



**CURRITUCK COUNTY
NORTH CAROLINA**

July 18, 2016

Minutes – Regular Meeting of the Board of Commissioners

5:00 CALL TO ORDER

The Currituck County Board of Commissioners held its regular meeting at 5 PM in the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
David L. Griggs	Board Chairman	Present	
O. Vance Aydlett	Vice Chairman	Present	
S. Paul O'Neal	Commissioner	Present	
Paul M. Beaumont	Commissioner	Present	
Marion Gilbert	Commissioner	Present	
Mike D. Hall	Commissioner	Present	
Mike H. Payment	Commissioner	Late	5:25 PM

Chairman Griggs called the meeting to order at 5:00 PM.

A) Invocation & Pledge of Allegiance-Reverend Susan Fitch-Slater, Sharon United Methodist Church

Reverend Susan Fitch-Slater was not in attendance. Commissioner Beaumont gave the Invocation and led the Pledge of Allegiance.

B) Approval of Agenda

Chairman Griggs asked the Board to amend the order of items to allow Old Business to be heard after Consent Agenda so Commissioner Payment, who was running late, could be present during consideration of the ordinance to modify the time of the Board of Commissioner meetings.

Commissioner Gilbert moved to approve as amended and the motion was seconded by Commissioner Aydlett. The motion carried unanimously.

5:00 Call to Order

A) Invocation & Pledge of Allegiance-Reverend Susan Fitch-Slater,
Sharon United Methodist Church

B) Approval of Agenda

Public Hearings**A) Public Hearing and Action: PB 14-34 Currituck Reserve:**

Request for a preliminary plat/use permit for a 103 lot conservation subdivision located at the terminus of Campus Drive, Tax Map 22, Parcel 78B, Moyock Township.

New Business**A) An Ordinance of the Currituck County Board of Commissioners amending Chapter 2, Article III of the Currituck County Code of Ordinances by adding a new Division 9. Historic Preservation****B) Consideration of an Ordinance Consideration of the Currituck County Board of Commissioners Amending Chapter 9 of the Code of Ordinances By Adding Article V Prohibiting Abandonment of Vessels Within Navigable Waters of the County****C) Board Appointments**

1. Appointment to the Fire and EMS Advisory Board
2. Historic Boat & Building Advisory
3. Library Board

D) Consent Agenda

1. Approval Of Minutes for June 20, 2016
2. Budget Amendments
3. Resolution to Surplus Jail equipment
4. Report of Insolvents and Resolution Approving the Settlement with the Tax Collector for Insolvents
5. Settlement for Delinquent Taxes-FY 2015-16
6. Resolution appropriating funding for Airport Grant 36237.8.13.1 Corporate Area Apron Phase I (Design and Bidding)
7. Project Ordinance - Airport Grant 36237.8.13.1 Corporate Area Apron Phase 1 (Design and Bidding)
8. Lottery Applications
9. Project Ordinance for Lottery Funds
10. William Bradley - Grandy Convenience Center Lease renewal
11. Crawford VFD Purchasing Request-Chemguard Foam
12. Approval of Revised Salary Classification for Director of Elections

13.Approval of Job Descriptions-IT Support Tech (Sheriff's Dept) and Administrative Assistant (Planning Dept)

Old Business *The agenda was amended moving the Old Business section to follow Consent Agenda*

A) *Ordinance of the Currituck County Board of Commissioners Amending Section 2- 56 of the Currituck County Code of Ordinances Modifying the Time for the Regular Meetings of the Currituck County Board of Commissioners*

New Business

- E) Commissioner's Report
- F) County Manager's Report

Public

Comment

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

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 and to receive advice from the county attorney regarding a claim against the county and for the following pending matters: Price Solar, LLC v. Currituck County and Swan Beach Corolla, LLC v. Currituck County.

Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	O. Vance Aydlett, Vice Chairman
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

1. Resolution of support for law enforcement and emergency responders.

Commissioner O'Neal asked that the Board display their thanks and gratitude to the Currituck Sheriff's Department and Highway Patrol for the work they do by going on record with a letter or Resolution of support.

The motion was seconded by Commissioner Hall, and Commissioner Beaumont asked that Fire and Emergency Medical Services be included as well, as they are also victims of violence.

The motion carried unanimously.

PUBLIC HEARINGS**A. Public Hearing and Action: PB 14-34 Currituck Reserve:**

Parties were sworn and Chairman Griggs opened the Public Hearing. Ben Woody, Planning and Community Development Director, reviewed the application with the Board.

Staff Report

PB 14-34 Currituck Reserve

Board of Commissioners

July 18, 2016

APPLICATION SUMMARY

Property Owner: AH Currituck Reserve LLC 222 Central Park Ave Ste 2100 Va Beach VA 23462	Applicant: Land Planning Solutions 5857 Harbor View Blvd Ste 202 Suffolk VA 23435
Case Number: PB 14-34	Application Type: Preliminary Plat/Use Permit
Parcel Identification Number: 0022-000-078B-0000	Existing Use: Vacant
Moyock Small Area Plan Land Use Classification: Limited Service	Parcel Size (Acres): 112.08
Number of Units: 103	Project Density: .9 units/acre
Required Open Space: 45.12 acres	Provided Open Space: 52 acres

SURROUNDING PARCELS

	Land Use	Zoning
North	Residential	AG & SFM
South	Active Farmland	AG & SFM
East	Residential	AG & SFM
West	Active Farmland; Sand Mine	AG, SFM, HI

STAFF ANALYSIS

In 2008, the Board of Commissioners approved a 688 lot planned unit development (PUD) on 471 acres at a density of 1.47 units per acre that included this parcel. That development never came to fruition and this request is to subdivide one of those lots to stand on its own. This request is for a 103 lot conservation subdivision. The allowed density of one unit per acre for the proposed development is lower than that of the previously approved PUD.

There is a concern regarding the shared drainage infrastructure and easements between this subdivision and the proposed subdivisions on each side of this one. The applicant has submitted an outline of an agreement between the three subdivisions that addresses all shared drainage infrastructure, easements/right-of-way locations/relocations, etc. It is staff's opinion that collaboration between landowners to develop one drainage plan for the three subdivisions is an adequate solution and it will be made a condition of approval.

INFRASTRUCTURE

Water	Public
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Sewer	Septic
Transportation	A turn lane is required at Tulls Creek Road. Sidewalks are proposed throughout the development.
Stormwater/Drainage	The conceptual drainage plan has been reviewed by Engineering. The shared off-site drainage pond will be addressed by the property owners as the developments go through the construction drawing approval process.
Schools	Elementary Students Generated: 25 (159) Middle School Students Generate: 8 (251)
Compatibility	High School Students Generated: 14 (89) The use is compatible with the Moyock Small Area Plan.
Recreation and Park Area Dedication	The applicant has agreed to relocate the parkland dedication area to the rear of the Moyock Library. This will allow a future park to adjoin the library. The applicant will also provide an 8' wide multi-use path from the library to the eastern edge of their property.

RECOMMENDATIONS

TECHNICAL REVIEW COMMITTEE

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

1. The application complies with all applicable review standards of the UDO provided the following items are addressed:
 - a. That fire marshal comments be adequately addressed.
 - b. That NCDOT comments be adequately addressed.
2. A use permit shall be approved on a finding that the applicant demonstrates the proposed use will meet the below requirements. It is staff's opinion that the evidence in the record, prepared in absence of testimony presented at a public hearing, supports the preliminary staff findings.
3. 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. That the agreed upon outline (attached) between AH Currituck Reserve and Allied Properties concerning the shared drainage infrastructure and easements/rights-of-way locations/relocations be followed to develop the three adjoining subdivisions under a single drainage plan. (Planning)

USE PERMIT REVIEW STANDARDS

The use will not endanger the public health or safety.

Preliminary Applicant Finding:

1. The subdivision will comply with all applicable standards of ARHS, NCDENR, and Currituck County for water distribution, sewage disposal, and stormwater management.

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

Preliminary Applicant Findings:

1. The proposed subdivision will have a density of .9 units per acre and preserve 51.65 acres of open space.
2. Reforestation of conservation areas and farm land buffers will be incorporated into the construction plans.

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

Preliminary Staff Findings:

1. The 2014 Moyock Small Area Plan classifies this site as Limited Service. The policy emphasis of this designation is more on residential development and densities. Limited service designations provide for limited availability to infrastructure and services and low to moderate residential densities. Residential densities in this designation range between 1-1.5 units per acre. Cluster residential is to provide for low density, scattered residential, institutional, agricultural, or other traditional rural uses such as small scale farm operations. The proposed use is in keeping with the policies of the Moyock Small Area Plan, some of which are:

POLICY TR 1: Design future transportation improvements that are consistent with Complete Streets Policy. Complete Streets Policy encourage design of transportation networks and facilities that safely accommodate pedestrians, bicyclists, rail, and vehicles.

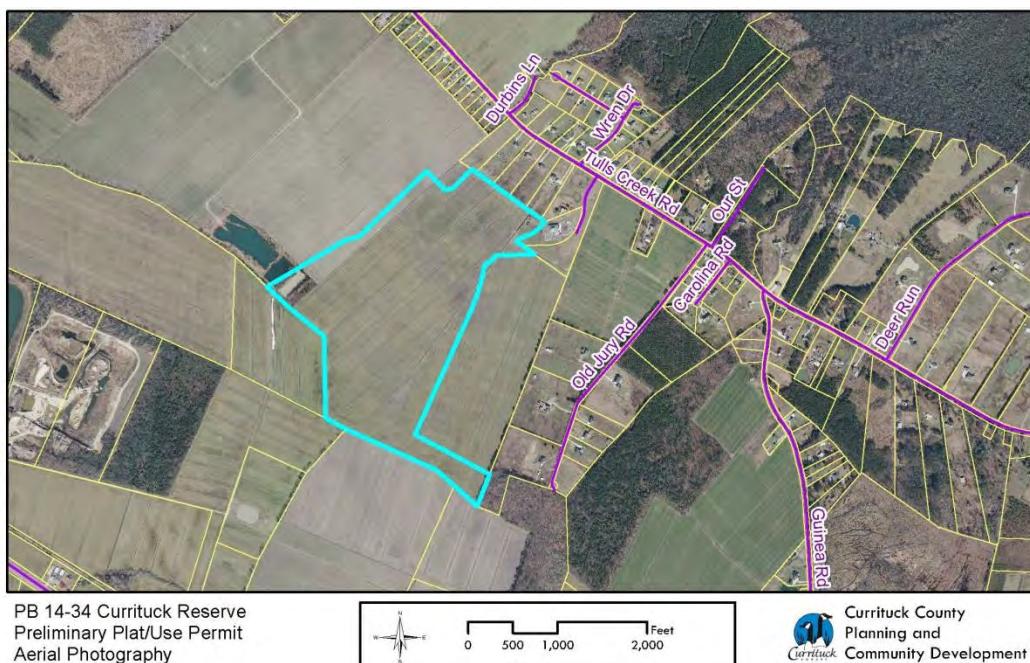
POLICY CC 1: Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.

POLICY IS 4: Ensure that stormwater runoff, soil erosion, and sedimentation is properly managed to reduce nuisance flooding and pollution of sensitive environmental areas.

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

Preliminary Staff Findings:

1. The county has adequate public facilities to service this development including schools, fire and rescue, law enforcement, etc.



After review, Mr. Woody answered Commissioner inquiries regarding stormwater and drainage and Commissioner Aydlett expressed concern with providing sufficient outlets, noting flooding issues in the past at the library.

Andy Deel, Deel Engineering, testified for the applicant stating he was on the project specifically to address stormwater. Mr. Deel said he had met with the developers for the other two tracts and subsequently was authorized to begin development of the

stormwater plan for the three parcels.

Commissioner Hall noted the proximity of his home to parcel one on the overhead map. He stated he could be fair in his decision and the rest of the Board had no issues. Mr. Deel reviewed the engineering requirements and responded to Board questions. Commissioner O'Neal expressed his concern with the prospect of the drainage agreement with the other developers falling apart. Mr. Woody said the application would have to be resubmitted if that happened, and he confirmed the stormwater agreement should be included in any motion as a condition of approval.

Mr. Scott Stamm, Land Planning Solutions of Chesapeake, VA, testified to address the development's harmony with adjoining land and affect on adjacent property values. He said the current proposal of 103 lots, as opposed to the original proposal of 680 lots, greatly reduces the density. The plan offers several reforestation areas, farmland buffers, sidewalks, a multi-use path and trails, with homes similar in size to nearby homes on 20,000 square foot lots. Stormwater would be improved and 1.84 acres of park land would be dedicated for public use.

Chris Harvey, the developer, was sworn in and addressed concerns raised by Commissioner O'Neal regarding an historic house located at the site. It was determined the home was indeed owned by Mr. Harvey. He said Commissioner O'Neal's concerns would be immediately addressed. In response to the Board, he said home prices would range from \$225-\$350,000, subject to change and road widths would be at Department of Transportation standards. Mr. Stamm discussed ingress and egress, right of ways, and connectivity.

Kenneth Terle, a 32 year resident of Moyock, was concerned that 1.84 acres of dedicated park area would not be large enough to accommodate the number of homes proposed. He said the library needs room to expand and Tulls Creek Road will need to be widened to four lanes eventually.

Mr. Woody clarified for the Board the departmental processes and requirements for the proposed three party stormwater agreement, after which, Chairman Griggs closed the public hearing and asked for a motion.

Commissioner Beaumont moved to approve PB 14-34, The Currituck Reserve, in that its use will not endanger public health or safety, it will not injure the value of adjoining or abutting lands, and will be in harmony with the area in which it is located, it will be in conformity with the Land Use Plan, specifically policies TR1, CC1, and IS4, and the use will not exceed the county's ability to provide adequate public facilities, including but not limited to schools, fire rescue, law enforcement and other county facilities. In addition, the project would proceed contingent upon mutual stormwater management plan as presented to this Board to include Parcels A, B and C.

Commissioner Gilbert seconded and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

NEW BUSINESS

A. An Ordinance of the Currituck County Board of Commissioners amending Chapter 2, Article III of the Currituck County Code of Ordinances by adding a new Division 9. Historic Preservation

County Attorney, Ike McRee, reviewed the ordinance with the Board, which establishes the Historic Preservation Commission for Currituck County.

During discussion, the Board agreed residents should have the ability to remove an historic designation if they chose to do so. Mr. McRee said he did not see a provision for residents to remove themselves as the ordinance is written but he would review and provide a report at the next Board of Commissioners meeting. The Board clarified Currituck County would not bear a financial burden for restoration of property, although homeowners may be financially bound to an entities providing restoration funding.

Commissioners allowed members of the Historical Society to provide comment. Mr. Rodney Sawyer said he began this process in 2005 as a way for the County to receive federal funding for historic preservation by achieving the goal of becoming a Certified Local Government for Historic Preservation.

Barbara Snowden, Vice President of the Currituck County Historical Society, thanked Mr. Sawyer for his efforts. She assured the Board no property owner would be forced to participate. She stressed the structures should be referred to as County Landmarks, and only those who ask would be considered. Since the program is voluntary, property owners would only need ask to be removed.

Commissioner Aydlett moved to approve as written with instruction to the County Attorney to research and look into the other issues that were brought up and report back to the Board at the next meeting. Commissioner O'Neal seconded and the motion carried unanimously.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING CHAPTER 2, ARTICLE III OF THE CURRITUCK COUNTY CODE OF ORDINANCES BY ADDING A NEW DIVISION 9. HISTORIC PRESERVATION

WHEREAS, pursuant to N.C. Gen. Stat. §153A-76 a Board of Commissioners may change the composition and manner of selection of boards, commissions, and agencies, and may generally organize and reorganize the county government in order to promote orderly and efficient administration of county affairs; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-77 a Board of Commissioners may appoint advisory boards, committees, councils and agencies composed of qualified and interested county residents to study, interpret and develop community support and cooperation in activities conducted by or under the authority of the Board of Commissioners; and

WHEREAS, pursuant to Part 3C of Chapter 160A of the General Statutes of North Carolina a county may create a historic commission to safeguard a county's heritage by preserving districts of landmarks that embody important elements of the county's culture, history, architectural history or prehistory and promote the use and conservation of such district or landmark for the education, pleasure, enrichment of the county's residents.

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 adding a new division to Chapter 2, Article III to read as follows:

DIVISION 9. HISTORIC PRESERVATION COMMISSION

Sec. 2-240. Title.

This division is known and may be cited as the Currituck County Historic Preservation Ordinance.

Sec. 2-241. Purpose.

Whereas the historical heritage of Currituck County is a valued and important part of the general welfare; and whereas the conservation and preservation of the County's heritage, through the documentation and regulation of local historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values, and pursuant to G.S. 160A-400.1 to 400.14 this ordinance is enacted in order to:

- a. Safeguard the heritage of Currituck County by preserving local landmarks within the County that embody important elements county culture, history, architectural history, or prehistory; and
- b. Promote the use and conservation of local landmarks for the education, pleasure and enrichment of the residents of Currituck County and the State of North Carolina.

Sec. 2-242. Created.

There is hereby established a historic preservation commission, (the "Commission"). The Commission will consist of five (5) members appointed by the Board of Commissioners. Members of the Commission must have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related field. One member will be appointed to serve for a term of two years, two members will be appointed to serve for a term of three years, and two members will be appointed to serve for a term of four years. Thereafter members shall be appointed for terms of four years. Commissioners shall serve until their successors are appointed and qualified. All commissioners must be residents of the county.

Sec. 2-243. Officers.

The Commission will appoint from its membership a chair and any other officers as it may deem necessary for the orderly conduct of its business.

Sec. 2-244. Meetings.

The Commission will meet at least quarterly. A copy of the minutes of all meetings must be sent to the county manager. All meetings must be conducted in accordance with the Open Meetings Law of the State of North Carolina. The Commission will annually present to the Board of Commissioners a report of its activities, budget, findings, recommendations, and actions, which will be made available to the public.

Sec. 2-245. Powers and Duties.

The Commission is empowered to undertake such actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and in the North Carolina General Statutes, including, but not limited to:

- a. Organizing and conducting its business;

- b. Receiving and spending funds, if any, appropriated by the Board of Commissioners for operating and performing its duties;
- c. Conducting an inventory of properties of historical, archaeological, architectural, and/or cultural interest;
- d. Recommending to the Board of Commissioners that individual buildings, structures, sites, area, or object within its zoning jurisdiction be designated as "local historic landmarks;"
- e. Recommending to the Board of Commissioners that designation of any building, structure, site area or object as a local historic landmark be revoked or removed for cause;
- f. Reviewing and making recommendations on proposals for exterior alteration, relocation or demolition of designated local historic landmarks;
- g. Negotiating with property owners who propose to demolish or relocate a designated local historic landmark, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies;
- h. Instituting action through the county planning and community development department to prevent, restrain, correct or otherwise abate violation of this ordinance or of an ordinance designating local historic landmarks;
- i. Entering, at reasonable times and with the consent of the owner or occupant, upon private lands to make examinations, conduct surveys and inventories or other purposes in performance of its official duties. However, no member, employee or agent of the Commission shall enter any private building or structure without express consent of the owner or occupant thereof;
- j. Reviewing and making recommendations on proposals for alterations of interior features of designated local historic landmarks, as specified, and for which owner consent was given, in the ordinance establishing designation;
- k. Appointing advisory bodies or committees as appropriate;
- l. Recommending to the Board of Commissioners negotiation with property owners for the acquisition or protection of significant historic properties;
- m. Recommending to the Board of Commissioners acquisition by any lawful means, the purchase fee, or any lesser included interest, including options to purchase, properties designated as local landmarks, or land to which historic buildings or structures may be moved; recommending to the Board of Commissioners to hold, manage, preserve, and restore such a property and improving the interest; and to exchange or dispose of the interest through public or private sale, lease, or other lawful means, provided the property shall be subject to covenants or other legally binding restrictions which shall secure appropriate rights of public access and the preservation of the property. All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the Board of Commissioners shall be acquired in the name of the county unless otherwise provided by the Board of Commissioners;
- n. Accepting grants of funds from private individuals or organizations for preservation purposes;
- o. Conducting educational programs pertaining to local historic landmarks and historic areas within its jurisdiction;
- p. Publishing or otherwise informing the public about any matter related to its purview, duties, responsibilities, organization, procedures, functions or requirements;
- q. Advising property owners about appropriate treatment for characteristics of local historic properties;
- r. Cooperating with the State of North Carolina, the United States of America, local governments, public or private organizations, or their agencies, in pursuing the purposes of this ordinance;
- s. Preparing and recommending adoption of a preservation element or elements as part of a county's comprehensive plan; and
- t. Proposing to the Board of Commissioners amendment to this or to any other ordinance, and proposing new ordinance or laws relating to local historic landmarks or to the protection of the historic resources of the county and its environs.

Sec. 2-246. Inventory.

The Commission will use as a guide to identification, assessment, and designation of local historic landmarks an inventory of buildings, structures, sites, areas, or objects which are of historic,

prehistoric, architectural, archaeological, and/or cultural significance. The Commission will take steps as necessary to ensure that the inventory reflects information current to within twenty years.

Sec. 2-247. Adoption of Local Historic Landmark Ordinance of Designation

- a. The Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating one or more local historic landmarks. The ordinance will include the following:
 1. the name or names of the owner or owners of the property;
 2. description of each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
 3. description of those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;
 4. provide for each designated local historic landmark a suitable sign or plaque indicating that the local landmark has been designated a local historic landmark; and
 5. Any other information deemed necessary by the Board of Commissioners.
- b. The local landmark designation process may be initiated by either the Commission or at the request of a property owner. No ordinance to designate a building, structure, site, area, or object will be adopted or amended until all of the requirements of this ordinance and its subsections are satisfied.

Section 2-248. Criteria for Designation as a Historic Local Landmark.

To be designated as a historic local landmark, a property, building, site, area, or object must be found by the Commission to possess special significance in terms of its history, prehistory, architecture, archaeology, or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

Sec. 2-249. Procedure for Designating a Local Historic Landmark.

- a. The Commission will make, or cause to be made, an investigation and designation report which includes the following:
 1. the name of the property to be designated, including both common and historic names if they can be determined;
 2. the name and address of the current owner or owners;
 3. the location of the property proposed for designation, including the street address and county tax map parcel number or parcel identification;
 4. the dates of original construction and of all later additions or alterations, if applicable and as can be determined;
 5. an assessment of the significance of the building or site as prescribed by this ordinance;
 6. an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, proposed for designation;
 7. a historical discussion of the site or structure within its type, period, and locality;
 8. a photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, siting, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and
 9. a map showing the location of the property, including all outbuildings and appurtenant features.
- b. Pursuant to G. S. 160A-400.6, as amended, the designation report must be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, (the "Department"), or its successor agency, which, acting through the State Historic Preservation Officer, will review the designation report and provide written comment and recommendations to the Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the

Department to respond within thirty days following its receipt of the report will constitute approval of the report by the Department and relieve the board of commissioners of all responsibility to consider the Department's comments of recommendations concerning the report.

c. At the expiration of the thirty day review period, the Commission will consider the report and any comments or recommendations from the State Historic Preservation Officer, and will accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The Commission will forward to the Board of Commissioners a copy of the report, copies of written comments received from the Department, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval must be accompanied by a proposed ordinance of designation. A recommendation for disapproval will not necessarily prevent any future consideration of a property for designation as a local historic landmark.

d. The Board of Commissioners will hold a public hearing, either jointly with the Commission, or separately, to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

e. Following the public hearing, the Board of Commissioners will consider the Commission's designation report, its recommendation, the Department's recommendation, and comments made at the public hearing, and may adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.

f. Upon adoption of the ordinance, the Commission staff will:

1. within thirty days of adoption, send the owner(s) of the landmark(s) notice of the designation, explaining the substance of the Commission's decision;
2. file one copy of the ordinance, and any subsequent amendments, in the office of the county's Register of Deeds, which will index local historic landmarks according to the name of the owner in the grantee and grantor indexes;
3. notify the county tax assessor's office of the landmark designation.

g. Upon notification of landmark designation from the Commission, the county tax assessor shall indicate the designation on all appropriate tax maps for as long as the designation remains in effect.

h. Upon disapproval of a designation report, a copy of the minutes of the meeting at which the decision to deny was made must be provided to the owner of the property proposed for designation, together with correspondence explaining the substance of the Commission's decision.

Sec. 2-250. Certificate of Appropriateness Required

a. From and after the designation of a local historic landmark, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or object will be performed upon such landmark until a Certificate of Appropriateness, (the "Certificate"), is granted by the Commission. A Certificate will be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of advertising sign.

b. A Certificate is required in order to obtain a building permit, or any other permit granted for the purposes of constructing, altering, moving, or demolishing structures, and is required whether a building permit or other permit is required. Any building permit or other permit not issued in conformity with this Section is invalid.

c. For the purposes of this ordinance, "exterior features" includes architectural style, general design, general arrangement, kind and texture of material, size and scale, and type and style of all windows, doors, light fixtures, signs, any other appurtenant features, historic signs, historic advertising, landscape, and archaeological or natural features.

d. A Certificate is required to specific interior features of architectural, artistic, or historical significance in publicly owned local landmarks and in privately owned local landmarks for which consent to review has been given in writing by the owner. Such consent shall be filed with the county's Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and binds future owners and/or successors in title. The ordinance establishing

historic designation of the property will specify the interior features subject to review and the specific nature of the Commission's jurisdiction over those features.

e. When approving a Certificate, the Commission may attach reasonable conditions necessary to the proper execution of this ordinance.

f. Commission staff may issue a Certificate for "minor works" as defined by the Commission. "Minor works" include the ordinary maintenance or repair of any exterior feature of a local historic landmark, provided such maintenance or repair does not involve a change in design, material, or appearance thereof.

g. No application for a "minor works" Certificate will be denied without deliberation by the Commission.

h. Under this section, the Commission will institute action, through the county planning and community development department, to prevent, restrain, correct or otherwise abate the construction, reconstruction, alteration, restoration relocation or demolition of buildings structures, appurtenant features, or any other features which would be incongruous with the special character of the local landmark.

Sec. 2-251. Review Guidelines.

Prior to the designation of a historic local landmark, the Commission will prepare and adopt guidelines not inconsistent with G.S. 160A-400.1 - 400.14 for constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic, which guidelines will ensure, insofar as possible, that changes in designated local historic landmarks are in harmony with the reasons for designation.

Sec. 2-252. Certain Changes not Prohibited.

Nothing in this ordinance is to be construed to prevent:

a. the ordinary maintenance or repair of any exterior feature of a historic local landmark, provided such maintenance or repair does not involve a change in design, material, or appearance of the historic local landmark;

b. the construction, alteration, relocation, or demolition of any feature, building, or structure when the chief building inspector certifies to the Commission that action is necessary to the public health or safety because of an unsafe or dangerous conditions;

c. a property owner from making use of property not otherwise prohibited by statute, ordinance, or regulation; or

d. the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the Commission.

Sec. 2-253. Delay of Demolition.

a. Except as provided below, a Certificate authorizing the demolition of a designated local historic landmark may not be denied. However, the Commission may delay the effective date of a Certificate for a period of up to 365 calendar days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of such property as a result of the delay. During the delay period, the Commission will negotiate with the property owner and with any other party in an effort to find a means of preserving the property as provided in Section 2-245 of this ordinance.

b. The Commission may deny an application for a Certificate authorizing the demolition or destruction of any locally designated landmark, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of Historic Places, unless the Commission finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.

c. In the event that the Commission has voted to recommend designation of a property as a local landmark and local landmark designation has not been made by the board of commissioners, the demolition of any building, site, object, area or structure located on the property of the proposed local landmark may be delayed by the Commission for a period of up to 180 calendar days or until the Board of Commissioners takes final action on the proposed designation, whichever occurs first. If the Board of Commissioners approves the local landmark designation prior to the expiration of the 180-day delay period, an application for a Certificate of Appropriateness authorizing demolition must then

be filed; however, the maximum delay period of 365 days shall be reduced by the number of days elapsed during the 180-day delay while designation was pending.

Sec. 2-254. Demolition by Neglect.

Failure of an owner to regularly, consistently, and fully maintain a designated local landmark constitutes demolition, through neglect, without a valid Certificate of Appropriateness and a violation of this ordinance. The Commission will institute action, through the county planning and community development department, to prevent, restrain, correct or otherwise abate such demolition, provided the action includes appropriate safeguards to protect property owners from undue economic hardship.

Sec. 2-255. Application and Required Procedures.

a. An application for a Certificate shall be obtained from the Commission staff. An application for a Certificate will be completed and submitted to the county planning director in the form established by the county planning director and will be reviewed by Commission staff to determine if the application is complete in accordance with the procedures and standards included in the Administrative Manual and Unified Development Ordinance.

b. The Commission has, as detailed in the Administrative Manual, power to require the submittal, with the application, of pertinent information sufficient to determine an application's completeness.

c. Incomplete applications are not accepted.

d. Before considering an application for a Certificate, the Commission will notify by mail the owners of any adjacent property. Such notices are for the convenience of property owners and occupants and no defect or omission therein impairs the validity of the issuing a Certificate or of any subsequent action.

e. When considering an application for a Certificate, the Commission will give the applicant and owners of any property likely to be materially affected by the application an opportunity to be heard.

f. When considering an application for a Certificate, the Commission will apply the review guidelines required by Section 2-251 of this ordinance and will, in approving with conditions, disapproving or deferring an application, make findings of fact to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the Commission based its decision.

g. The Commission has sixty calendar days following submittal of a complete application within which to act. Failure by the Commission to take final action within such period shall constitute approval of the application as submitted. This period may be extended by mutual agreement between the Commission and the applicant.

h. A Certificate is valid for 180 calendar days from the date of issuance, or, in the case of a Certificate for demolition, from the effective date. If the authorized work is not commenced within that period, or has been discontinued for more than 365 calendar days from the date of issuance, the Certificate will immediately expire and the applicant required to reapply.

i. If the Commission denies a Certificate, a new application affecting the same property may be submitted, provided a substantial change is proposed in the plans.

j. An appeal of a final action by the Commission may be made to the county board of adjustment. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) calendar days following the Commission's decision. Appeals must be filed with the county board of adjustment within thirty calendar days following the Commission's decision and is in the nature of certiorari. A decision by county board of adjustment may be appealed to the Superior Court of Currituck County.

k. A Certificate is required for locally designated landmarks or buildings, structures, sites, areas, which are owned by the State of North Carolina or any of its agencies, political subdivisions, or instrumentalities, subject to the regulations of this ordinance and in accordance with G.S. 160A-400.9(f).

l. In the case of a building, structure, site, area, or object designated as a local historic landmark threatened with demolition, as the result of willful neglect or otherwise, material alteration, rehabilitations or removal, except in compliance with this ordinance, the Commission, the Board of

Commissioners or any other party aggrieved by such action may institute any appropriate action or proceeding to prevent, restrain, correct or otherwise abate such violation, or to prevent any illegal act or conduct with respect to such property.

Sec. 2-256. Conflict with Other Laws

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the Currituck County Board of Commissioners, the more restrictive ordinance or regulation shall govern.

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

PART III. This ordinance is effective immediately upon adoption.

ADOPTED this ____ day of July, 2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	S. Paul O'Neal, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

B. Consideration of an Ordinance of the Currituck County Board of Commissioners Amending Chapter 9 of the Code of Ordinances By Adding Article V Prohibiting Abandonment of Vessels Within Navigable Waters of the County

Mr. McRee reviewed the ordinance with the Board which authorizes the County to remove abandoned vessels from County waterways.

After review, Commissioners discussed costs to the county, mechanisms for recovering expenses from vessel owners, and safety aspects related to the ordinance.

Allowing a resident to speak, Jim Wheeler, Beechwood Shores, said he has a sunken boat at his property. He was instructed to call County Code Enforcement.

Commissioner Aydlett moved to approve the ordinance prohibiting abandonment of vessels within navigable waters of Currituck County as written. Commissioner Beaumont seconded and the motion carried unanimously.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING CHAPTER 9 OF THE CURRITUCK COUNTY CODE OF ORDINANCES BY ADDING ARTICLE V. ABANDONED VESSELS

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

WHEREAS, pursuant to N.C. Gen. Stat. §153A-132 a county may by ordinance prohibit the abandonment of vessels in navigable waters within the county's ordinance-making jurisdiction.

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

PART I. Chapter 9 of The Code of Ordinances, Currituck County, North Carolina is amended by adding ARTICLE V. ABANDONED VESSELS to read as follows:

ARTICLE V. ABANDONED VESSELS

Sec. 9-94. Application of provisions.

The regulations set out in this article shall apply to navigable waters within the county.

Sec. 9-95. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) *Abandoned vessel:* A vessel that is moored, anchored, or otherwise located for more than 30 consecutive days in any 180 consecutive-day period without permission of the dock owner, marina owner, boat slip owner, or property owner whereby the vessel is located or a vessel that is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is in immediate danger to other vessels.

(2) *Responsible party.* A person, organization, or legal entity that is identified by county officials as the party responsible for an abandoned vessel.

Sec. 9-96. Prohibition.

The abandonment of vessels in navigable waters within the jurisdiction of the county is prohibited.

Sec. 9-97. Exceptions.

Shipwrecks, vessels, cargoes, tackle and other underwater archeological remains that have been in place for more than 10 years shall not be considered abandoned vessels and shall not be removed under the provisions of this section without the approval of the North Carolina Department of Cultural Resources, which is the legal custodian of these properties pursuant to G.S. §§ 121-22 and 121-23.

Sec. 9-98. Removal of abandoned vessels.

The county may remove and dispose of any abandoned vessel found to be in violation of this article according to the procedures set forth in G.S. § 153A-132 and Article IV of this code.

Sec. 9-99. Notice of removal.

The county shall give notice to the responsible party as required by G.S. § 20-219.11(a) and (b).

PART II. Severability. Should any section or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be invalid or unconstitutional.

PART III. Effective date. This ordinance shall be effective immediately upon its adoption.

ADOPTED the 18th day of July, 2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

C) Board Appointments

1. Appointment to the Fire and EMS Advisory Board

Commissioner Beaumont nominated William Bailey, of Maple, to serve on the Fire and EMS Advisory Board. Commissioner Aydlett seconded and the nominee was unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	O. Vance Aydlett, Vice Chairman
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

2. Historic Boat & Building Advisory

Commissioner O'Neal nominated Jerry Wright to fill one of the three vacancies on the Historic Boat and Building Advisory. Commissioner Aydlett moved to approve Jerry Wright for the Historic Boat and Building Advisory, while tabling the other two appointments until the next meeting. Commissioner Gilbert seconded and the motion carried unanimously.

Commissioner Hall said he had been speaking with an interested party and would submit the recommendation for Board consideration.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	O. Vance Aydlett, Vice Chairman
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

3. Library Board

Commissioner Beaumont said his nominee should be eligible for reappointment and did not need to be replaced as stated in the agenda packet. Making the correction, he recommended Keith Dix be reappointed. Commissioner O'Neal moved to reappoint Keith Dix and Tom Oakes to the Library Board. The motion was seconded by Commissioner Gilbert and the appointments were unanimously approved.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	S. Paul O'Neal, Commissioner
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

D) Consent Agenda

Commissioner Gilbert moved to accept the Consent Agenda. The motion was seconded by Commissioner Beaumont and carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marion Gilbert, Commissioner
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

1) Approval Of Minutes for June 20, 2016

1. Minutes Approval-BOC 6-20-2016

Motion to revise minutes of June 20, 2016.

Commissioner Hall moved that the June 20, 2016, minutes be revised to include language as to the reason for his dissenting vote regarding the Historic Boat and Building Advisory Board appointments. Commissioner Payment seconded and the motion carried unanimously for a revision of the minutes to insert the explanation portion of the discussion.

The Board discussed other County advisory boards and state Boards and which allow voting by county staff and Commissioners who serve.

2. Budget Amendments

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10530-545000	Contract Services	\$ 43,200	
10530-590000	Capital Outlay	\$ 94,255	
10330-449900	Miscellaneous Grants		\$ 137,455
		\$ 137,455	\$ 137,455

Explanation: Emergency Medical Services (10530) - Increase appropriations to record approval of FEMA Homeland Security Grant EMW-2015-FO-05643. This will purchase LUCAS CPR devices for the County ambulances and 5 year maintenance agreements.

Net Budget Effect: Operating Fund - Increased by \$137,455.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10795-590000	Captial Outlay	\$ 7,535	\$ -
10795-516001	Repairs & Maint- Maple Park		\$ 7,535
		\$ 7,535	\$ 7,535

Explanation: Parks & Recreation (10795) - Transfer funds for roof replacement of two picnic shelters at Sound Park.

Net Budget Effect: Operating Fund - No change.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
50795-590005	Veteran's Park Dock Improvement	\$ 137,000	
50390-495015	T F - Occupancy Tax		\$ 137,000
		\$ 137,000	\$ 137,000

Explanation: County Governmental Construction (50795) - Increase multi-year construction fund for repairs to the dock at Veteran's Park in Coinjock. Funding was appropriated in the current budget Occupancy Tax budget.

Net Budget Effect: County Governmental Construction Fund (50) - Increased by \$137,000.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10541-532000	Supplies	\$ 5,460	
10380-488400	ABC Profits Distribution		\$ 5,460
		<u>\$ 5,460</u>	<u>\$ 5,460</u>

Explanation: Fire Services (10541) - Increase appropriations for 220 gallons of foam for airport crash truck requested by Crawford Volunteer Fire Department.

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

3. Resolution to Surplus Jail equipment

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 sold at auction, negotiated sale or will be disposed of if not sellable.

<u>County</u> <u>Asset Tag</u>	<u>Description</u>	<u>Serial Number</u>
N/A	Cleveland Industrial Food Steamer Model 42CKGN200	WC99412-06L-01
6176	Touch Print Fingerprint Machine/Cabinet	AV248000310

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 _____ day of _____, 2016.

David L. Griggs, Chairman
County of Currituck, Board of Commissioners

Leeann Walton
Clerk to the Board (Seal)

4. Report of Insolvents and Resolution Approving the Settlement with the Tax Collector for Insolvents

Reports of Insolvents

TO: Currituck County Board of County Commissioner

The following list contain delinquent personal property taxes that have been due for over 5 (five) years and are owed by deceased taxpayers and/or businesses that are no longer in business.

Tax Year	Bill Number	Name 1	Principal Amount	Remarks
2006	1650	CLARK, DAVID L (DECEASED)	32.66	Deceased
2008	1314	CLARK, DAVID L (DECEASED)	31.03	Deceased
2010	419	CLARK, DAVID L (DECEASED)	29.48	Deceased
2009	381	CLARK, DAVID L (DECEASED)	31.03	Deceased
2007	1251	CLARK, DAVID L (DECEASED)	31.03	Deceased
2010	721	FREDERICK, JERRY GLYNN - DECEASED	12.21	Deceased
2010	801	GRIFFIN, HAZEL ODESSA (DECEASED)	29.80	Deceased
2009	730	GRIFFIN, HAZEL ODESSA (DECEASED)	29.80	Deceased
2008	407	NEWBERN, WILLIAM NORMAN III (DECEASED)	5.13	Deceased
2009	1096	NEWBERN, WILLIAM NORMAN III (DECEASED)	5.13	Deceased
2010	40	ALL ABOUT BROTHERS SEAFOOD	30.43	Out of Business
2009	123	ALL N C REAL ESTATE	33.32	Out of Business
2010	155	ANCHOR CONTRACTING	61.57	Out of Business
2010	12697	BANK OF CURRITUCK	1.59	Out of Business
2010	19	COASTLINE CONTRACTORS INC, ORPORATED	1,430.99	Out of Business
2010	871	CORNERSTONE VIDEOS	169.46	Out of Business
2010	514	CURRITUCK CHIROPRACTIC	374.19	Out of Business
2010	677	FARR DEVELOPING LLC	225.28	Out of Business
2009	616	FARR DEVELOPING LLC	225.28	Out of Business
2006	1578	GAZELLAS	171.92	Out of Business
2007	1176	GAZELLAS	171.91	Out of Business
2010	911	THE INDEPENDENT	10.91	Out of Business
2009	3583	JACOBS WELL CHRISTIAN SUP, PLY INC	45.82	Out of Business
2010	1172	MR MUNCHIES INC	59.84	Out of Business
2010	18675	NC GOLF GROUP LLC,	73.31	Out of Business
2008	9510	OUTER BANKS POWER SPORTS, INC	6.50	Out of Business
2010	1265	OUTER BANKS POWER SPORTS, INC	210.96	Out of Business
2010	1279	PARADOCKS FOUR LLC (DBA)	278.42	Out of Business
2010	1408	RIP TIDE ASSOCIATES LLC	561.44	Out of Business
2008	10019	THE CONCRETE GUYS INC	39.45	Out of Business
2010	37	UNCLES IKE'S CAFE	140.80	Out of Business

The undersigned Tax Collector respectfully reports that certain **personal property taxes** levied for the years shown below, remain uncollected, such uncollected being set out below. Said taxes are not liens upon liens upon real estate. The undersigned Tax Collector has made diligent efforts to collect said taxes by use of remedies against personal property as provided by law but has been unable to locate sufficient property belonging to delinquent taxpayers out of which the taxes might be collected. In every instance in which the existence of property belonging to delinquent taxpayers within other taxing units in North Carolina, the undersigned has proceeded under the provisions of G.S. 105-364.

Respectfully Submitted and Sworn to this the 29th day of June 2015'

Resolution Approving the Settlement with the Tax Collector for Insolvents

WHEREAS, N.C.G.S. 105-373 requires that settlement be made with the Tax Collector for taxes charged to the Tax Collector; and

WHEREAS, N.C.G.S. 105-373(a2) allows for the designating of persons owing taxes (but who own no real property) that are found to be insolvent; and

WHEREAS, N.C.G.S. 105-373(g) provides for the governing body of any taxing unit may, in its discretion, relieve the tax collector of the charge of taxes owed by persons on the insolvent list that are over five or years past due when it appears to the governing body that such taxes are uncollectible;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Those persons and entities identified in the Report of Insolvents submitted by the Tax Collector are found to be insolvent.
2. The insolvents list shall be credited to the Tax Collector as part of his settlement.
3. The Tax Collector is relieved of the charge of taxes owned by persons and entities on the insolvents list that are five or more years past due.

THIS the _____ day of _____, 20____.

5. Settlement for Delinquent Taxes-FY 2015-16

FY 15-16 SETTLEMENT FOR DELINQUENT TAXES FOR TAX YEARS 2006-2015 (G.S. 105-373)						
COLLECTION TOTALS FOR THE YEARS 2006 -2015*						
YEARS	Levy All Charge Codes	Adjustments Releases/Writeoffs	Net Levy	Interest Collected	Tax Payments*	Unpaid Balance* % COLL
2015	31,145,963.52	30,121.11	31,115,842.41	69,478.89	30,731,975.41	383,867.00 98.77%
2014	30,605,976.75	13,313.07	30,592,663.68	79,599.28	30,454,554.90	138,108.78 99.55%
2013	30,944,481.92	73,253.17	30,871,228.75	106,527.07	30,813,703.72	57,525.03 99.81%
2012	30,147,370.90	85,390.89	30,061,980.01	110,843.01	30,035,015.80	26,964.21 99.91%
2011	29,924,866.17	39,803.44	29,885,062.73	131,606.62	29,863,321.85	21,740.88 99.93%
2010	28,910,455.72	64,907.56	28,845,548.16	142,051.70	28,827,990.68	17,557.48 99.94%
2009	28,841,143.22	91,742.68	28,749,400.54	167,755.12	28,740,354.10	9,046.44 99.97%
2008	28,689,650.38	81,446.13	28,608,204.25	191,941.97	28,600,052.00	8,152.25 99.97%
2007	28,106,610.32	226,315.34	27,880,294.98	132,731.08	27,873,493.10	6,801.88 99.98%
2006	27,466,765.65	129,748.94	27,337,016.71	111,445.83	27,331,865.15	5,151.56 99.98%
TOTALS	294,783,284.55	836,042.33	293,947,242.22	1,243,980.57	293,272,326.71	674,915.51

*Collections through June 30, 2016

6. Resolution appropriating funding for Airport Grant 36237.8.13.1 Corporate Area Apron Phase I (Design and Bidding)

7. Project Ordinance - Airport Grant 36237.8.13.1 Corporate Area Apron Phase 1 (Design and Bidding)

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

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

SECTION 1. The project authorized is to design a Corporate Area Apron (Phase I Design & Bidding)

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

Griggs Elementary - Upgrade Energy Mgmt System	\$ 90,000
CCHS -Upgrade Energy Management System	\$ 65,000
Moyock Middle - Upgrade Energy Mgmt System	\$ 65,000
	\$ 220,000

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

Lottery Funds	\$ 220,000
	<u>\$ 220,000</u>

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

SECTION 5. SPECIAL APPROPRIATIONS AND RESTRICTIONS

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.
- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 18th day of July 2016.

8. Lottery Applications

9. Project Ordinance for Lottery Funds

COUNTY OF CURRITUCK CAPITAL PROJECT ORDINANCE

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

SECTION 1. The project authorized is to renovate HVAC/Energy Management systems at various schools.

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

Griggs Elementary - Upgrade Energy Mgmt System	\$ 90,000
CCHS -Upgrade Energy Management System	\$ 65,000
Moyock Middle - Upgrade Energy Mgmt System	\$ 65,000
	<u><u>\$ 220,000</u></u>

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

Lottery Funds	\$ 220,000
	<u><u>\$ 220,000</u></u>

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

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

SECTION 6. CONTRACTUAL OBLIGATIONS

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

- a. He may execute contracts for construction or repair projects which do not require formal competitive bid procedures.
- b. He may execute contracts for (1) purchases of apparatus, supplies, and

materials, or equipment which are within the budgeted departmental appropriations; (2) leases of personal property for a duration of one year or less and within budgeted departmental appropriations; and (3) services which are within budgeted departmental appropriations.

- c. He may execute contracts, as the lessor or lessee of real property, which are of a duration of one year or less which are within the budgeted departmental appropriations.

SECTION 7. USE OF BUDGET ORDINANCE

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

ADOPTED this 18th day of July 2016.

10. William Bradley - Grandy Convenience Center Lease renewal

11. Crawford VFD Purchasing Request-Chemguard Foam

12. Approval of Revised Salary Classification for Director of Elections

13. Approval of Job Descriptions-IT Support Tech (Sheriff's Dept) and Administrative Assistant (Planning Dept)

Old Business (Amended-Item moved to be heard after Consent Agenda)

14. Ordinance of the Currituck County Board of Commissioners Amending Section 2-56 of the Currituck County Code of Ordinances Modifying the Time for the Regular Meetings of the Currituck County Board of Commissioners

County Attorney, Ike McRee, said the ordinance was again before the Board for a second reading because the ordinance did not receive unanimous approval at its first reading. Commissioner Payment explained his reasons for wanting the time change to 6 PM, and said the ordinance can always be revised again if necessary.

Commissioner Hall moved to allow those who were signed up for public comment to speak to the ordinance to do so. Commissioner Payment seconded and the motion carried unanimously.

Chairman Griggs opened the public comment period and limited the speaking time to three minutes.

Will Crodick, Knotts Island, said he supports a 7 PM meeting time, but would approve of 6 PM. He wants to see public comment moved back to the beginning of the meeting so people can address items on the agenda before they are heard.

Kenneth Terle, Moyock, supports a revised meeting time and asked the Board to give people time to get to Board meetings.

Jim Wheeler, Beechwood Shores, wants to see the meeting moved back to 7 PM

and the public comment returned to the beginning of the agenda.

Doris Flora, a 60 year resident of Moyock, said she has been attending meetings for many years and has rarely missed. She agrees a 6 or 7 PM meeting time would be better. She believes that people won't come no matter the time, that people often ask the Board to do things for them and they don't participate.

Commissioner Beaumont said people who contacted him categorically were more in favor of 5 PM meetings versus 7 PM. Commissioner Aydlett said folks from Knotts Island, Corolla and Carova do attend when they have business before the Board. Commissioner Hall said he had also spoken with people from those areas who said they can't get to the meetings at 5 PM. He said members should vote how their citizens would like them to vote. Commissioner O'Neal said Commissioner Hall told him the decision was a good one had supported six o'clock. Commissioner Hall said that was how he felt at that time, but revised his opinion after discussing the issue with citizens. Chairman Griggs suggested Saturday morning as an option, and the Board agreed there is no perfect time.

Commissioner Gilbert said 5 PM meetings made the Board more productive and that 6 PM is a compatible time.

Chairman Griggs asked for a motion and Commissioner Payment moved to approve the ordinance. The motion was seconded by Commissioner Gilbert. The motion carried with a vote of 6-1, with Commissioner Hall opposed.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 2-56 OF THE CURRITUCK COUNTY CODE OF ORDINANCES MODIFYING THE TIME FOR REGULAR MEETINGS OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS

WHEREAS, pursuant to N.C. Gen. Stat. §153A-40 a board of commissioners may fix the time for its meetings.

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

PART I. Section 2-56 of the Code of Ordinances, Currituck County, North Carolina is amended to read as follows

Sec. 2-56. - Regular and special meetings.

- (a) *Regular meetings.* The board shall hold a regular meeting on the first and third Mondays of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at the county courthouse and shall begin on the first Monday and third Monday at 7:00 6:00 p.m.
- (b) *Special meetings.* The chair or a majority of board members may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person calling the meeting shall cause the notice to be delivered to the chair and all other board members, or left at the usual dwelling place of each member at least 48 hours before the meeting and shall cause a copy of the notice to be posted on the courthouse bulletin board at least 48 hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed waivers.
 - (1) *Emergency meetings.* If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this section do not apply. However, the person calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations having requested notice

of special meetings as provided in subsection (c) of this section shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.

(2) *Work sessions and informal meetings.* The board may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the board. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings.

(c) *Meeting Attendance.* A board member must be physically present at a regular or special meeting to participate or vote in the meeting.

(d) *Sunshine list.* Any individual and any newspaper, wire service, radio station, and television station may file a written request with the clerk to the board of commissioners for notice of all regular and special meetings of the board. Requests by individuals must be renewed annually by December 31 and are subject to a nonrefundable annual fee for agendas and for agendas and minutes as established in the county's fee schedule. Requests by news organizations must be renewed annually by December 31 and are not subject to any fee.

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

PART III. This ordinance is effective August 1, 2016.

ADOPTED this _____ day of July, 2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mike H. Payment, Commissioner
SECONDER:	Marion Gilbert, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

E) Commissioner's Report

Commissioner O'Neal talked of traffic issues in Moyock. He said trying to turn onto the highway is becoming unbearable. He asked that a letter be sent to the North Carolina Department of Transportation on behalf of the Board asking them to address the issue. He asked that additional "No Wake" signs be installed along the canal at the Intercoastal Waterway and that a letter be written to the Wildlife Resources Commission to request enforcement of that zone.

Commissioner Gilbert reported on the first meeting of the Animal Shelter Advisory Board, saying it was great meeting and an enthusiastic group. She asked that the Animal Services and Control Director be invited to report to the Board on their first six months of operations. Commissioner Gilbert thanked everyone who works and volunteers at the shelter and encouraged others to participate. She said the shelter is in need of bleach for cleaning.

Commissioner Hall said he attended the Moyock Fire Academy graduation and commended the Fire Department and Emergency Medical Services. He encouraged folks to become volunteers and touted the free training provided.

Commissioner Aydlett concurred with Commissioner Hall's comments, saying the departments do tremendous work and asked the county to support and bridge any gaps if possible. He discussed his drive out of Carova last Saturday morning, with no traffic north of Duck, but the traffic south of Duck was backed up to Powells Point. Commissioner Aydlett reported on the state legislation that was passed which eliminated the tolling of the Knotts Island ferry. He thanked everyone for their support, stating the County has been fighting against tolling for a long time. Commissioner Griggs said Commissioner Aydlett fought relentlessly behind the scenes to keep the toll off of the ferry.

F) County Manager's Report

No report.

PUBLIC COMMENT

Please limit comments to matters other than those appearing on this agenda as a Public Hearing. Public comments are limited to 5 minutes.

Chairman Griggs opened the Public Comment period.

Barbara Snowden, Currituck, thanked the Board for passing the Historic Preservation ordinance. She announced the availability of Currituck County sportsman's paradise license plates and distributed one to each member of the Board.

Susan Zimmerman, Moyock, participated in the Sheriff's Citizen's Academy, saying it was a wonderful experience. She discussed traffic in Moyock, saying from Friday through Monday they can't turn left out of Puddin' Ridge Road. She said the traffic issue is unacceptable.

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 and to receive advice from the county attorney regarding a claim against the county and for the following pending matters: Price Solar, LLC v. Currituck County and Swan Beach Corolla, LLC v. Currituck County.

Commissioner Griggs recessed the regular meeting and moved to enter closed session pursuant to G.S 143-318.11(a)(3) in order to consult with the County Attorney in order to preserve the attorney-client privilege and to receive advice from the County Attorney regarding a claim against the county and for the following pending matters entitled: Swan Beach Corolla, LLC v. Currituck County; Long v. Currituck County; Price Solar, LLC v. Currituck County; and Ecoplexus v. Currituck. Moyock Commercial, LLC v. Currituck County was added for discussion in closed session. Commissioner Beaumont seconded and the motion carried unanimously.

The Board of Commissioners entered Closed Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David L. Griggs, Board Chairman
SECONDER:	Paul M. Beaumont, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner

ADJOURN**Motion to Adjourn Meeting**

The Board returned from Closed Session. With there being no further business, Commissioner Beaumont moved to adjourn the regular meeting and was seconded by Commissioner Hall. The motion carried unanimously and the meeting of the Board of Commissioners was concluded.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul M. Beaumont, Commissioner
SECONDER:	Mike D. Hall, Commissioner
AYES:	David L. Griggs, Board Chairman, O. Vance Aydlett, Vice Chairman, S. Paul O'Neal, Commissioner, Paul M. Beaumont, Commissioner, Marion Gilbert, Commissioner, Mike D. Hall, Commissioner, Mike H. Payment, Commissioner