terms

WHEREAS: Ocean Sands Water and Sewer District (the "District") has previously determined to undertake a project for the financing of the Ocean Sands Wastewater Treatment Plant Project, (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The District hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated September 14, 2017. The amount financed shall not exceed \$8,000,000.00, the interest rate shall not exceed 2.45% and the financing term shall not exceed fifteen (15) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the District are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by District officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The District shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The District hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The District intends that the adoption of this resolution will be a declaration of the District's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The District intends that funds that have been advanced, or that may be advanced, from the District's general fund, or any other District fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of District officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this _____ day of _____, 2017.

By: _____

By:

Title: _____
Title: _____

SEAL

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Vice Chairman
SECONDER:	Bob White, Commissioner
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner

CLOSED SESSION

The Board returned from recess and Chairman Hanig moved the Board into Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the Attorney-Client privilege.

G. Closed Session pursuant to G.S. 143-318.11(a)(3) to consult with the County Attorney in order to preserve the Attorney-Client Privilege.

ADJOURN

Motion to Adjourn Meeting

The Board returned from closed session and had no further business. Commissioner Etheridge made a motion to adjourn. The motion was seconded by Commissioner White and passed unanimously, 6-0. Commissioner Gilbert was not present for the vote having

been excused from the meeting at the start of closed session. The regular meeting of the Board of Commissioners was concluded at 7:48 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mary "Kitty" Etheridge, Commissioner
SECONDER:	Bob White, Commissioner
AYES:	Bobby Hanig, Chairman, Mike H. Payment, Vice Chairman, Paul M. Beaumont, Commissioner, Mary "Kitty" Etheridge, Commissioner, Mike D. Hall, Commissioner, Bob White, Commissioner
EXCUSED:	Marion Gilbert, Commissioner



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2022)

Agenda Item Title

Budget Amendments

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Daniel F. Scanlon

Number

20180029

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of November 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10640-532004	FCS Supplies	\$	1,256		
10330-449900	Miscellaneous Grants			\$	1,256
		<u>\$ 1,256</u>		<u>\$ 1,256</u>	

Explanation: Cooperative Extension (10640) - To record Seniors' Health Insurance Information Program (SHIIP) grant funds.

Net Budget Effect: Operating Fund (10) - Increased by \$1,256.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

20180030

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of November 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10510-540000	Worker's Comp	\$	10,340		
10530-540000	Worker's Comp	\$	3,099		
10640-540000	Worker's Comp	\$	1,904		
10795-540000	Worker's Comp	\$	3,085		
10380-488400	ABC Profits			\$	18,248
		<hr/> <u>\$ 18,428</u>		<hr/> <u>\$ 18,248</u>	

Explanation: Sheriff (10510); Emergency Medical Services (10530); Cooperative Extension (10640); Recreation (10795) - Increase appropriations for acutal worker's compensation fee for FY 2017 after annual audit.

Net Budget Effect: Operating Fund (10) - Increased by \$18,248.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

20180031

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of November 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
12546-590006	Capital Outlay	\$	9,554		
12546-561006	Professional Services			\$	9,554
		<u><u>\$</u></u>	<u><u>9,554</u></u>	<u><u>\$</u></u>	<u><u>9,554</u></u>

Explanation: Corolla VFD (12546) - Transfer budgeted contract funds from professional services to capital outlay for modifications to Engine 65. Specifically, addition of a "Tornado Monitor" to the front bumper to better facilitate pump-and-roll applications.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

20180032

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of November 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
			<u>Decrease Revenue or Increase Expense</u>		<u>Increase Revenue or Decrease Expense</u>
51848-594002	MMS Energy Mgmt Sept 2016	\$	7,415		
51848-594001	MMS - Upgrade Energy Mgmt			\$	7,415
51848-595006	CCHS - Energy Mgmt Sept 2016	\$	6,412		
51848-597005	MES - Kitchen Roof HVAC			\$	6,412
			<u><hr/>\$ 13,827</u>		<u><hr/>\$ 13,827</u>

Explanation: School Governmental Construction (51848) - Transfer unspent funds from prior lottery projects to MMS and CCHS Energy Management projects that were approved in FY 2017.

Net Budget Effect: School Governmental Construction Fund (51) - No change.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

Number

20180033

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of November 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
51848-592004	Griggs Elem HVAC Jun 2018	\$	112,000		
51848-592005	Griggs Elem Chiller Dec 2017	\$	40,000		
51848-595007	CCHS HVAC Dec 2017	\$	30,500		
51848-595008	CCHS Energy Mgmt Ph III Jun 2018	\$	40,000		
51848-594003	MMS Energy Mgmt Ph III Jun 2018	\$	40,000		
51848-593005	KI Elem HVAC Jun 2018	\$	20,000		
51380-425001	State Lottery Proceeds			\$	282,500
		<u>\$</u>	<u>282,500</u>	<u>\$</u>	<u>282,500</u>

Explanation: School Governmental Construction (51848) - Increase appropriations for school construction projects to be funded through lottery proceeds.

Net Budget Effect: School Governmental Construction Fund (51) - Increased by \$282,500.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board _____

Number

20180034

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 6th day of November 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit		Credit	
		Decrease Revenue or Increase Expense		Increase Revenue or Decrease Expense	
10960-531000	Fuel	\$	20,000		
10380-488400	ABC Profits			\$	20,000
		<u><u>\$</u></u>	<u><u>20,000</u></u>	<u><u>\$</u></u>	<u><u>20,000</u></u>

Explanation: Central Services (10960) - Increase appropriation for fuel due to increased fuel costs.

Net Budget Effect: Operating Fund (10) - Increased by \$20,000.

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2020)

Agenda Item Title

Tax Resolution for 2017 Order of Collections

Brief Description of Agenda Item:

2017 Order of Collections: NCGS 105-321 requires that the Board of Commissioners issue an Order of Collections to the Tax Collector when the tax receipts have been delivered to him. The Order shall be recorded in the minutes and a copy delivered to the Tax Collector. The Order constitutes the collector's authority to collect taxes and to exercise the various powers incident to the collection process.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item



COUNTY OF CURRITUCK

Tax Department
P.O. Box 9
Currituck, North Carolina 27929

Tracy Sample, Tax Administrator
(252) 232-3005
(252) 232-2109
(252) 232-3568 (FAX)

Memorandum

TO: Currituck County Board of Commissioners

CC: Sandra Hill, Finance Director

From: Tracy Sample, Tax Administrator

Date: October 31, 2017

RE: Order of Collections

2017 Tax Levy & Prior Year Taxes to be Charged to the Tax Collector

2017 REAL & PERSONAL PROPERTY TAX LEVY*	\$	32,819,309.01
PRIOR YEARS TAXES**	\$	<u>432,844.00</u>
TOTAL TAXES	\$	33,252,153.01

*The Current Year levy includes all penalties, solid waste fees, special district and animal taxes; does not include taxes levied on registered motor vehicles which are collected by DMV, nor for tax discoveries, adjustments, releases, and deferred taxes. These are reported to the Finance Director as required throughout the year.

** Prior Year Taxes as of **OCTOBER 31, 2017**

STATE OF NORTH CAROLINA
COUNTY OF CURRITUCK

ORDER OF COLLECTIONS

TO THE TAX COLLECTOR OF THE COUNTY OF CURRITUCK:

You are hereby authorized, empowered, and commanded to collect the taxes due, for the current year and the nine prior years, set forth in the tax records filed in the office of the Tax Collector and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Currituck, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

(SEAL)

ATTEST:

**Clerk of Board of Commissioners of
Currituck County**

(G.S. 105-321)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2025)

Agenda Item Title

Consideration of School Board Request to Utilize Lottery Funds

Brief Description of Agenda Item:

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

County: Currituck
LEA: Currituck County Schools
Address: 2958 Caratoke Highway

Approved: _____
Date: _____
Contact Person: Laurie Trussell
Title: Finance Officer
Phone: 252-722-0705

Project Title: Currituck County High School Energy Mgt. Upgrade (16/17)
Location: Currituck County High School
Type of Facility: High School (Grades 9-12)

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: Transfer of residual funds from MES Kitchen Rooftop Unit (2016)

Estimated Costs:

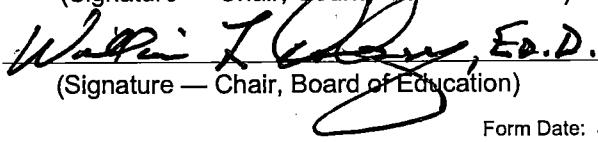
Purchase of Land	\$	
Planning and Design Services		
New Construction		
Additions / Renovations		6,412.00
Repair		
Debt Payment / Bond Payment		
TOTAL	\$	6,412.00

Estimated Project Beginning Date: August 2017 Est. Project Completion Date: August 2017

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 6,412.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners)


(Signature — Chair, Board of Education)

(Date)

8/31/17

(Date)

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

County: Currituck
LEA: Currituck County Schools
Address: 2958 Caratoke Highway

Approved: _____
Date: _____
Contact Person: Laurie Trussell
Title: Finance Officer
Phone: 252-722-0705

Project Title: Moyock Middle School Energy Mgt. Upgrade (16/17)
Location: Moyock Middle School
Type of Facility: Middle School (Grades 6-8)

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: Transfer of residual funds from MMS Energy Mgt. Upgrade (2015-2016).

Estimated Costs:

Purchase of Land	\$	
Planning and Design Services		
New Construction		
Additions / Renovations		7,415.00
Repair		
Debt Payment / Bond Payment		
TOTAL	\$	7,415.00

Estimated Project Beginning Date: August 2017 Est. Project Completion Date: August 2017

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 7,415.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners)


(Signature — Chair, Board of Education)

(Date)

8/3/17

(Date)

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

County: Currituck
 LEA: Currituck County Schools
 Address: 2958 Caratoke Highway

Approved: _____
 Date: _____
 Contact Person: Laurie Trussell
 Title: Finance Officer
 Phone: 252-722-0705

Project Title: Griggs Elementary HVAC
 Location: Griggs Elementary School
 Type of Facility: Elementary School (K-5)

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: Replace the HVAC units on A wing north at Griggs Elementary School.

Estimated Costs:

Purchase of Land	\$	
Planning and Design Services	\$	
New Construction	\$	
Additions / Renovations	\$	112,000.00
Repair	\$	
Debt Payment / Bond Payment	\$	
TOTAL	\$	112,000.00

Estimated Project Beginning Date: June 2018 Est. Project Completion Date: August 2018

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 112,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners)

(Date)

(Signature — Chair, Board of Education)

(Date)

Form Date: July 01, 2011

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

County: Currituck
LEA: Currituck County Schools
Address: 2958 Caratoke Highway

Approved: _____
Date: _____

Contact Person: Laurie Trussell
Title: Finance Officer
Phone: 252-722-0705

Project Title: Griggs Elementary Chiller
Location: Griggs Elementary School
Type of Facility: Elementary School (K-5)

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. ***Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.***

Short description of Construction Project: Replace the chiller coil at Griggs Elementary School.

Estimated Costs:

Purchase of Land \$

Planning and Design Services

New Construction

Additions / Renovations 40,000.00

Repair

Debt Payment / Bond Payment

TOTAL \$ 40,000.00

Estimated Project Beginning Date: December 2017 **Est. Project Completion Date:** December 2017

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 40,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners)

(Date)

(Signature — Chair, Board of Education)

(Date)

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

County: Currituck
 LEA: Currituck County Schools
 Address: 2958 Caratoke Highway

Approved: _____
 Date: _____
 Contact Person: Laurie Trussell
 Title: Finance Officer
 Phone: 252-722-0705

Project Title: CCHS A/C
 Location: Currituck County High School
 Type of Facility: High School (9-12)

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds..
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: Replace front office A/C's at Currituck County High School

Estimated Costs:

Purchase of Land	\$	
Planning and Design Services		
New Construction		
Additions / Renovations		30,500.00
Repair		
Debt Payment / Bond Payment		
TOTAL	\$	30,500.00

Estimated Project Beginning Date: December 2017 Est. Project Completion Date: December 2017

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 30,500.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners)

(Date)

(Signature — Chair, Board of Education)

(Date)

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

County: Currituck
LEA: Currituck County Schools
Address: 2958 Caratoke Highway

Approved: _____
Date: _____
Contact Person: Laurie Trussell
Title: Finance Officer
Phone: 252-722-0705

Project Title: CCHS Energy Mgt. Upgrade (Phase III)
Location: Currituck County High School
Type of Facility: High School (Grades 9-12)

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects;
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: To continue the energy management upgrade at Currituck County High School.

Estimated Costs:

Purchase of Land	\$	
Planning and Design Services	\$	
New Construction	\$	
Additions / Renovations	\$	40,000.00
Repair	\$	
Debt Payment / Bond Payment	\$	
TOTAL	\$	40,000.00

Estimated Project Beginning Date: June 2018 Est. Project Completion Date: July 2018

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 40,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners)

(Date)

(Signature — Chair, Board of Education)

(Date)

Form Date: July 01, 2011

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

County: Currituck
 LEA: Currituck County Schools
 Address: 2958 Caratoke Highway

Approved: _____
 Date: _____
 Contact Person: Laurie Trussell
 Title: Finance Officer
 Phone: 252-722-0705

Project Title: MMS Energy Mgt. Upgrade (Phase III)
 Location: Moyock Middle School
 Type of Facility: Middle School (6-8)

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds.
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: To continue upgrading the energy management system at Moyock Middle School (Phase III).

Estimated Costs:

Purchase of Land	\$	
Planning and Design Services		
New Construction		
Additions / Renovations		40,000.00
Repair		
Debt Payment / Bond Payment		
TOTAL	\$	40,000.00

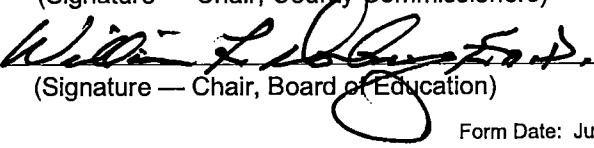
Estimated Project Beginning Date: June 2018 Est. Project Completion Date: July 2018

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 40,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners)

(Date)


 (Signature — Chair, Board of Education)

(Date)

Form Date: July 01, 2011

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

County: Currituck

Approved: _____

LEA: Currituck County Schools

Date: _____

Address: 2958 Caratoke Highway

Contact Person: Laurie Trussell

Title: Finance Officer

Phone: 252-722-0705

Project Title: Knotts Island Elementary A/C

Location: Knotts Island Elementary

Type of Facility: Elementary School (K-5)

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds...

(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.

(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. **Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.**

Short description of Construction Project: To replace old A/C units at Knotts Island Elementary.

Estimated Costs:

Purchase of Land _____ \$ _____

Planning and Design Services _____

New Construction _____

Additions / Renovations _____ 20,000.00

Repair _____

Debt Payment / Bond Payment _____

TOTAL _____ \$ 20,000.00

Estimated Project Beginning Date: June 2018 Est. Project Completion Date: July 2018

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 20,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners)

(Date)


(Signature — Chair, Board of Education)

(Date)

Form Date: July 01, 2011



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2029)

Agenda Item Title

Plan Sponsor Agreement approving Nationwide Investment Advisors, LLC to act as Advisors to County Employees Enrolled in Deferred Compensation Plans

Brief Description of Agenda Item:

Consideration and approval of Nationwide Investment Advisors, LLC, Plan Sponsor Agreement, to act as advisors for employees voluntarily enrolled in 457 and other deferred compensation plans offered by Currituck County.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Nationwide Investment Advisors, LLC
ProAccount - Plan Sponsor Agreement

Formal Plan Name: Currituck County Deferred Compensation Plan (the "Plan")

Name of Plan Sponsor: Currituck County (the "Plan Sponsor")

The foregoing Plan currently utilizes services and products offered by Nationwide Retirement Solutions, Inc. ("NRS") and its affiliated companies (the "Nationwide Retirement Program"). On behalf of the Plan, the Plan Sponsor desires to appoint Nationwide Investment Advisors, LLC ("NIA"), an Ohio limited liability company, registered as an investment adviser with the Securities and Exchange Commission under the Investment Adviser's Act of 1940 ("Advisers Act") and an affiliate of NRS, as an authorized provider of investment advisory services to participants in the Plan ("Plan Participants") who desire professional guidance in managing their self-directed accounts within the Plan ("Accounts"). NIA's ProAccount program (the "Advice Program") offers individualized investment advice using an investment process developed and maintained by an independent financial expert ("IFE") selected and retained by NIA.

WHEREAS, on behalf of the Plan, the Plan Sponsor hereby approves NIA as an authorized provider of investment advisory services through the Advice Program to those Plan Participants who choose to have their Accounts managed by NIA (collectively, the "Plan's Account");

WHEREAS, the Plan Sponsor hereby authorizes each such Plan Participant's self-direction of their own Account, subject to guidelines imposed by the Plan, and authorizes each Plan Participant to enter into an investment advisory agreement directly with NIA for the management of their account;

WHEREAS, the Plan Sponsor acknowledges that such advisory services are permitted under the documents establishing the Plan ("Plan Documents") and that the investments and investment strategies proposed by NIA through the Advice Program are consistent with the Investment Policy of the Plan; and

WHEREAS, Plan Sponsor acknowledges that NIA and NRS are affiliates and that NRS will provide to NIA certain administrative services in support of the Advice Program;

NOW, THEREFORE, in consideration of the foregoing and the promises, covenants and mutual agreements set forth herein, the adequacy of which is hereby mutually acknowledged, NIA and the Plan Sponsor, each intending to be legally bound, hereby do agree as follows:

I. APPOINTMENT OF INVESTMENT ADVISOR

The Plan Sponsor hereby appoints NIA to exercise discretionary authority to allocate and reallocate Plan Participant Accounts in the manner described in Section II below and NIA hereby accepts this appointment, subject to the terms and conditions of this Agreement. NIA's authority under this Agreement will remain in effect until changed or terminated pursuant to the termination provisions described in this Agreement. NIA's authority under this Agreement shall apply to all defined contribution plans sponsored by the Plan Sponsor that are record kept at Nationwide or any of its affiliates on a single Nationwide record keeping system. To the extent that the Plan Sponsor desires to exclude a defined contribution plan from coverage under this Agreement subsequent to coverage of such plan, the Plan Sponsor must notify NIA of such individual plan's termination of services under this Agreement in accordance with Section IX of this Agreement.

II. ADVICE PROGRAM DESCRIPTION

The Advice Program is a discretionary managed account service offered by NIA for retirement plan participants who desire professional guidance in managing their self-directed retirement plan account. The Advice Program offers individualized investment advice using an investment process developed and maintained by an IFE.

Under the Advice Program, the IFE develops and maintains managed account portfolios ("Portfolios") based on all eligible investment options available under the Plan's menu of investments ("Advice Program Investments"). In addition, the Plan may offer investment options other than Advice Program Investments, including, but not limited to, individual stocks, employer stock, guaranteed certificate funds, and collective investment funds (collectively, "Non-Advice Program Investments"), which will not be considered by the IFE in the development of Portfolios.

In order for Plan Accounts to be eligible for management under the Advice Program, they must be invested in mutual funds or variable insurance sub-accounts at the time the Plan Participant enrolls in the Advice Program. Plan Sponsor hereby acknowledges that any employer-directed assets, restricted assets (including assets invested in the Nationwide Fixed Contract), or assets held in self-directed brokerage accounts are not eligible for the Advice Program and will remain invested in their current manner until further action is taken by the Plan Participant or the Plan.

The IFE is not a party to this Agreement, and there is no contractual relationship between the Plan and the IFE. All fees and expenses charged by the IFE for its services will be paid by NIA. The advice provided to Plan Participants under the Advice Program is limited to the independent advice provided based on the Portfolios created by the IFE, which NIA cannot modify. By signing this Agreement, you agree that NIA has discretion to terminate its relationship with the IFE at any time, without notice to you, and engage the services of a suitable replacement.

By allowing the Advice Program to be offered to the Plan, you are naming NIA as an authorized provider of investment advisory services to those Plan Participants who choose to have their accounts managed by NIA.

III. OBLIGATIONS AND REPRESENTATIONS OF THE PLAN SPONSOR

The Plan Sponsor agrees to notify NIA of any change to the Plan Documents that affects NIA's rights or duties to the Plan or Plan Participants, and acknowledges that such change will bind NIA, as the case may be, only when NIA agrees to it in writing.

The Plan Sponsor represents that (1) NIA's investment advisory services are permitted under the Plan Documents; (2) the Plan Sponsor has the authority to enter into this Agreement on behalf of the Plan; and (3) the Plan is operated, and NIA's appointment is, in compliance with all applicable federal and state laws, rules and regulations.

IV. OBLIGATIONS AND REPRESENTATIONS OF NIA

NIA agrees that in performing any of its duties and obligations hereunder, NIA will act in conformity with all terms and provisions of the agreements entered into between NIA and the Plan Participants and any instructions given pursuant thereto or otherwise, and will conform to and comply with the requirements of the Advisers Act and all other applicable federal and state laws, rules and regulations, as each may be amended from time to time.

NIA represents that it is registered as an investment adviser under the Advisers Act or under applicable state law in each state in which it is providing investment advisory services or is otherwise required to be registered and/or notice filed, and each of its representatives are properly registered, licensed and/or qualified to act as such under all applicable federal and state securities statutes and regulations.

NIA does not have any duty, responsibility or liability for Plan assets that are not part of the Plan's Account that NIA manages through the Advice Program. NIA will not be providing investment advice regarding, or have fiduciary responsibility for, the selection and monitoring of investment options available in the Plan.

NIA shall have no obligation or authority to take any action or render any advice with respect to the voting of proxies solicited by or with respect to issuers of securities held in the Advice Program.

V. ADVICE PROGRAM FEES

In consideration of services rendered to Plan Participants, the Plan Sponsor hereby approves, subject to specific approval by each Plan Participant electing to have their Accounts managed by NIA, a participant level Advice Program fee ("Advice Program Fee") as outlined in the following schedule:

Account Balance	Annual Program Fee
The first \$99,999.99	1.00%
The next \$150,000	0.90%
The next \$150,000	0.75%
The next \$100,000	0.60%
Assets of \$500,000 and above	0.50%

To the extent the ProAccount Fee applies to multiple plans of the Plan Sponsor, the ProAccount Fee shall be based on the combined balances within the ProAccount but will be withdrawn on a pro rata basis among the Participant's accounts in the separate plans.

The Advice Program Fee is separate from the fees and expenses charged by investment options offered through the Plan and in addition to any trustee, custodial, asset, service, administrative or transactional fees that the Plan Participants or the Plan may incur through the Nationwide Retirement Program. The Advice Program Fee shall be calculated daily based on the Participant's daily balance and the calculated Advice Program Fee withdrawn quarterly in accordance with each Plan Participant's investment advisory agreement with NIA. The Plan Sponsor hereby consents to the withdrawal of the Advice Program Fee from the applicable Plan Participant Accounts and agrees that it will use its best efforts to facilitate payment of such Advice Program Fee. If this Agreement ends before the end of the applicable calendar quarter, then a pro-rata share of the Advice Program Fee will be withdrawn from the Plan's Account.

To the extent permitted by applicable law or regulation, affiliates of NIA may receive payments from, or in connection with, investment options selected by the IFE which are included in the Portfolios. In addition, the IFE may select certain investment options for which NIA or an investment advisory affiliate acts as investment adviser. The IFE's fees for services provided under the Advice Program are not related to the investment options the IFE selects for the Portfolios or otherwise influenced by the payments NIA or its affiliates may receive from such investment options..

Certain Advice Program Investments may charge a redemption fee or impose a trade restriction on certain transactions. Redemption fees vary in amount and application from investment option to investment option. It is possible that transactions initiated by NIA under the Advice Program may result in the imposition of redemption fees or trade restrictions on one or more investment options held in Plan Participant Accounts. Any redemption fees will be deducted from the Plan Participant's Advice Program Account balance. For further information on redemption fees or trade restrictions, including whether they will be applicable to any of the investment options within your Plan, please consult the individual fund prospectus or other investment option disclosure material.

VI. INDEMNIFICATION, LIMITATION OF LIABILITY, AND RISK ACKNOWLEDGMENT

Each party agrees to hold harmless, defend and indemnify the other party (including its directors, officers, employees, affiliates and agents) from and against any and all claims, liabilities, losses, costs, damages or expenses (including, without limitation, cost of litigation and reasonable attorneys' fees) (collectively, "Losses") arising out of or attributable to the indemnifying party's (i) willful misconduct, bad faith, criminal activity, or gross negligence, (ii) material breach of this Agreement or the material inaccuracy of any representation or warranty provided hereunder, or (iii) violation of any law to which such party is subject.

Plan Sponsor, on behalf of the Plan, agrees to hold harmless, defend and indemnify NIA (including its directors, officers, employees, affiliates and agents) from and against any and all Losses arising out of or attributable to NIA's following directions or carrying out instructions, or using obsolete, inaccurate or incomplete information, given or furnished by the Plan or its agents.

A party that seeks indemnification under this Section VI must promptly give the indemnifying party written notice of any legal action. But a delay in notice does not relieve an indemnifying party of any liability to an indemnified party, except to the extent the indemnifying party shows that the delay prejudiced the defense of the action. The indemnifying party may participate in the defense at any time or it may assume the defense by giving notice to the other party. After assuming the defense, the indemnifying party: must select an attorney that is satisfactory to the other party; is not liable to the other party for any later attorney's fees or for any other later expenses that the other party incurs, except for reasonable investigation costs; must not compromise or settle the action without the other party's consent (but the other party must not unreasonably withhold its consent); and is not liable for any compromise or settlement made without its consent. If the indemnifying party fails to participate in or assume the defense within 15 days after receiving notice of the action, the indemnifying party is bound by any determination made in the action or by any compromise or settlement made by the other party.

Federal and state securities laws impose liabilities in certain circumstances on persons who act in good faith, and nothing in this Agreement waives or limits any rights either party has under those laws.

Risk Acknowledgment

NIA uses reasonable care, consistent with industry practice, in providing advisory services through the Advice Program. Investments within the Plan, as all investments in securities, involve risk and will not always be profitable. Investment return and principal will fluctuate with market conditions, and Plan Participant Accounts may lose money. Past performance of investments is no guarantee of future results. The analysis and advice provided by the IFE and delivered by NIA depends upon a number of factors, including the information you or the Plan Participants may provide, various assumptions and estimates, and other considerations. As a result, the advice developed and the recommendations provided are not guarantees that Plan Participants will achieve their retirement goals or anticipated performance. The investment advice provided under this Agreement relates only to the Plan Participant Accounts and will not apply to any other assets a Plan Participant may own.

VII. CONFIDENTIALITY

Each party agrees that it will not, without the prior written consent of the other party, at any time during the term of this Agreement or any time thereafter, except as may be required by competent legal authority or as necessary to facilitate the implementation of services hereunder, use or disclose to any person, firm or other legal entity, including any affiliate or other representative of the party, any confidential records, secrets or information related to the other party (collectively, "Confidential Information"). Confidential Information shall include, without limitation, information about the other party's products and services, customer lists, customer or client information, Plan and Plan Participant information, and all other proprietary information used by the party in its business. The parties acknowledge and agree that all Confidential Information that it has acquired, or may acquire, was received, or will be received in confidence. Each party will exercise utmost diligence to protect and guard such Confidential Information.

The Plan Sponsor (1) acknowledges that it is authorized to provide Confidential Information, including but not limited to Plan Participant information, to NIA for the operation of the Advice Program, and the provision of such information does not violate any Plan or company provisions or policies; and (2) authorizes the sharing of Plan Participant information among NIA and its affiliates as necessary for the operation of the Advice Program.

VIII. TERM OF AGREEMENT

This Agreement shall become effective upon acceptance by NIA, or its designated agent, upon review and receipt in its principal place of business, and such acceptance may be evidenced by internal records maintained by NIA or its designated agent. This Agreement shall continue until terminated by either party upon at least 30 days' advance written notice to the other. This Agreement will terminate immediately if the Plan terminates its participation in the Nationwide Retirement Program. In the event NIA terminates its relationship with the current IFE and has not designated a successor IFE, this Agreement shall automatically terminate upon written notice from NIA. The Plan Sponsor understands that upon termination of this Agreement, the Plan's Account will remain invested in the Advice Program Investments last allocated by NIA until such time as Plan Participants make changes to their individual Accounts.

IX. MISCELLANEOUS

Notices

All notices required to be delivered under this Agreement will be delivered in person or by U.S. first class mail, overnight courier, or facsimile (with a paper copy provided via the U.S. mail), in each case prepaid, to NIA at the address provided below and to the Plan Sponsor at the address provided on the signature page of this Agreement (or to such other addresses as the parties may specify to one another in writing):

Nationwide Investment Advisors, LLC
 Attention: Nationwide ProAccount
 P.O. Box 183192, Mail Stop: 5-02-201
 Columbus, Ohio 43218-3192
 Phone: 888/540-2896
 Fax: 855/435-1863

Notices will be deemed given upon dispatch.

Form ADV

The Plan Sponsor acknowledges having received and read NIA's Form ADV, Part 2 ("Form ADV") and Privacy Policy upon entering into this Agreement. The Form ADV is a disclosure document that summarizes the investment advisory services provided by an investment adviser registered with the SEC and/or the states. The Form ADV contains additional information about the Advice Program.

Entire Agreement; Amendment

This Agreement constitutes the entire agreement between the parties hereto with respect to the obligations arising hereunder and supersedes and cancels any prior agreements, representations, warranties or communications, whether oral or written, among the parties hereto relating to the subject matter hereof. This Agreement may be amended by NIA upon 30 days' prior written notice to the Plan Sponsor and may be amended immediately upon notice to the extent required to satisfy federal or state regulatory requirements.

Headings

All Section headings in this Agreement are for convenience of reference only and do not form part of this Agreement. Section headings will not, in any way, affect the meaning or interpretation of this Agreement.

Waiver

No delay by either party in requiring performance by the other shall affect the right of such party to require performance; no waiver by either party of any breach shall be construed as a waiver of any subsequent breach or as a waiver of the provision itself or any other provision.

Survival

All terms and provisions of this Agreement, including without limitation: "Indemnification, Limitation of Liability, and Risk Acknowledgment," "Confidentiality," and "Miscellaneous" which should by their nature survive the termination of this Agreement, shall so survive the termination of this Agreement.

Assignment

Neither party may assign this Agreement (within the meaning of the Advisers Act) or assign any of the rights or delegate any of the duties or obligations of this Agreement without the other party's prior consent. Any assignment in violation of this provision shall be void and of no force or effect.

Force Majeure

Neither party shall be liable for failure to perform if the failure results from a cause beyond its control, including, without limitation, fire, electrical, mechanical, or equipment breakdowns, delays by third party providers and/or communications carriers, civil disturbances or disorders, terrorist acts, strikes, acts of government authority or new governmental restrictions, or acts of God.

Severability

Should any provision of this Agreement be held invalid or unenforceable by any court, arbitrator, statute, rule or otherwise, the remaining provisions of this Agreement will not be affected thereby and will continue in full force and effect to the fullest extent practicable.

Governing Law

This Agreement and its enforcement will be governed by and construed in accordance with the laws of the State of Ohio, without regard to the conflicts of law provisions or principles. Nothing herein will be construed in any manner inconsistent with the Advisers Act or any rule or order of the Securities and Exchange Commission, as applicable.

Signatures

At the Plan Sponsor's request, NIA has provided the Plan a signed copy of this Agreement. Plan Sponsor understands and acknowledges that NIA's signature is only valid for the original terms of this Agreement. In the event any changes are made to this Agreement, it shall be immediately void.

IN WITNESS WHEREOF, the Plan Sponsor, on behalf of the Plan, has executed this Agreement as of the date set forth below.

Plan:

By: (Signature) _____ Title: _____

Name: (Printed) _____

Plan Address: _____

Plan Contact/Telephone: _____

Date: _____

ACCEPTED BY NIA:

Nationwide Investment Advisors, LLC

By: Chiarra White-Murkanch Title: Prov Account Specialist

Nationwide Retirement Solutions 10 W. Nationwide Blvd. Columbus, Ohio 43215
NRM-7982AO.7-0117 7 of 7

Print Name: LaShawna White-Mukamali Date: 10/5/2017



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2027)

Agenda Item Title

Personnel Policy Revisions

Brief Description of Agenda Item:

Consideration of revisions to Article 6 and Article 9 of Personnel Policy, with related table of contents.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

ARTICLE 9

Separation, Disciplinary Action, and Reinstatement

Section 901	Types of Separation	9.1
Section 902	Resignation	9.1
Section 903	Voluntary Resignation Without Notice	9.1
Section 904	Separation Due to Administrative Termination	9.2
Section 905	Retirement	9.2
Section 906	Reduction-In-Force	9.2
Section 907	Disability	9.3
Section 908	Death	9.3
Section 909	Just Cause for Disciplinary Action	9.3
Section 910	Definitions Applicable to Disciplinary Action	9.4
Section 911	Steps in Disciplinary Procedure	9.6
Section 912	Employee Grievance	9.13
Section 913	Inactivation of Warnings	9.13
Section 914	Re-employment	9.14
Section 915	<u>Reinstatement From Military Leave</u>	9.14

ARTICLE 10

Problem Resolution and Grievance Procedures

Section 1001	Problem Resolution Procedures for Issues Not Subject to Formal Appeal	10.1
Section 1002	Purpose of Grievance Procedure	10.2
Section 1003	Coverage For Grievance Procedure	10.2
Section 1004	Grievance Policy	10.2
Section 1005	Grievance Procedure	10.2
Section 1006	Late Filing of Grievances	10.3
Section 1007	Maintenance of Records	10.3
Section 1008	Other Remedies Preserved	10.3

ARTICLE 11

Personnel Records

Section 1101	Personnel Records Maintenance	11.1
Section 1102	Information Open to the Public	11.1
Section 1103	Access to Personnel Records	11.2
Section 1104	Confidential Information	11.2
Section 1105	Remedies of Employees Objecting to Material in File	11.4
Section 1106	Penalty for Permitting Access to Confidential File by Unauthorized Person	11.4
Section 1107	Destruction of Records	11.4

- D. The employee's Department Head or the County Manager may require a statement from the physician, or other acceptable proof, that the employee was unable to report for work as a condition of approving sick leave. At the expiration of an authorized sick leave period of 90 days or more, the employee's Department Head or County Manager may require a fitness-for-duty examination at the County's expense, to determine whether the employee is able to resume normal duties.
- E. Unused sick leave is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employee's Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and an additional month is credited for any part of twenty (20) days unused sick leave left over.
- F. Employee must notify County of any unused sick leave earned from another North Carolina governmental agency. The total number of days accepted as transferred will be added to the record after completion of the six months probationary period. Verification of accumulated sick leave must be received in writing from the previous employer.
- G. Employees who retire or resign and are not reinstated with the County shall lose all sick leave credits. No employee shall be paid for any accrued sick leave if the employee leaves employment for any reason.

Section 607 Leave without Pay

- A. Leave without pay may be granted for up to six (6) months by the County Manager upon recommendation of the Department Head. Upon returning to duty after being on leave without pay, the employee shall be guaranteed a position of the same classification and pay. Failure to report for duty at the expiration of the leave without pay period, unless an extension has been granted, shall be considered a resignation.
- B. Vacation, holiday and sick leave credits will not be accrued during leave without pay. Longevity eligibility date will be extended by the same length of days (partial days shall revert to whole days) the employee was on leave without pay. Individual hospitalization and dental insurance provided for the employee by the employer during regular pay will not be provided as employer expense benefits during leave without pay, unless the employee is on FMLA leave or on the payroll a minimum of half the working days during the calendar month. The employee, however, may continue to be eligible for

Section 914 Re-employment

Currituck County will consider former employees for re-employment. Employees who are dismissed or who resign in lieu of dismissal for unacceptable personal conduct or for grossly inefficient job performance will not be eligible for rehire. Employees leaving the County for any other reason, including performance reasons or position elimination, are eligible to apply for rehire. If a former employee reapplies, the County will review performance and employment history, as well as current qualifications. A review of the requirements for the open position and a determination whether to proceed with the interview process will be conducted based on qualifications and requirements. Rehired former employees will be subject to serving a probationary period and the service date for longevity purposes and the accrual rates will be based upon the full-time re-employment date.

Section 915 Reinstate ment from Military Leave

- A. ~~An employee who resigns while in good standing or who is separated because of reduction in force, with the approval of the Department Head, the County Manager and in the case of competitive Service Employees, in accordance with Personnel Policies for Local Government Employees Subject to the Human Resources Act may be reinstated.~~
- B. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service or with a reserve component of the Armed Forces will be granted reinstatement rights provided under Federal law. These employees are eligible for reinstatement to the same position or one of like status, seniority and pay. Employees in this category who are reinstated within five (5) years will be credited with previously accrued and unused sick and annual leave. Regular employees returning from military leave are entitled to return to the position they would have had, had they remained continuously employed, with such seniority, status, and pay as they would have had and they shall be entitled to participate in insurance and other benefits offered by the County pursuant to established rules and practices pertinent to other types of leaves of absence. However, if employees are on leave 91 days or more or if they receive a disability in military service which renders them unable to perform the functions of the position they would have had, had they remained continuously employed, they may be offered a position of equivalent seniority, status and pay, provided they meet the qualifications for the equivalent position, in lieu of the position they would have had. If employees cannot become qualified for the



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2028)

Agenda Item Title

Petition for Road Addition-Rosedale Court and Rosedale Drive, Rosewood Subdivision, Moyock

Brief Description of Agenda Item:

Road addition request for NC DOT maintenance for roads in Rosewood Subdivision, Moyock: Rosedale Court and Rosedale Drive.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

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

ROADWAY INFORMATION: (Please Print/Type)

County: Currituck

Road Name: Rosedale Court

Rosedale Drive

(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Rosewood Subdivision

Length (miles):

Rosedale Court .17 miles
Rosedale Drive .26 miles

Number of occupied homes having street frontage: 33

Located (miles):

Rosedale Court .14
Rosedale Drive .12

miles N S E W of the intersection of Route 1232 & 1394 and Route 1222
(Check one) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Rosewood Subdivision 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: Gary Dunstan

Phone Number: 252-202-1100

Street Address: 509 W. Wilkinson Street, Kill Devil Hills, NC 27948

Mailing Address: P.O. Box 402 Kitty Hawk, NC 27949

PROPERTY OWNERS

Name

Mailing Address

Telephone

See attached list.

INSTRUCTIONS FOR COMPLETING PETITION:

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach four (4) 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 (see page 29 for Statute) 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.

Parcel ID Number	Owner Name 1	Owner Name 2	Owner Name 3	Number	Apt/Unit	Street Direction	Street Name	Street Type	Street Suffix Direction	City	Subdivision	Township
1 031C00000370000	HARBINGER LAND & TIMBER LLC			109			ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
2 031C00000380000	TOKARSKI, SUSAN M	TOKARSKI, JAMES J		111			ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
3 031C00000390000	WILLIAMS, STEPHEN C	WILLIAMS, ASHLEY B		113			ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
4 031C00000400000	HARBINGER LAND & TIMBER LLC			115			ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
5 031C00000410000	HARBINGER LAND & TIMBER LLC			117			ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
6 031C00000420000	HARBINGER LAND & TIMBER LLC			119			ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
7 031C00000430000	JOHNSON, JAMIE M	JOHNSON, DONNA		121			ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
8 031C0000RUE0000	HARBINGER LAND & TIMBER LLC						ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
9 031C000CONS0000	HARBINGER LAND & TIMBER LLC						ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
10 031C000CEME0000	HARBINGER LAND & TIMBER LLC						ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
11 031C000OPEN0001	HARBINGER LAND & TIMBER LLC						ELROD	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
12 031C00000130000	HARBINGER LAND & TIMBER LLC			120			POYNERS	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
13 031C00000140000	HARBINGER LAND & TIMBER LLC			124			POYNERS	RD		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
14 031C0000010000	HARBINGER LAND & TIMBER LLC			100			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
15 031C00000150000	HARBINGER LAND & TIMBER LLC			100			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
16 031C00000360000	HARBINGER LAND & TIMBER LLC			101			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
17 031C0000020000	STOLTZ, MARLIN L	STOLTZ, LEE A		102			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
18 031C00000160000	SNEAD, CHRISTOPHER L	SNEAD, RACHAEL		102			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
19 031C00000350000	MCLEMORE, CRAIG T	MCLEMORE, LISA M		103			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
20 031C0000030000	CRENSHAW, JAMES E	CRENSHAW, ASHLEY A		104			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
21 031C00000170000	SCHWATKA, CHARLES T IV	SCHWATKA, KATRINA D		104			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
22 031C00000340000	HAYCOCK, AMANDA NICOLE	HAYCOCK, DANIEL TEALL	PARKER, DIANA CAROL	105			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
23 031C00000120000	QUALITY HOMES OF CURRITUCK LLC			105			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
24 031C00000180000	RAWLS, PEDRO R	RAWLS, EVELYN P		106			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
25 031C00000110000	QUALITY HOMES OF CURRITUCK LLC			107			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
26 031C00000330000	THOMPSON, DAVID W	THOMPSON, LISA W		107			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
27 031C00000400000	SALAS, EDWIN E JR	SALAS, ELIZABETH		108			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
28 031C00000190000	KESTNER, CODY J	KESTNER, RUTH A		108			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
29 031C00000100000	QUALITY HOMES OF CURRITUCK LLC			109			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
30 031C00000320000	ALICEA, CARLOS VEGA			109			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD

31	031C00000050000	KINNEY, BRANDON J	KINNEY, ALICE B		110			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
32	031C00000200000	BRADSHAW, JAMES A TRUSTEE	BRADSHAW, MARCELLA M TRUSTEE		110			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
33	031C00000090000	QUALITY HOMES OF CURRITUCK LLC			111			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
34	031C00000310000	KESTNER, DAVID L	KESTNER, DONNA E		111			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
35	031C00000060000	BANNER, JACOB W	BANNER, SHAUN C		112			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
36	031C00000210000	WHEELER, SCOTT E	WHEELER, CHRISTINE C		112			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
37	031C00000080000	HAYS, STEVEN M	HAYS, KARIN M		113			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
38	031C00000300000	RIDEOUT, MARCUS G	RIDEOUT, KAREN P		113			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
39	031C00000220000	QUALITY HOMES OF CURRITUCK LLC			114			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
40	031C00000070000	HAYES, JUSTIN D			115			ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
41	031C00000290000	QUALITY HOMES OF CURRITUCK LLC			115			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
42	031C00000230000	ADKINS, KENNETH W	ADKINS, CARA L		116			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
43	031C00000280000	WENDT, COLBY W			117			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
44	031C00000240000	ELLIOTT, SAMUEL D	ELLIOTT, JAMIE L		118			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
45	031C00000250000	ALBART, JONATHON P			120			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
46	031C00000260000	QUALITY HOMES OF CURRITUCK LLC			122			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
47	031C00000270000	BURT, DANIEL E	MUNGER, MICHELLE E		124			ROSEDALE	DR		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD
48	031C000OPEN0002	HARBINGER LAND & TIMBER LLC						ROSEDALE	CT		MOYOCK	ROSEWOOD SUBDIVISION	CRAWFORD

Prev Current Page: [1] out of [1] Next

Zoom To Result Set

Clear Results



SOLUTIONS FROM THE GROUND UP
Hyman & Robey, PC
150 US Hwy 58 E.
PO Box 339
Camden NC 27921
(252) 338-2913
(252) 338-5552 fax
www.hymanrobey.com
License C-0598



EDWARD T. HYMAN, JR.
P.L.S. L-2590

FINAL PLAT
FOR

ROSEWOOD
SUBDIVISION

CRAWFORD TOWNSHIP
CURRITCK COUNTY
NORTH CAROLINA

KEY PLAN:

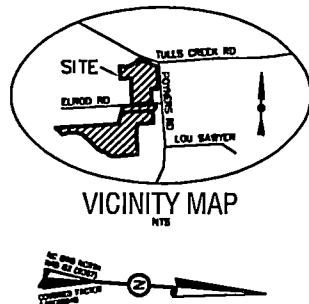
Project #: 130117
Drawing #: 130117 - Final Plat
Drawn: DAA
Checked: JAM
Approved: ETH
Date: 01/06/2015
Sheet #: 4/5
Scale: 1:100

REVISIONS:
NUM. DATE DESCRIPTION

SHEET TITLE:
FINAL PLAT

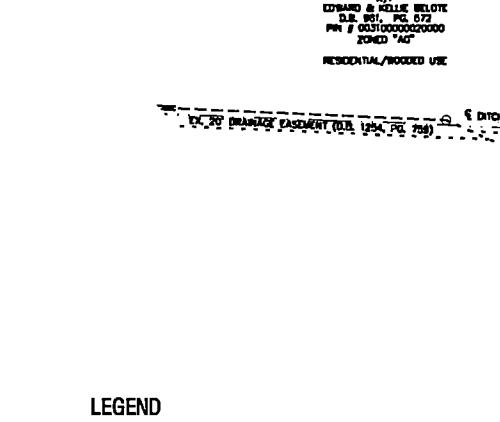
SHEET NUMBER:

4



EDWARD & KELLIE BLOOTE
D.D. 651, PG. 672
PIN # 03000000020000
ZONED "AG"

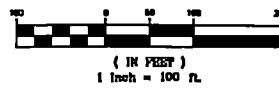
RESIDENTIAL/WOODED USE



LEGEND

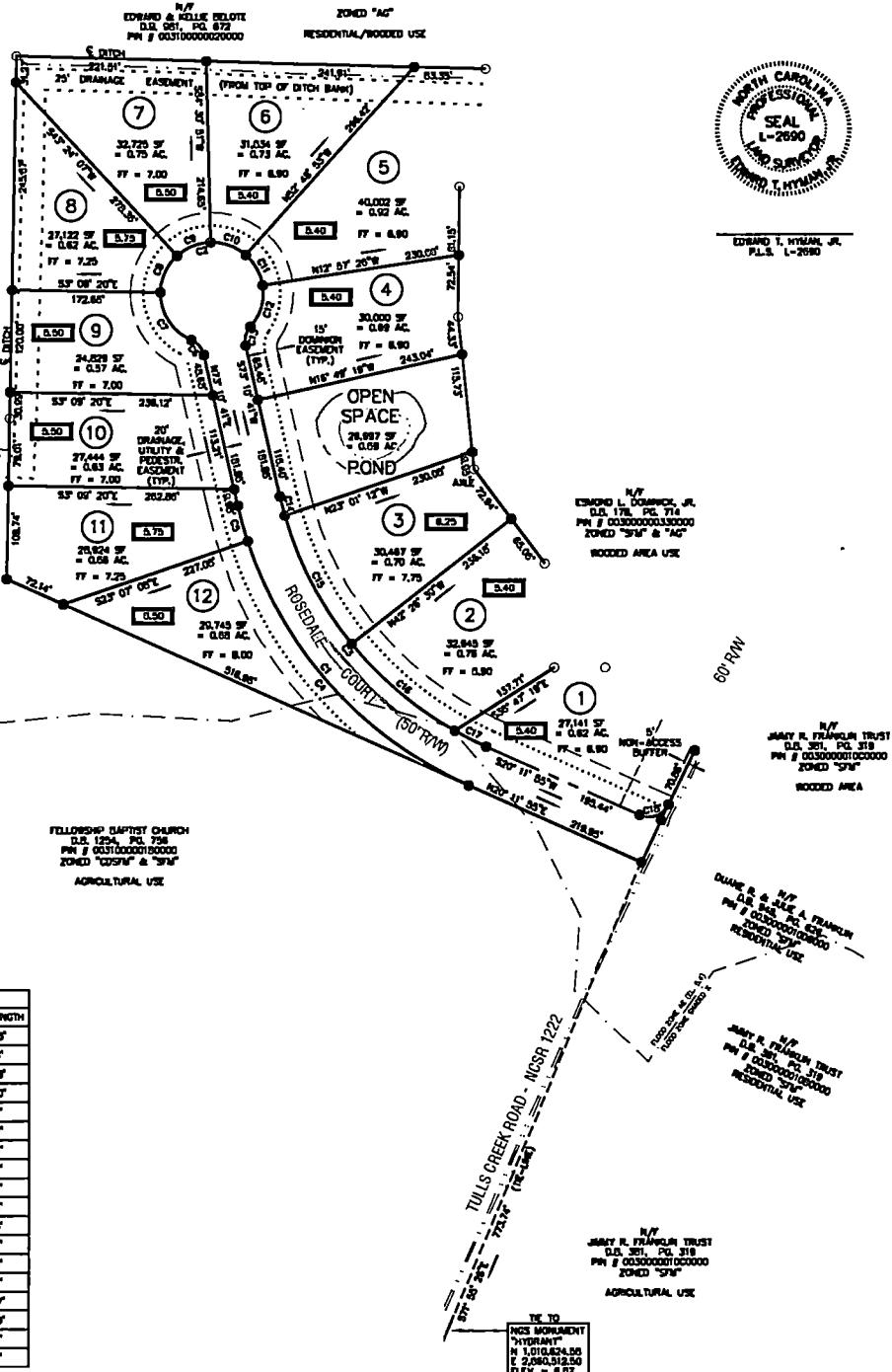
- ◆ BENCHMARK
- EXISTING IRON ROD
- SET IRON ROD
- PK NAIL IN PAVEMENT
- CALCULATED POINT
- EXISTING PK NAIL
- EXISTING CONCRETE NAIL
- BOUNDARY LINE
- R/W LINE
- LOT LINE
- PROPERTY EXTENSION
- 20' DRAINAGE, UTILITY & PEDESTRIAN EASEMENT
- 15' DOMESTIC POWER EASEMENT
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- MIN. FINISHED FLOOR ELEVATION (LOWEST HABITABLE FLOOR)
- MIN. FINISHED LOT GRADE

GRAPHIC SCALE



(IN FEET)
1 Inch = 100 ft.

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	TANGENT	DELTA	CHORD BEARING
C1	438.21'	475.00'	03° 56' 45"	W46° 41' 18"	423.75'
C2	301.53'	60.00'	43.84'	20° 59' 10"	S16° 49' 20"
C3	392.95'	425.00'	211.80'	52° 56' 45"	N46° 41' 18"
C4	398.05'	475.00'	210.37'	47° 46' 33"	N44° 05' 12"
C5	43.14'	475.00'	21.56'	51° 21' 35"	W70° 34' 34"
C6	23.55'	23.00'	12.73'	53° 56' 00"	S46° 11' 35"
C7	70.85'	60.00'	40.19'	07° 39' 05"	N33° 07' 35"
C8	41.75'	60.00'	25.81'	48° 33' 27"	S08° 02' 35"
C9	41.05'	60.00'	22.00'	41° 05' 44"	S20° 02' 31"
C10	44.89'	60.00'	23.44'	42° 40' 06"	W35° 02' 56"
C11	41.74'	60.00'	21.75'	38° 51' 26"	E37° 05' 51"
C12	62.47'	60.00'	28.04'	50° 08' 12"	W77° 54' 20"
C13	23.55'	29.00'	12.73'	53° 56' 02"	W57° 02' 17"
C14	23.37'	425.00'	11.69'	30° 01'	W71° 35' 10"
C15	170.51'	425.00'	82.43'	22° 59' 12"	W56° 32' 03"
C16	107.75'	425.00'	78.02'	21° 15' 22"	W36° 24' 17"
C17	41.31'	425.00'	20.67'	53° 41' 11"	W22° 09' 00"
C18	31.84'	25.00'	24.30'	05° 33' 40"	W24° 04' 05"
					34.81'



HYMAN ROBEY

SOLUTIONS FROM THE GROUND
Hyman & Robey, PC
150 US Hwy 158 E.
PO Box 339
Camden, NC 27921
(252) 338-2913
(252) 338-5552 fax
www.hymanrobey.com
License C-0598

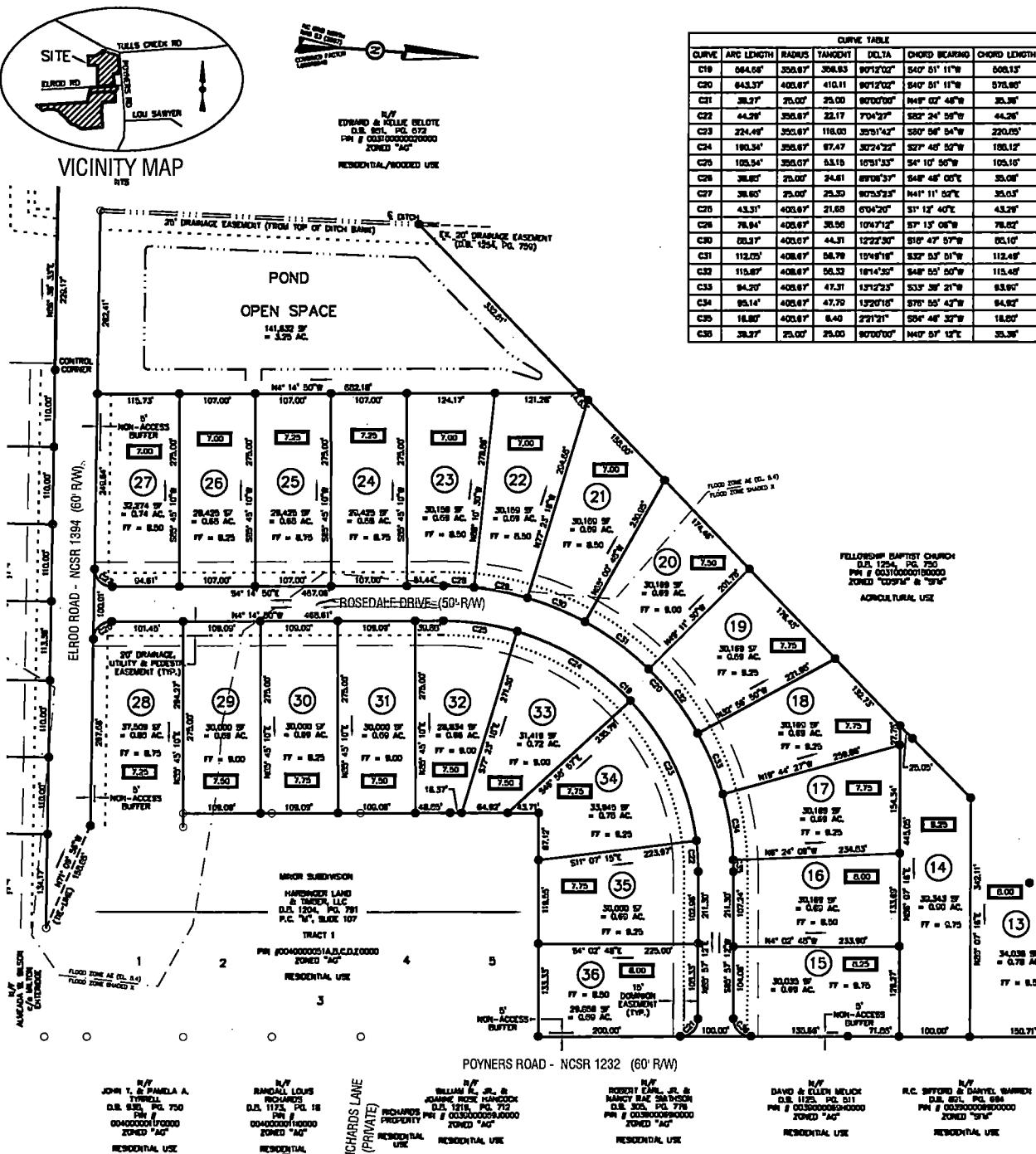
EDWARD T. HYMAN, JR.
P.L.S. 1-2690

**FINAL PLAT
FOR**

ROSEWOOD SUBDIVISION

LEGEND

CURVE TABLE							
CURVE	ARC LENGTH	RADIUS	TANGENT	DELTA	CHORD BEARING	CHORD LENGTH	
C19	564.65'	350.67'	503.68'	901.72'	54° 51' 17"	560.13'	
C20	643.37'	400.67'	410.11'	902.02'	54° 51' 48"	576.86'	
C21	383.27'	20.00'	25.00'	900.00'	94° 00' 02"	38.35'	
C22	44.26'	350.67'	22.17'	704.27'	52° 24' 59"	44.26'	
C23	224.49'	350.67'	116.03'	350.14'	50° 56' 54"	220.03'	
C24	180.34'	350.67'	67.47'	320.22'	52° 45' 20"	180.12'	
C25	160.54'	350.67'	53.15'	165.11'	54° 10' 56"	165.15'	
C26	38.85'	25.00'	24.81'	690.53'	54° 45' 00"	35.00'	
C27	38.65'	25.00'	25.35'	690.73'	14° 11' 20"	35.05'	
C28	43.31'	400.67'	21.65'	694.62'	51° 12' 40"	43.26'	
C29	78.94'	400.67'	36.56'	1040.71'	57° 15' 08"	78.03'	
C30	083.37'	400.67'	44.31'	122.30'	51° 47' 57"	65.10'	
C31	112.05'	400.67'	58.75'	174.98'	33° 53' 01"	112.45'	
C32	155.87'	400.67'	58.33'	184.13'	55° 05' 50"	115.45'	
C33	94.20'	400.67'	47.31'	157.23'	53° 36' 21"	93.95'	
C34	95.14'	400.67'	47.79'	157.01'	57° 05' 42"	94.92'	
C35	16.85'	400.67'	8.40'	240.00'	50° 46' 37"	16.85'	
C36	39.37'	25.00'	25.00'	900.00'	140° 57' 12"	35.35'	



Project #: 130117
Drawing #: 130117 - FinalPl
Drawn: DAA
Checked: JAM
Approved: ETH
Date: 01/06/2015
Sheet #: 3/5
Scale: 1:100

**HEET TITLE:
FINAL PLAT
HEET NUMBER:**

3

Packet Pg. 138



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2023)

Agenda Item Title

TDA Budget Amendments

Brief Description of Agenda Item:

Tourism Development Authority Budget Amendments

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Daniel F. Scanlon

Number TDA2018006

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 6th day of November 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-526200	Promotions		\$ 7,600
15442-532000	Supplies	\$ 2,150	
15442-590000	Capital Outlay	\$ 5,450	
		<u><u>\$ 7,600</u></u>	<u><u>\$ 7,600</u></u>

Explanation: Occupancy Tax - Promotion (15442) - Transfer funds for camera equipment for videographer.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 6th day of November 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15442-540000	Worker's Comp	\$ 1,878	
15447-540000	Worker's Comp	\$ 2,100	
15448-540000	Worker's Comp	\$ 1,679	
15320-415000	Occupancy Tax		\$ 5,657
		<u><u>\$ 5,657</u></u>	<u><u>\$ 5,657</u></u>

Explanation: Occupancy Tax - Promotion (15442); Occupancy Tax - Tourism Related (15447); Occupancy Tax - Tourism Related/Whalehead (15448) - Increase appropriations for additional worker's comp after FY 2017 annual audit.

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

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners sitting as the Tourism Development Authority, at a meeting on the 6th day of November 2017, passed the following amendment to the budget resolution for the fiscal year ending June 30, 2018.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
15448-554000	Insurance & Bonds	\$ 2,300	
15320-415000	Occupancy Tax		\$ 2,300
		<u><u>\$ 2,300</u></u>	<u><u>\$ 2,300</u></u>

Explanation: Occupancy Tax - Tourism Related/Whalehead (15448) - Increase appropriations for flood insurance for the new restroom facility at the Corolla Historic Park.

Net Budget Effect: Occupancy Tax Fund (15) - Increased by \$2,300

Minute Book # _____, Page # _____

Journal # _____

Clerk to the Board



Currituck County Agenda Item Summary Sheet

Agenda ID Number – (ID # 2030)

Agenda Item Title

Consideration of Bid Award-Mobile Stage Unit

Brief Description of Agenda Item:

Planning Board Recommendation:

Memo requesting Board acceptance of bid received for Mobile Stage Unit.

Board Action Requested

Action

Person Submitting Agenda Item

Leeann Walton, Clerk to the Board

Presenter of Agenda Item

Tameron Kugler



ComeToOurBeach.com

INTEROFFICE MEMORANDUM

TO: DAN SCANLON
FROM: TAMERON KUGLER
SUBJECT: MOBILE STAGE BID PROPOSALS
DATE: OCTOBER 31, 2017

Jason Weeks and I recently put out a formal bid for a mobile performance stage. Bid proposals were sent to the three known companies in the United States and Canada that produce these stages and was advertised in the Daily Advance on October 2. In the bid package, bids were due on October 20, 2017.

We received proposals back from two companies, Century Industries and Stageline Mobile Stage, Inc. The third company declined to bid stating that they could not meet our specifications.

Stageline Mobile Stage, Inc. bid total, including base bid and FOB Delivery: \$112,800.00

Century Industries bid total, including base bid and FOB Delivery: \$112,984.00

While Stageline Mobile Stage, Inc. was the lowest bidder and responsible, their bid was not responsive. We are recommending the acceptance of the Century Industries bid as this second lowest bidder is responsible and responsive.

The major differences in the bid that lead us to request the Century Industries bid are:

- Century Industries stage is 8 feet longer than the Stageline model (32' versus 24')
- The Stageline model has an open back where our specifications called for an enclosed back – in the case of inclement weather, which we often experience, an enclosed back provides the performers with more protection and less likelihood of cancelling an event for a brief rainy period

Thank you for your consideration of this request. The tourism department allocated \$129,000 for the purchase of this stage in capital outlay, so we are well within budget.

Tameron Kugler

Currituck County Department of Travel & Tourism
 106 Caratoke Highway • Moyock, North Carolina 27958
 P. 252.435.2938 • Toll Free 877.287.7488 • F. 252.435.2996

More Than The Ocean... More Than A Vacation... More Than You Imagine

Packet Pg. 144

MOBILE "BANDSTAND"

F.a

